**ORDINANCE NO. 17938**

An Ordinance Relating to Comprehensive Planning and the Unified Development Code for Skagit County in Accordance with the Washington State Growth Management Act (RCW 36.70A); Adopting Amendments to the County-Wide Planning Policies; Adopting Amendments to the Comprehensive Plan; Adopting a new Unified Development Code and Repealing the former; Adopting a Proposed Land Use/Zoning map and Revised Comprehensive Plan Portfolio Maps; Amending a portion of Title 15; Repealing and Adopting Sections of Ordinance No. 17568 as renewed by Ordinance Nos. 17804 and 17893; Adopting the Skagit County Coordinated Water System Plan Regional Supplement; Adopting an Amendment to the Skagit County Transportation System Plan; Adopting the Skagit County Capital Facilities Plan (2000-2005) Goals and Policies Capital Improvements and Implementation Program and Revenue Sources for Capital Facilities (2000-2005); Adopting the Skagit County Overall Economic Development Plan (February 2000); Adopting the Concrete Urban Growth Area ("UGA") and Land Use Designations; Adopting on an Interim Basis the Concrete Development Regulations with the Concrete UGA; Repealing Interim Ordinances 17888, 17889, 17890, 17891, 17892, 17894, and 17895; and identifying Priority Items Requiring further Studies, Reports, and Recommendations.

**Whereas**, on May 19, 1997, the Board of County Commissioners adopted the 1997 Skagit County Comprehensive Plan, effective June 1, 1997, to guide development throughout the County; and

**Whereas**, since that time, the Board of County Commissioners has adopted various implementing ordinances, both permanent and interim, to address portions of the County's Growth Management Act ("GMA") requirements; and

**Whereas**, portions of the 1997 Comprehensive Plan and various other County actions have been appealed to the Western Washington Growth Management Hearing Board, and a number of these appeals are still pending resolution; and

**Whereas**, to satisfy many of the outstanding GMA obligations, the County has prepared amendments to the Comprehensive Plan and a new Unified Development Code; and

**Whereas**, an extensive process of public review of these actions has occurred, including public review periods in Fall 1999 and Spring 2000; and

**Whereas**, the Planning Commission has met numerous times throughout the course of Fall 1999 and Winter and Spring of 2000 to discuss the various merits, public comments, and issues related to these proposals, recommending modifications as it deemed appropriate; and

**Whereas**, two SEPA Addenda were adopted on February 3, 2000, addressing these actions; and

cc: Planning, J. Moffat



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**Whereas**, on June 8, 2000, the Planning Commission, after having reviewed the record for this action, approved a Recorded Motion with findings recommending approval of these actions. The Recorded Motion was executed on June 14, 2000, and forwarded to the Board of County Commissioners for review and action; and

**Whereas**, on June 15, 2000, the Skagit County County-Wide Planning Policy Committee recommended approval of certain amendments to the County-Wide Planning Policies; and

**Whereas**, on June 15, 2000, the Planning Commission's Recorded Motion of June 8, 2000 was transmitted to the Board of County Commissioners; and

**Whereas**, on June 19 and 20, 2000, the Board of County Commissioners met in a public work session to discuss the Planning Commission's recommendation; and

**Whereas**, the Board of County Commissioners, after review and deliberations, adopts the Findings of Fact of the Planning Commission's Recorded Motion [*Attachment A*], except for Findings 65, 66, 341 and 394, and further, after review and deliberations, adopts additional Findings [*Attachment B*] and supplemental Findings [*Attachment C*], addressing the final adoption of these actions by the Board of County Commissioners;

**NOW, THEREFORE, BE IT ORDAINED**, that the Board of County Commissioners adopts the County-Wide Planning Policies (revised 1.1 and 1.7 and new 12.17) as recommended by the CWPP Policy Committee on June 15, 2000 [*Attachment D*]; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Board of County Commissioners adopts the proposed package of Comprehensive Plan Amendments [*Attachment E*]; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Board of County Commissioners adopts the proposed Title 14, Unified Development Code [*Attachment F*] to replace in its entirety the current Title 14 of Skagit County Code; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Board of County Commissioners adopts the Town of Concrete UGA boundary and land use designations [*Attachment G*]; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Board of County Commissioners adopts on an interim basis the Town of Concrete development regulations [*Attachment H*] within the Concrete UGA, for a period of six months from the effective date of this ordinance. A public hearing shall be scheduled on the interim ordinance pursuant to RCW 36.70A.390; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Board of County Commissioners amends Skagit County Code 15.04.030(1)(f) [*Attachment I*]; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Board of County Commissioners adopts amendments to the Skagit County Transportation System Plan [*Attachment J*]; and



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**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Board of County Commissioners adopts the Coordinated Water System Plan Regional Supplement [*Attachment K*]; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Board of County Commissioners adopts the proposed land use/zoning map as both the Comprehensive Plan Map and Official Zoning Map for Skagit County *[Attachment L]*; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED,** that the Board of County Commissioners adopts the revised supplemental Comprehensive Plan Map Portfolio *[Attachment M]*; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Board of County Commissioners adopts Sections 3, 7, and 11-17 of Interim Ordinance No. 17568 as renewed by Ordinance Nos. 17893 and 17804 regulating development within the Bayview Ridge UGA [*Attachment N*] and repeals the other remaining sections of Interim Ordinance No. 17568 as renewed by Ordinance Nos. 17893 and 17804; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Board of County Commissioners repeals Section 1-2, 4-6, 8-10 and 18 of Ordinance No. 17893, readopting the provisions of Ordinance 17568; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Board of County Commissioners repeals Interim Ordinances 17888, 17889, 17890, 17891, 17892, 17894, and 17895; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that Interim Ordinance No. 17896 is hereby re-adopted as shown on *Attachment O* solely for the purpose of changing the section numbering from that contained in the original interim ordinance; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Board of County Commissioners requires subdivisions within parcels shown on *Attachment P* (Overlook Golf Course area) to be accomplished via a CaRD if subdivided prior to the adoption of the Big Lake Community plan; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED,** that the Board of County Commissioners adopts the Skagit County Capital Facilities Plan (2000-2005) Goals and Policies Capital Improvements and Implementation Program and Revenue Sources for Capital Facilities (2000-2005) *[Attachment Q]*; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the Board of County Commissioners adopts the Skagit County Overall Economic Development Plan (February 2000) *[Attachment R]*; and



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**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners hereby directs the Planning Staff and Planning Commission to complete the following studies, reports and recommendations:

a) Establish a procedure for public notice and comment and a 5-year amortization of existing historic conditional use permits, special use permits, and contract rezones that have no expiration date and for which the use has never been established on the subject property; and

b) Initiate the County's efforts to complete a community plan for the Big Lake Rural Village that specifically addresses the unique characteristics of public sewer in this Rural Village and addresses in a comprehensive, master-planned approach the larger land-holdings currently located within the sewer district on the east side of the Rural Village; and

c) The Planning Staff and the Planning Commission should complete their review of proposed revisions to the forest lands designation criteria, especially the secondary forest designation criteria, with a report back to the Board of County Commissioners regarding a recommendation prior to the end of 2000, following all requirements of Resolution Nos. 16519 and 16852, the Skagit County GMA Public Participation Program. Consider modifying the single-family provisions of the Industrial Forest Zone, based on the proposals discussed by the Planning Commission in Spring 2000; and

d) Refer SCC 14.24.400 (Geologically Hazardous Areas) to a Technical Advisory Committee, consisting of engineers, geologists and other interested parties with knowledge in the relationship between drainage design and geologically hazardous areas, for further consideration and possible proposed refinements; and

e) Commence work immediately on the creation of development regulations which implement the Master Planned Resort designation. As part of this effort, give further consideration to the various "campground" definitions and whether "cabin" and "rustic cabin" should be included in them. At such time as either Clark's Skagit River Resort and Guemes Island Resort request a Comprehensive Plan redesignation to MPR, the application fees shall be waived; and

f) As part of any future "clean-up" ordinance to address any refinements to this action, consider whether the various campgrounds throughout Skagit County (such as Camp Brotherhood, the Burlington KOA, the Grandy Creek Campground, and the Lake Tyee Campground) are more appropriately designated SRT. In addition, further consideration shall be given to the various lot coverages allowed and consideration given to "sliding scale" coverages; and

g) Prepare a definition of "Dock" for inclusion in 14.04; and

h) Revisit the definition of "Bed and Breakfast" to consider whether it should be modified to distinguish between a B&B use in an existing separate structure from the ability to construct a new separate structure for guest quarters; and



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i) Consider adding criteria for approval of shooting club special use permits to SCC 14.16.900, and revisit whether shooting clubs in IF-NRL should be permitted to have an associated structure to facilitate management and control of the shooting club activity; and

j) Consider adding criteria for review and approval of impoundments to ensure adequate consideration of potential impacts from a failure; and

k) Revisit 14.16.500, Public Open Space of Regional/Statewide Importance to be sure that the uses permitted on State or Federal lands do not directly conflict with applicable State and Federal laws; and

l) Consider adding the unclassified use permit criteria from SCC 14.16.600(5)(d), (e) and (f), or similar criteria to the criteria for special use permit approvals in SCC 14.16.900(2)(b)(v), if determined appropriate to adequately address potential impacts from special uses on adjacent properties.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Board of County Commissioners requests staff and the Planning Commission to prepare a report to the Board of County Commissioners outlining all items before the Planning Commission, including those listed above, together with recommended prioritization and any staff and budgeting requirements; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that the effective date of this action is July 24, 2000.

Dated this 24th day of July, 2000.

**BOARD OF COMMISSIONERS**
**SKAGIT COUNTY, WASHINGTON**

SKAGIT COUNTY COMMISSIONERS SEAL COURT STATE OF WASHINGTON

Harvey Wolden, Chairman

Robert Hart, Commissioner

Ted W. Anderson, Commissioner

**ATTEST:**

~~Patty~~ Chambers, Clerk of the Board
PATTI

**APPROVED AS TO FORM:**

John R. Moffat, Chief Civil Deputy
Prosecuting Attorney's Office

**APPROVED AS TO CONTENT:**

Tom Karsh, Director
Planning and Permit Center



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17938

# Attachment A

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# RECORDED MOTION AND SUPPLEMENTAL FINDINGS OF THE SKAGIT COUNTY PLANNING COMMISSION REGARDING PROPOSED AMENDMENTS TO COUNTY-WIDE PLANNING POLICIES, PROPOSED GMA COMPREHENSIVE PLAN AMENDMENTS, A PROPOSED UNIFIED DEVELOPMENT CODE, A PROPOSED COMPREHENSIVE PLAN & ZONING MAP, AMENDMENTS TO SCC 15.04.030(1)(f) AND REPEAL OF CERTAIN INTERIM ORDINANCES

**WHEREAS**, in 1990, the Washington State Legislature passed and the Governor signed into law the Growth Management Act ("GMA"), codified at RCW 36.70A. GMA requires that all counties and cities within the state classify, designate, and conserve natural resource lands, including forest, agricultural and mineral areas. A companion requirement of GMA is the protection of critical areas, including wetlands, geologically hazardous areas, fish and wildlife habitat conservation areas, aquifer recharge areas, and frequently flooded areas; and

**WHEREAS**, the GMA also requires that certain counties adopt development regulations with the following goals in mind: sprawl reduction, affordable housing, economic development, open space and recreation, regional transportation, environmental protection, property rights, natural resource industries, historic lands and buildings, permit processing, public facilities, and early and continuous public participation; and

**WHEREAS**, the GMA was amended significantly in 1997. These amendments are known as the "Rural Amendments" or "ESB 6094." These amendments make explicit that growth is permitted to occur in rural areas of the Counties, and is not entirely restricted to urban growth areas ("UGAs"); and

**WHEREAS**, the County has previously adopted certain GMA plans and development regulations, including but not limited to a Critical Areas Ordinance currently codified at SCC 14.06, natural resource lands designations and development regulations, codified at SCC 14.04 and a 1997 Comprehensive Plan and maps; and

**WHEREAS**, these County plans and regulations have been reviewed, at least in part, by the Western Washington Growth Management Hearings Board ("GMHB"), which has found many elements in compliance with the requirements of GMA and has found some elements not in compliance with the requirements of GMA. The GMHB has issued several orders directing the County to continue or complete certain of its GMA obligations. Many of these orders are described in more detail in this recorded motion; and

**WHEREAS**, the County has continued work on its GMA obligations, including the efforts described in the findings below and has prepared a package of new and/or revised County-wide Planning Policies, Comprehensive Plan Amendments, and a new Unified Development Code and supporting documents which the Skagit County Planning Commission believes adequately addresses the County's GMA requirements.

**NOW, THEREFORE**, the Skagit County Planning Commission ("Planning Commission") recommends that the Skagit County Board of County Commissioners ("Board of County Commissioners") approve the attached amendments to the County-wide Planning Policies, the Comprehensive Plan, the Unified Development Code, Title 14 SCC, the revised Comprehensive Plan and Zoning Map for Skagit County and further take the additional related actions described in this

Recorded Motion. The Planning Commission adopts the following additional findings of fact to support its recommendation:

## PROCESS FINDINGS

### County's GMA Process

1. In response to GMA, the County and the cities and towns within the County, jointly developed and adopted County-wide Planning Policies ("CWPPs"). These policies provide a blue print for the general land use pattern of future development in the county.

2. Beginning in 1995, the GMHB reviewed several aspects of the County's GMA planning efforts. The County's first GMA case is GMHB Case No. 95-2-0065, in which the GMHB required the County to designate and protect critical areas and natural resource lands before completing its comprehensive planning process. The GMHB additionally required the County to take steps necessary to prevent urban growth outside of the urban growth boundaries, which by adoption of Ordinance No. 15958, November 30, 1995, was the incorporated limits of the cities and towns.

3. To come into compliance with the GMHB's order in case No. 95-2-0065, on May 13, 1996 the County adopted a Critical Areas Ordinance with Ordinance No. 16156. Four months later, on September 11, 1996, the County adopted a Natural Resources Ordinance with Ordinance No. 16287, amended on September 17, 1996, with Ordinance No. 16291. Eight months after this action, on May 19, 1997 the County passed Ordinance No. 16550, adopting the County's GMA Comprehensive Plan, which became effective on June 1, 1997, and identified several issues that the Board of County Commissioners decided should be remanded to the Planning Commission for additional study. The County also adopted Ordinance No. 16559, an interim ordinance implementing many of the provisions of the Comprehensive Plan.

4. Ordinance No. 16156, the Critical Areas Ordinance, was appealed to the GMHB by multiple parties, and, after consolidation of the appeals, was assigned case number GMHB No. 96-2-0025. A final decision and order was issued on January 3, 1997, sustaining the majority of the ordinance, and remanding on 11 issues.

5. On January 27, 1998, in response to those 11 issues, the County adopted Ordinance No. 16851. The primary appellants from 96-2-0025 filed briefs challenging the County's actions on 9 of the 11 issues. On September 16, 1998, compliance was found on four of the remanded issues. Compliance was found on several other issues in subsequent GMHB decisions. Total compliance required clarifying exemptions and adopting certain benchmarks and plans.

6. The County then adopted Ordinance Nos. 17306 and 17456 clarifying and amending the exemptions issues. These amendments were later reaffirmed with Ordinance Nos. 17522 and 17749. Regarding the benchmarks and plans, the County passed Ordinance No. 17596, which eventually was, as amended, reaffirmed by Ordinance No. 17828. Ordinance No. 17596 and amendments are now before the GMHB after being challenged under the original case number GMHB No. 96-2-0025 and new appeals of these Critical Areas Ordinances under GMHB No. 00-2-0018c. These are consolidated under GMHB No. 00-2-0026.

7. The County has also been involved in appeals regarding the June 1, 1997 Comprehensive Plan. Multiple parties challenged the Comprehensive Plan to the GMHB. These challenges were consolidated into GMHB Case No. 97-2-0060c. The parties entered into a Stipulation approved



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by the GMHB on October 28, 1997, agreeing to additional time for the County to address certain issues on appeal. After sustaining the County on a vast majority of the issues, the GMHB remanded the following issues: the Big Lake UGA; the Bayview UGA except the Port of Skagit County property; two portions of the Sedro-Woolley UGA; the portion of Hamilton's UGA outside the Corporate limits; two portions of the Mount Vernon UGA; the allowance of rural business in NRL designated lands; the retention of pre-GMA zoning for commercial/industrial uses outside UGAs and Rural Villages; the provision for new "floating" commercial/industrial development by way of a simple rezone without specific criteria to provide predictability of future land uses and the inappropriate conversion to sprawl; non conforming uses; the definition of "legal lot of record;" the lack of enforceable interlocal agreements or other development regulations with the cities; and the lack of designation of specific lands outside the UGAs which are appropriate for commercial/industrial designations. The County has also been involved in an appeal (GMHB No. 97-2-0023) regarding its failure to have adopted to date permanent development regulations under GMA, to implement all provisions of its 1997 Comprehensive Plan.

8. Since the Final Decision and Order, the County has taken a series of actions to address the GMHB's finding of non-compliance and the GMHB held compliance hearings on August 28, 1998, and May 18, 1999.

**November 8, 1999 Proposed CWPP, Comprehensive Plan and UDC Amendments**

9. The County then began work on a revised Unified Development Code, together with some related amendments to the Comprehensive Plan to address various outstanding GMA obligations.

10. County Staff also continued to meet with the Skagit County Council of Governments Planning Committee to prepare and review an update to the Overall Economic Development Plan ("OEDP") for the County and to consider other possible amendments to the County-wide Planning Policies. This Committee then recommended some amendments to CWPP's 1.1 and a new 1.7 and 12.17.

11. On November 8, 1999 proposed amendments to the CWPPs, Comprehensive Plan, and UDC ("Fall Package") were transmitted to the Board of County Commissioners and Planning Commission. These amendments consisted of some new legislation, but predominantly consisted of the recodification of interim ordinances that were developed in response to GMA compliance issues from GMHB Case Nos. 97-2-0060c and 96-2-0025. These amendments address the remaining GMA compliance issues.

12. The Fall Package proposed the following recommended actions:

    a. Adopt amendments to the County-wide Planning Policies addressing rural and urban population and commercial/industrial land allocations, associated conditions regarding urban levels of service, and disbanding the Washington State Boundary Review Board ("BRB") for Skagit County;

    b. Adopt Comprehensive Plan Amendments, including the new land use designations for rural commercial and industrial;

    c. Adopt the Unified Development Code to replace in its entirety the current Title 14 of Skagit County Code;

d. Adopt the land use map as both the Comprehensive Plan map and zoning map for Skagit County;

e. Amend Skagit County Code (SCC) 15.04.030(1)(f) to change exemptions (8) and (9) from the Unified Building Code Appendix 33, Section 3306.2 to establish zero threshold for filling or excavating if the activity is located within a critical area or its required buffer, as governed by proposed SCC 14.24 Critical Areas Ordinance;

f. Repealing interim ordinances and previous GMA adoptions that have now been replaced in their entirety by the proposed package of Comprehensive Plan Amendments and permanent development regulations;

g. Re-adopt as permanent regulations, certain provisions of the Interim Bayview Ridge Urban Growth Area (UGA) Ordinance;

h. Establish a procedure for public notice and comment and a 5-year amortization of existing, historic conditional use permits, special use permits, and contract rezones that have no expiration date and for which the use has never been established on the subject property; and

i. Initiate the County's efforts to complete a community plan or Subarea planning process for the Bayview Ridge UGA.

j. Adoption of a proposed OEDP (1999 update).

k. Adoption of a proposed Coordinated Water System Plan (1999 update).

l. Adoption of revised Skagit County Road standards.

m. Adoption of the proposed UGA for the Town of Concrete, together with the proposed land use designations from the Town's Comprehensive Plan.

n. Adoption of a proposed Capital Improvements and Implementation Program and Revenue Sources for Capital Facilities (2000-2005).

**Board of County Commissioners and Planning Commission Deliberations on Fall Package**

13. The Board of County Commissioners, Planning Commission and County staff worked diligently on the Fall Package. They have reviewed literally thousands of pages of public comment and proposed language, and spent hundreds of hours meeting and deliberating.

14. On November 1, 1999 the proposed UDC was presented to the Board of County Commissioners. On November 2, 1999 the draft road standards were reviewed at a public works work session. On November 8, 1999 the Board of County Commissioners discussed the county GMA compliance issues and finalized the Fall Package work plan. On November 15, 1999 the Board of County Commissioners and Planning Commission held a joint study session to review and discuss the Fall Package.

15. The Planning Commission then held two public hearings, the first on November 30, 1999 and the second on December 2, 1999. The Planning Commission met again on December 7, 1999. Public comment was taken on the Fall Package from November 8, until December 17, 1999. Between January 4, 2000 and March 30, 2000 the Planning Commission met 27 additional times to discuss the Fall Package and GMA compliance. On February 28, 2000, the Board of County Commissioners received a presentation on the capital facilities plan in public session. At the end

of March, the Planning Commission forwarded its recommended changes to the Fall Package to the Board of County Commissioners (the "Spring Proposal"). Because of some substantive changes from the Fall Package, additional public comment was necessary.

16. On April 4, 2000 County staff presented the Board of County Commissioners with a memorandum detailing each proposed change to the Fall Package. The memorandum accompanied the Spring Proposal, which underlined or highlighted new text and used strike-throughs to indicate deleted text. The proposed changes amount to recommendations from the Planning Commission, which came about after the extensive public participation process and Planning Commission review.

17. The Board of County Commissioners was briefed on the Planning Commission's progress, and the decisions that they were making on the overall package, on April 4, 2000. On April 18, 2000 the Board of County Commissioners reviewed and discussed the Planning Commission's recommended changes to the Fall Package. This discussion continued over to April 19, 2000. The Board of County Commissioners adopted Resolution No. 17848 directing that additional public comment be sought on several issues, and closing the public comment period at 12 noon on May 15, 2000. This step was in response to RCW 36.70, which requires additional public comment be sought on subjects where the Board of County Commissioners might want to consider changes from the Planning Commission recommendation.

18. Since March 30, 2000 the Planning Commission has met on May 23, 25, 30, June 1, 6, and 8 for the purpose of deliberating on the additional public comment for the Spring Proposal received on or before May 17, 2000. The Planning Commission focused its deliberations on changes made via the Spring Proposal, rather than on the entire package, since commentators had a chance to address the Fall Package during the November public comment period.

**Use of Citizen Advisory Committee to Gather Public Input**

19. Citizen Advisory Committees ("CACs") were formed on key planning subjects (Procedures, Definitions, Capital Facilities, Zoning, Land Division, SEPA, Drainage, Flood Prevention, Right to Manage Natural Resources, the Critical Areas Ordinance, Enforcement, and Telecommunications) for the purpose of receiving advice and input above and beyond what is received at public meetings, public comment periods, and through other forums.

20. As discussed in more detail in the Forest Lands section, a Forestry CAC was convened. Additional CACs included the ESB 6094 CAC and the OEDP CAC. The role of these CACs is further discussed in the applicable section of this document.

**State Environmental Policy Act ("SEPA")**

21. The County has completed an environmental impact statement, 2 addenda, and a supplemental environmental impact statement for the Skagit County Comprehensive Plan. The DEIS was issued on January 13, 1994. The FEIS was issued on June 30, 1994. An addendum to the FEIS was issued on May 24, 1995, and another addendum was issued on May 23, 1996. The DSEIS was issued on November 13, 1996. The FSEIS was issued on May 2, 1997. Those EISs were adequate for purposes of SEPA review for the Comprehensive Plan. Subsequent interim ordinances implementing this Comprehensive Plan have adopted these environmental documents by reference.

22. On January 27, 2000, the SEPA officials for Skagit County, the Cities of Anacortes, Mount Vernon, Burlington, Sedro-Woolley and La Conner issued a joint SEPA addendum on the proposed revisions to the County-wide Planning Policies.

23. On February 3, 2000, the Skagit County SEPA official also issued a SEPA Addendum for the Fall Package of Comprehensive Plan Amendments, the Unified Development Code, and supporting documents.

24. The Spring Proposal includes changes that are within the scope of those environmental impacts addressed in the existing SEPA documents and do not have potential for new probable significant impacts not already addressed in those documents.

## COUNTY-WIDE PLANNING POLICIES

**Acreage and Population Allocations**

25. Under GMA, the County, through the CWPP planning process, has allocated both acreages and population planning targets to the cities, towns, and to the unincorporated portions of the County. Minor changes to both the acreage and population allocations in both the County and cities are necessary to reflect more accurately existing conditions, as well as the rural amendments to GMA.

26. The population allocation for Anacortes, Burlington, Hamilton, Lyman, Mount Vernon and the Swinomish UGA do not necessitate changes from those originally adopted.

27. Under the June 1, 1997, Comprehensive Plan and CWPPs, the Big Lake area was an UGA. Under County Ordinance Nos. 17523 and 17745, and pursuant to a GMHB order, this area is now designated Rural Village ("RV"). The former Big Lake UGA was allocated new population of 2400 in the original CWPPs. Because of the GMHB order finding this UGA out of compliance and because this area has now been designated as Rural Village, it is necessary to make appropriate revisions to the CWPPs. A portion of this population has been allocated to other UGAs. The remaining balance of urban residential population (909) will be reallocated to the urban growth areas in 2002 as part of the Comprehensive Plan updates required in RCW 36.70A.130.

28. At that time, the population will either be allocated to the Bayview Ridge UGA, or it will be reallocated to the other UGAs, or some combination of the two. Setting the population projection after the Subarea planning process allows for the maximum public input on the future of those areas.

29. The following cities have been allocated additional population in the indicated amount: Concrete (451); La Conner (40); Sedro-Woolley (1000), based on input from the cities and, in particular, based on Concrete's additional work on its Comprehensive Plan.

30. The CWPP 1.1 revisions also addressed commercial and industrial acreage allocations for urban growth. The following C/I urban growth acreage revisions are: Anacortes (33); Bayview Ridge (253); Burlington (-58); Concrete (10); Hamilton (60) Mount Vernon (98); and Sedro-Woolley (100); and for non-urban areas in unincorporated Skagit County the allocated new acreage is 584.

31. The original CWPP 1.1 did not contain any recognition of potential rural commercial or industrial development. This ignored the long-standing presence of commercial and industrial activity in the rural area and ignored the opportunity for economic development and employment in much of the eastern portion of the County. Other CWPP's specifically acknowledge rural commercial and industrial development and economic opportunities (see, e.g., CWPP 5.4, 5.6, 5.7). The table itself is specifically identified as an urban allocation, yet it contained an entry for the unincorporated area. While the proper interpretation of this table suggests that it was intended to mean zero urban commercial or industrial outside of UGAs, this labeling is confusing. This confusion, together with adoption of the Rural Element Amendments to GMA (ESB 6094), precipitated the County's desire to review and possibly revise the County's OEDP and this CWPP allocation.

32. The County's Comprehensive Plan has always anticipated rural commercial and industrial activity, both existing as well as new. ESB 6094 further supports this.

33. When reviewing the 1995 OEDP, the County and the City Planners determined that several factors led to the need to revise and increase the total commercial and industrial acreage needed to support the projected growth and, in particular, to allocate a portion of that growth to areas outside the UGA's.

34. The County's 1995 OEDP projected new employment amounts for public and institutional employment through 2015. The 1995 OEDP did not, however, study the amount of land necessary to support such employment, and no amount of acreage, therefore, was included in the prior CWPP allocations. As part of the 1999 OEDP update, the County's consultant studied the acreage necessary to support public and institutional employment in the County, and found that 569 acres for public and institutional development was required in the urban areas. The consultant and County and City planners determined that public and institutional development usually is sited on land zoned commercial, or industrial in the urban areas. Since no acreage had been allocated for these uses, however, the 1995 plan acreage requires updating and an increase in commercial/industrial acreage County-wide of 569 acres.

35. The 1999 draft OEDP projects an additional 358 C/I jobs by 2015 over the 1995 OEDP, resulting in additional required acreage. This 1999 OEDP was adopted by Skagit Council of Governments on March 15, 2000 under Resolution No. 00-04. This resulted due to an increase in actual employment between the 1995 and the new draft OEDP. The 1995 OEDP projected employment growth within the County, allocating it into various subcategories, including industrial and commercial. The new draft OEDP reallocated employment slightly, based on statewide employment trends, decreasing the amount of commercial employment and increasing the amount of industrial. The 1999 OEDP includes an analysis of the employment densities of these various types of uses, based on an assessment of existing development within the County. This analysis found that industrial employment has a lower employment density than commercial employment. Thus, as employment was reallocated from commercial to industrial, there was an overall increased need for C/I land, since industrial employment required more land per worker than commercial employment and trigger the need to slightly revise projected acreage needs.

36. In an additional component of the 1999 OEDP, the County's consultant determined the existing ratio of employment between the urban and rural areas. This ratio projects anticipated growth in employment in the urban and rural areas through the year 2015. Even though the CWPP's anticipate an 80-20 urban-rural split for new population, the historic commercial/industrial split

has been closer to 90-10. This split was projected to continue for future growth as a method to encourage development of those uses in the UGAs, while also stimulating some economic opportunity in the rural areas.

37. When the commercial/industrial acreage was reallocated from the urban to the non-urban area, the amount of acreage needed to be further expanded. This is based on an assessment of existing rural development within Skagit County, which showed that rural employment density ratios were significantly lower than in the urban area (this assessment is also supported by the low square footage and lot coverage requirements of several of the newly proposed rural commercial zones). The result was that as employment was reallocated from the urban to rural areas, the acreage needed to serve that employment was allocated to the rural area at a greater rate, resulting in an increase in acreage.

38. Additional commercial and industrial uses in the rural areas fit within the County's existing rural character, which already supports commercial/industrial uses throughout the County. Under ESB 6094, the County is permitted to expand its commercial and industrial uses under certain specified guidelines, and if the uses are rural scale and in keeping with rural character. The development restrictions regarding size, setback, and lot coverage are all based on the County's currently existing commercial and industrial uses. Accordingly, development of new uses will be of the same character of the existing uses.

**Hospitals in the Bayview Ridge UGA.**

39. The Fall Package CWPP's included a footnote that would prohibit siting of a hospital in the Bayview Ridge UGA. This was included at the insistence of the Cities, primarily because the City of Mount Vernon did not want the existing hospital to relocate outside of the City of Mount Vernon.

40. Significant public comment was received on this issue. The comment encouraged the County to allow an already-established hospital siting process and the pending Bayview Ridge UGA subarea planning process to be the appropriate public process to determine this issue, rather than to "prejudge" the decision before siting considerations and public review can be completed. County-wide Planning Policies can only be appealed by the Cities (or by others only if given express permission by the Governor). This limitation would further restrict the public's ability to participate in the overall hospital siting process. CWPP section 11 mandates strong public participation and anticipates that the County will consider the public input received in making planning choices. This further supports the Planning Commission recommendation to delete the prohibition on hospitals in the CWPP, due to the significant public comment received and the constraints on a public planning and siting process that would suggest.

41. The Planning Commission is not making any specific findings regarding the appropriateness or inappropriateness of siting a hospital outside of the existing location within the City of Mount Vernon. By this recommendation the Planning Commission is merely encouraging use of a full public process to determine the best location for that use.

**Urban Services in the Bayview Ridge UGA**

42. CWPP 1.7 addresses levels of urban services in UGAs. GMA encourages urban growth to happen principally within the municipal UGAs. With the potential for some urban development outside of the municipal UGAs (Bayview Ridge UGA), it is important to be sure that the costs and incentives for growth are not weighted in favor of a non-municipal UGA over a municipal

UGA. For that reason, the Planning Commission is recommending adoption of CWPP 1.7 to require certain minimum urban levels of service in all of the UGA's, consistent with those minimums already required within the municipal UGAs.

43. Because the Bayview Ridge UGA is currently served by sanitary sewer from the City of Burlington, it is appropriate to use Burlington standards as the minimums for the Bayview Ridge UGA. Similarly, portions of the Bayview Ridge UGA are currently served by Fire District 6. Fire District 6 and the City of Burlington have a contract relationship for shared fire services. It is therefore appropriate to use the fire level of service standard prepared by Fire District 6 and the City of Burlington for the Bayview Ridge UGA. The Bayview Ridge UGA was renewed by Ordinance No. 17894 on June 6, 2000.

**Criteria for Disbanding the Boundary Review Board**

44. GMA specifically acknowledges the County's authority to sunset its Boundary Review Board, although it can only be accomplished after the County and all of the cities and towns have completed their required GMA planning. GMA does not obligate the County to disband the BRB.

45. The Fall Package included a proposal to disband the Boundary Review Board by December 31, 2000 (CWPP 12.17). This provision was also insisted on by the Cities at the County-wide Planning Policy Committee. The Board of County Commissioners agreed to take public comment on this proposal with the Fall Package.

46. The County received significant public comment on this issue, with all but some cities strongly urging retention of the Boundary Review Board. Many citizens and special purpose districts felt it was vital to have this independent adjudicatory body to review and resolve disputes regarding annexation and service extension issues. If the BRB were disbanded, there would be no such body to review these issues, and interested parties would be forced into expensive and time-consuming court appeals. As with the hospital issue, CWPP section 11 protects public participation in the GMA planning process and obligates the Planning Commission to consider the public comments received during the review process. These CWPP's support the Planning Commission's recommendation to not include a new CWPP 12.17 regarding disbanding the BRB.

47. Further, at this time, the Town of Lyman has not completed its GMA planning obligations. Further, the County does not have evidence that all cities have adopted concurrency ordinances that adequately address the level of service requirements from the County-wide Planning Policies.

48. The County heard conflicting testimony regarding whether the BRB "interferes" with proper GMA annexations. It appears from evaluating all of the allegations and the facts behind those assertions, that the BRB review does not necessarily interfere with the GMA principle of allowing Cities to efficiently annex area within the City's UGA. Testimony from Boundary Review Board staff indicated that only one proposed City annexation had been denied by the BRB since the urban growth boundaries were established and a court subsequently found the City's proposal not legal. The Comprehensive Plan policies commit the County to support such annexations that are consistent with the adopted UGA's. The County has entered into interlocal agreements with most of the cities that contains this commitment to support annexations within the City UGAs. The Planning Commission finds that this adequately addresses the concerns

raised by the cities about disbanding the BRB, and no policy statement on this issue is required, nor is it appropriate in the County-wide Planning Policies. Even without a statement regarding the BRB in the CWPP's, the Board of County Commissioners may consider a proposal to disband the BRB at any time in the future when all of the GMA requirements have been met. This decision should, appropriately, be left to that Board of County Commissioners' process and choice.

## COMPREHENSIVE PLAN

### Chapter 4 - Land Use Element

49. Many of the proposed Comprehensive Plan changes are contained in Chapter 4, land use element and relate to the outstanding issues of noncompliance or the stipulated issues in the GMHB decisions in *Abenroth.* For example, there are significant revisions proposed to address the rural commercial and industrial issues, the open space designation issues and certain outstanding natural resource land designation issues. There are also nonsubstantive formatting changes proposed throughout the Comprehensive Plan.

***Tables.***

50. Table 4-1 in the 1997 Comprehensive Plan is proposed for revisions to include updated acreages of the various land use designations. Some of these acreages vary to a greater degree than would be expected based on actual changes in land use designations between the 1997 Comprehensive Plan and the current proposal.

51. A number of factors contribute to a change in the listed acreage for various land use designations and for the County overall. Certain improvements in the methodology used to draw boundaries and calculate acreage, as well as improved map data, contributed to acreage figures that, although changed, are much more accurate than those calculated in 1997. These changes are explained by a combination of the following:

    a. Since 1997, the Skagit County Assessor's office has re-mapped parcel boundaries to improve accuracy. Where Comprehensive Plan designation boundaries are tied to Assessor map data, the total calculated acreage changes accordingly.

    b. The northern boundary line of Skagit County was re-calculated using an improved and more accurate method.

    c. All of the major hydrological features of the County were digitized and re-mapped as separate polygons.

    d. Federal parks, wilderness and forest boundaries were re-calculated based on an improved interpretive methodology.

    e. Rural Reserve ("RRv") acreage is now based on polygon-area calculations. Rural Reserve acreage was formerly derived by adding all other land uses and subtracting the result from the total acreage for the entire County. Whatever was "left over" was reported as Rural Reserve acreage.

52. In addition to the above factors, the land use designations of several areas of the County have changed since 1997, or are proposed to be changed by this legislative action. These include:

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several approved map amendments; the addition of 8 new rural commercial/industrial designations and the resulting re-designation of numerous commercial or industrial areas; changes to several Urban Growth Area ("UGA") boundaries or designations, including Bayview Ridge, Sedro-Woolley, Mount Vernon, Hamilton, and Concrete, several city annexations; and a change in Big Lake from a UGA to a Rural Village.

***Municipal UGA land use designations.***

53. The specific descriptions of land uses within the municipal UGAs have been deleted because those regulations are controlled by the individual cities. It is not appropriate, nor should it be necessary, to require a potential County Comprehensive Plan amendment any time a City proposes to change a City land use category. In this case, less detail regarding City codes was deemed more appropriate for a County land use element.

***Transfer of Governmental Functions.***

54. The County's proposed Concurrency Ordinance regulates areas within the non-UGA portion of the County. Since the Abenroth petition was filed, the County and Mount Vernon, Sedro-Woolley, and Burlington have signed interlocal agreements under which the County has adopted the City's development standards to apply in the unincorporated portions of the municipal UGA. The County has also adopted minimum density standards, which were first passed by the Cities, for the unincorporated area of the municipal UGAs. This issue is further addressed in Section 14.02.040 and the UDC Findings.

***Forest Natural Resource Lands***

55. Skagit County first began work on developing criteria for designation of forest natural resource lands of long-term commercial significance in the early 1990's. That effort resulted in the policies and development regulations adopted originally by Ordinance No. 16287 and again in Ordinance No. 16291. These natural resource lands policies and regulations were then incorporated into the 1997 Comprehensive Plan, which was adopted with Ordinance No. 16550, in substantially the same form. The Board of County Commissioners, however, with Section 5 of Ordinance No. 16550, directed that the forest designation issue be revisited.

56. Since this designation process began, not only has the GMA definition of Forest Lands of Long-Term Commercial Significance changed, but several additional GMHB and court cases have been decided that provide additional guidance to cities and counties regarding what GMA requires and permits in designation of Forest Lands of Long-Term Commercial Significance.

57. The Fall Package of Comprehensive Plan Amendments included proposed revisions to IF-NRL and Secondary Forest ("SF-NRL") designation criteria, but no change regarding when to allow residential uses in forest land. ("Alternative 1"). On December 8, 1999 the Citizen Advisory Committee ("CAC") on forestland designation criteria was convened, and they reviewed, discussed, and debated the staff's proposed policies. The CAC did not reach consensus on what approach was most appropriate, but the majority did vote to recommend no change from the current Comprehensive Plan criteria, adopted in 1997 at this time.

58. After the Planning Commission discussed this decision further, it decided to consider "tweaks" to proposed SF-NRL criteria to see if they could address issues of concern originally raised by the Board of County Commissioners in section 5 of Ordinance No. 16550. Staff, after consultation with several individual Planning Commission members who had expressed the most

interest in these issues, presented a new set of proposed revisions to SF-NRL designation criteria. ("Alternative 2").

59. At the Planning Commission meeting where this was discussed, one Planning Commission member presented yet another proposal, with different acreage requirements and different policies for designation of SF-NRL. ("Alternative 3").

60. After some significant discussion, the Planning Commission decided that, given the time constraints established by the Board of County Commissioners for review and recommendation on the entire Fall Package of amendments and code and given the complexity of the forest lands designation issues, they simply forwarded the three alternatives to the Board of County Commissioners for its consideration. Forwarding the three alternatives to the Board of County Commissioners also benefits the public process since public comment was sought on all the alternatives.

61. After reviewing the issue, the Board of County Commissioners then decided to take additional public comment on all three alternatives.

62. The Department of Community Trade and Economic Development (DCTED) and the Department of Natural Resources (DNR) both sent comments encouraging the County not to propose any changes to the forestry criteria at this time, until a more thorough assessment of the implications of each alternative, including a review of maps that would show what changes are likely from the new criteria, can be completed in a future round of Comprehensive Plan Amendments.

63. The Planning Commission discussed further potential revisions to the proposed alternatives, especially to Alternative 3, to try to more thoroughly address certain "on-the-ground" inconsistencies between the current forest lands designations and the current Comprehensive Plan criteria. Due to insufficient time to fully consider all of these proposals and due to a desire to seek additional public comment on these proposals, including, potentially, additional forestry CAC or TAC review, the Planning Commission is recommending no changes to the forest lands designation criteria at this time, but is recommending that the Board of County Commissioners instruct the Planning Commission to continue work on this topic after transmittal of its recommendation on the Spring Proposal. Use of a CAC would be supported by CWPP 11.6.

64. Currently, the Comprehensive Plan and implementing development regulations restrict residential uses in the IF-NRL zone by permitting them only on sites within 200 feet of an existing County road or State Highway.

65. The Planning Commission discussed this 200-foot requirement and finds that there are situations where an IF-NRL site is not located within 200 feet of an existing County Road or State Highway, yet there is more than adequate access for fire fighting purposes and, with the added fire protection measures included in the code requirements, concerns regarding fire hazards can be adequately addressed without prohibiting residential development entirely.

66. The Planning Commission recommended that this 200-foot limitation be removed, thereby permitting single family residential uses anywhere in the IF-NRL designation that meets the other requirements of the code, including location within an existing rural fire district and provision of other fire protection measures. The Planning Commission recommended adding additional requirements for the fire protection classification of the rural fire district and a maximum distance requirement for location of a fire station to address potential fire fighting and


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response time concerns for such new residential development on industrial forest lands. These distance requirements were based on a recommendation by the Fire Marshal. Additional public comment was taken on this proposal in the Spring Proposal.

***Mineral Resource Overlay***

67. Policies relating to mineral resource lands designation criteria and use restrictions are found both in Chapter 4, Land Use Element and Chapter 5, Natural Resource Land Element. These policies were reorganized so that all of the designation criteria policies are found in Chapter 4, consistent with how the other natural resource land categories have been separated.

68. Since adoption of the original mineral resource overlay policies, the County has adopted a Mining Permit Ordinance, currently codified at SCC 14.04.126. This ordinance is the subject of a pending GMHB appeal GMHB Case No. 99-2-0012. The parties to that appeal agreed to put the appeal on hold pending the County's review and adoption of possible revisions to the code or Comprehensive Plan to address alleged GMA compliance issues with the mineral resource lands overlay.

69. These proposed Comprehensive Plan Amendments contain revisions to the Mineral Lands policies from the 1997 Comprehensive Plan. These amendments are intended to address some lack of clarity or confusion that has arisen over interpretation of the 1997 policies and the intent and process for designation of mineral lands that was addressed in those policies. In particular, questions have arisen over the basis of the original mineral lands designations and whether owners of lands so designated are entitled to pursue mining permits, or whether they first require an additional step of classification or designation of the lands before being eligible for mining permits. Although the policies for designation in the Comprehensive Plan were drafted in the context of future additional designations, due to the nature of the confusion, changes to these policies are appropriate.

70. Based on reconsideration of Comprehensive Plan mineral resource policies, and through a re-analysis of the record, the currently designated MRO fulfills its purpose to protect and conserve mineral lands of long-term commercial significance. In spite of varying interpretations and even confusion over existing Comprehensive Plan policies, GMA guidelines to classify and conserve mineral resource lands are applied appropriately. All lands with the mineral resource overlay designation will be protected on an equal footing. If future evidence demonstrates that they do not have the potential for long-term commercial significance, MRO designated lands can be removed from that designation.

71. Rather than simply designating sites with existing operations and permits, all lands that provide mineral resource potential are designated, and therefore, are protected. Information on presence and value of the resource, as well as potential conflicting land uses, were considered in making this designation. These designations adequately protect mineral areas of long-term commercial significance and protect the health, safety, and property interests of the public.

72. Adjacent land uses are designated to be of sufficiently minor intensity so as not to raise conflicts with future mining operations. This is achieved by imposing land use densities of 1 dwelling unit per 10 acres, or less within 1/4 mile of the designated mineral resource lands. Mining is the preferred use in these areas, and the potential to reduce land-use conflicts has been reduced to the greatest extent possible.

73. Mining operation-related impacts are appropriately addressed and mitigated through the hearing examiner special-use permit process to allow potential adverse impacts to be mitigated and to address site-specific circumstances and issues. Contrary to some confusion expressed in the public comments, this special use permit process provides for public notice, comment and a public hearing on all potential impact issues. There is no need for additional layers of public hearing requirements beyond those established in the code.

74. The County's approach is consistent with the GMA mandate to protect all resource lands of long-term commercial significance, even if the protected resources exceed the quantities that will likely be consumed within the next 20 or even 50 years. The Planning Commission does not find any direction in GMA that would limit the County to designate only mineral resources sufficient for a 20, 30 or even 50 year demand. In fact, since mineral resources are not a renewable resource (you cannot grow more rock), the Planning Commission finds it better provides for very long-term resource production to identify today all areas of potential production and to impose appropriate density restrictions adjacent to all of these areas to avoid the need for future downzones or future land use conflicts.

75. The November 8, 1999 transmittal memo contains a more detailed discussion of this topic, and is hereby incorporated by this reference.

***Rural Area Generally***

76. Comprehensive Plan policies related to the Rural area are found both in Chapter 4, the Land Use Element and in Chapter 6, the Rural Element. The policies from Chapter 4 relate to the designation criteria for the various rural densities: Rural Reserve, Rural Intermediate and Rural Village. For the most part, the GMHB has reviewed and upheld these rural density designation criteria from Chapter 4.

77. Just prior to the County's adoption of the 1997 Comprehensive Plan, the State Legislature adopted Rural amendments to GMA, ESB 6094, now codified at RCW 36.70A.070(5). Those amendments were not effective until after adoption of the 1997 Comprehensive Plan, although the Planning Commission finds that the 1997 Comprehensive Plan policies are consistent with those GMA amendments. The Fall Package and the Spring Proposal both contained some proposed revisions to the rural area designation policies from Chapter 4 to reflect the GMA Rural Amendments. In particular, these proposed revisions incorporate the concepts of "logical boundaries defined predominantly by the built environment" that are included in the GMA Rural Amendments and include several definitions directly from those amendments.

78. ESB 6094 explicitly recognizes rural development as a component of a county Comprehensive Plan. Generally, the amendments provide counties with planning tools to protect rural areas and to reconcile existing development with the need to protect rural character. With ESB 6094, statutory definitions for rural character, rural development, and rural governmental services now exist. Definitions for "urban growth" and "urban governmental services" are amended.

79. The ESB 6094 amendments clarified that a Comprehensive Plan's Rural element shall permit rural development, and that there will exist "[l]imited areas of more intense rural development." RCW 36.70A.070(5). The amendments also defined "rural development" as

> . . . development outside the urban growth area and outside agricultural, forest, and mineral resource lands. Rural development can consist of a variety of uses and residential densities, including



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clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

RCW 36.70A.030(15).

80. Likewise, the definition of "urban growth" now includes the statement that "a pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d) is not urban growth." RCW 36.70A.030(17).

81. Significantly, "rural character" is also now defined:

Rural character" refers to the patterns of land use and development established by a County in the rural element of its Comprehensive Plan:

a. In which open space, the natural landscape, and vegetation predominate over the built environment;
b. That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
c. That provide visual landscapes that are traditionally found in rural areas and communities;
d. That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
e. That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
f. That generally do not require the extension of urban governmental services; and
g. That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

RCW 36.70A.030(14).

82. The rural element, as originally drafted in GMA, allowed for a variety of land use densities and sought to protect rural character. It now also allows for reconciling past development and permits limited areas of more intensive residential and economic development.

83. With the passage of ESB 6094, counties have been given clearer authority to make decisions for their communities, and to consider local circumstances in the planning process. It has also made counties more accountable. Counties must now articulate how the rural element "harmonizes the ... goals and meets the requirements" of GMA.

84. The Planning Commission finds that the goals and requirements of GMA are met with the County's rural element, as described below:

a. ***Urban Growth Areas ("UGAs"):*** The Plan and UDC protect rural character through land use policies and regulations that limits where rural development may take place and how it might happen. Commercial and industrial development provides jobs for rural residents. By carefully limiting the location, types and sizes of rural businesses, rural character can also be protected while providing economic opportunities and the majority of new development can and will occur in the urban areas. A recent assessment of commercial and industrial building permits indicates this is occurring. The County has analyzed sizes of various types of rural commercial/industrial ("C/I")

development and based permitted sizes for various land use designations/districts on this existing rural character. Areas of more intensive residential development have been regulated to areas that are commonly referred to as existing historical rural communities ("Rural Villages") and areas that generally have densities greater than 1 dwelling unit per 2.5 acres. This type of development, density and intensity assures that the character of the rural area will be protected and directs urban development to urban growth areas. The capital facilities element has been updated to ensure adequate services and facilities and a new, Comprehensive Concurrency Ordinance is proposed. The Bayview Ridge UGA subarea planning process is underway to ensure adequate facilities and services in that UGA. Urban services are to be provided in UGAs and are precluded in rural areas unless to remedy an existing public health, safety or environmental problem.

b. ***Reduce Sprawl:*** The Plan and UDC include land use policies and requirements for maximum lot sizes, building size, lot coverage, buffering, landscaping and other controls which will reduce the inappropriate conversion of undeveloped land into sprawling, low-density development. Rural development in Skagit County has historically been smaller in scale and lower in intensity than that of cities/towns; it has also provided recreational opportunities, maintained large open spaces and been compatible with natural resource land management. Sprawl is prevented by the retention of open space and identifying logical boundaries in rural areas that preserve existing natural neighborhoods and communities based on physical features, such as bodies of water, public roads, land forms and topography while assuring that public facilities and services are provided at less than urban level of service standards. Priority consideration is given to siting of new rural C/I uses in areas of existing development, including existing rural communities, followed by areas already developed, and only lastly to wholly-undeveloped sites in the rural areas. Rural residential development is largely based on the existing built environment. In a few areas where additional rural density might be appropriate, subarea planning is required to assess implications first.

c. ***Economic Development:*** The Plan and UDC recognize existing C/I development in rural areas and allow for limited expansion, where appropriate, to serve the needs of the surrounding rural residential population. Natural resource-related industries, small-scale business and cottage industries that provide job opportunities for rural residents, and recreation, tourism and resort development create a balanced, yet diversified economy in rural areas. This need is appropriately balanced against the GMA goal to encourage commercial and industrial development in the UGA's, as described above.

d. ***Property Rights:*** The Plan and UDC balance the rights of property owners who own land in rural areas with the rights of adjacent property owners and the community-at-large. Recognition of existing commercial, industrial and residential development is specifically included in this proposal.

e. ***Permits:*** The Plan and UDC establish clear standards for development in rural areas, and promote efficiency and predictability in the issuance of permits. Land use development regulations have been consolidated and the review process has been streamlined to address provisions of regulatory reform. There is less ambiguity and more specificity about the types, sizes, and locations of land use activities allowed in rural areas. Definitions have been consolidated to avoid inconsistencies.



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f. ***Natural Resource Industries:*** The Plan and UDC protect natural resource lands through a Right-to-Manage Natural Resource Lands Ordinance that seeks to avoid potential nuisance conflicts that emerge when non-natural resource land development encroaches into areas where long-term, commercially-viable and County designated agricultural and timber managed lands and mining operations predominate. Land use designations and regulations also assure that natural resource lands are buffered from rural and urban uses through large-lot zoning and Conservation and Reserve Development (CaRD) land divisions that promote clustering of residences, farm and timber management, and preservation of open space. Natural resource business and industries are also allowed within non-urban areas to support agricultural, timber, and mining operations in close proximity to the resource.

g. ***Environment:*** The Plan and UDC require that development minimize disruptions to the rural landscape. Existing vegetation is to be retained, natural drainage courses maintained, and water quality is not to be degraded further. Significant environmental impacts are to be avoided. Critical fish and wildlife habitat is protected and conserved by requiring low-density and low-intensity land uses in many such areas and requiring buffering and mitigation as appropriate. Landscaping, buffering, and open space preservation are measures that facilitate the integration of environmental protection into rural development and assure that the visual rural landscape is maintained. Changes in existing rural businesses requires assessment of associated environmental impacts.

h. ***Citizen Participation and Coordination (Citizen Advisory Committees "CACs"):*** The Plan and UDC are being widely disseminated and the public will be provided an opportunity to review and comment on the proposal. CACs have been utilized in developing policy language and development regulations. This public participation program has benefited the planning process by identifying options and alternatives in the formative stages of policy and regulatory development while assuring that local circumstances shape the County's plan and regulatory scheme for protecting rural character.

i. ***Public Facilities and Services:*** The Comprehensive Plan policies and UDC regulations limit land use, densities, intensities, and building size so that only a rural level of service is provided. Rural development will be of such a scale and nature consistent with rural character and appropriate services. It will not require urban services, except where necessary to address an existing public health, safety or environmental problems.

***Rural Intermediate and Rural Village Designation Criteria***

85. The proposed amendments to policy 4A-7.8(b) are intended to provide further clarification to how existing parcel densities are to be evaluated to determine whether existing densities would support designation as a rural area of more intense development. These revisions are intended to avoid scenarios where average parcel size calculations would be overly influenced by adjacent urban areas, which could otherwise trigger potential RI "creep" on the edges of the UGA's and to prevent selective gerrymandering of proposed RI boundaries to attempt to circumvent the overall intent of these RI designation criteria.



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*Big Lake Rural Village*

86. Skagit County's June 1997 Comprehensive Plan included the designation of UGAs. The Skagit County Comprehensive Plan designated the community of Big Lake as an UGA, although it was not part of a city or town UGA. This designation was challenged in *Abenroth, et al. v. Skagit County*, GMHB Case No. 97-2-0060c, and the GMHB held in the Final Decision and Order that the Big Lake UGA was not in compliance with GMA. The GMHB based its holding on the fact that the record was devoid of information and analysis to justify that Big Lake be designated as an UGA pursuant to RCW 36.70A.110. Also, the capital facilities plan for the Big Lake UGA, according to the GMHB, did not assure that urban governmental services could be provided efficiently and timely at urban level of service standards pursuant to RCW 36.70A.070(3). Those urban services typically associated with a municipality did not currently exist nor was there a plan to have such services provided in the future at prescribed urban level of service standards.

87. On September 20, 1999, the Board of County Commissioners removed the UGA designation for Big Lake and replaced it with a Rural Village ("RV") designation (Ordinance No. 17570). Its allocated share of Skagit County's 20-year (through 2015) urban residential population projection will be dispersed to other UGAs during the County's Comprehensive Plan update scheduled for the year 2002 pursuant to GMA (RCW 36.70A.130(1)). This change in designation means that allowable residential density has changed from 4 units/acre with public sewer to 1 unit/acre with public sewer, at least until more detailed subarea planning, as described below is completed. An area referred to as the Overlook Golf Course retained a density of 1 du/5acres due to recreational and open space public benefits.

88. Big Lake is appropriately designated as a Rural Village. It is an historical, rural community. Its existing higher-density rural land use development patterns, elementary school, fire station, churches, grocery store, recreational opportunities, and other amenities are tailored to a RV designation. It is unlike other rural communities (Rural Villages) throughout Skagit County, furthermore, in that it possesses both public water and sewer and abuts a portion of Mount Vernon's UGA boundary. The community of Big Lake is an existing unincorporated area of more intensive rural development and has potential for infill, development or redevelopment.

89. An assessment of the Big Lake Rural Village boundaries occurred in conjunction with Ordinance No. 17570. Logical boundaries were drawn based on the built environment. For purposes of drawing logical outer boundaries around the Rural Village, "built environment" was interpreted to mean existing: (a) development and parcel densities that preserve the character of existing natural neighborhoods and the community, and (b) infrastructure improvements, investments, or commitments intended to serve the community, including roads, sewer and water lines. In addition, natural features such as topography and environmental issues such as water quality were additional, influential factors in delineating the logical outer boundary for the Big Lake Rural Village. Avoiding irregularly shaped boundaries was another factor.

90. The history of the Big Lake community dates back 100 years. The area was developed to take advantage of the rural setting and the Lake's recreational opportunities and amenities. This early history partly explains the pre-existing, high-density lots along West Big Lake Boulevard, which are included in the Rural Village.

91. Public water and public sewer serve the vast majority of the Big Lake Rural Village. The Public Utility District No. 1 of Skagit County provides water service to the Big Lake community. Construction of Local Utility District No. 16 began in the summer of 1993 and supplies water to

nearly the entire area within the Rural Village. Those areas not served by potable water obtain it from private wells, Big Lake itself, tributary creeks, or from private water companies.

92. Likewise, the Skagit County Sewer District No. 2 boundary includes nearly all of the Big Lake Rural Village area, excluding some properties (or portions of) west of Big Lake Boulevard. Skagit County Sewer District No. 2 was formed in 1971 and provides a sewage collection and treatment system to the Big Lake community. The first Sewer District Comprehensive Plan was adopted in 1972. Construction of the collection system and treatment plant began in 1979. The treatment plant became operational in 1980. The Skagit County Sewer District No. 2 updated the Comprehensive Sewer Plan, including a capital improvement plan, in 1995. In 1995, the District provided sewer service to 383 customers and had a capacity for approximately 500 additional connections. This included undeveloped lots in 2 existing ULID's, paid connections, letters of availability, and developer extension agreements.

93. Big Lake is located in a fragile watershed, and therefore, the environment can be protected by allowing the existing, small rural parcels along the west side of Big Lake, and in the Rural Village, to be served by public sewer. A majority of the 15,000 acres in the watershed basin are under forest management. A much smaller portion of the watershed basin includes these small residential lots, which are characterized by poor soil conditions, and high water tables. This combination of factors, without a public sewer, creates an environmental and public health hazard regarding the Lake's water quality and recreational use. Sewer District No. 2 was created specifically to address this environmental issue. The presence of sewers in this area could support densities of greater than one unit per acre. This will be further evaluated through the rural village plan.

94. On the eastern side of the proposed Rural Village Boundary, several large ownerships provide an opportunity for the County to conduct a more master-planned approach to how the Rural Village should develop. These properties are located within the sewer district boundary. It is possible that through such a master-planned approach, the County can encourage clustering of residential development on public sewer, perhaps even at some densities greater than 1 dwelling unit per acre, in exchange for permanent open space designation of the outer portions of this ownership. This concept of "transferring" the development potential to a portion of the ownership is encouraged by GMA and the County's Comprehensive Plan and could provide an opportunity to create a permanent edge to this Rural Village on the east side.

95. Approximately 175 acres within the District at the south end of the Lake have been excluded from the Rural Village due to environmental and land use constraints (floodplain and wetlands) and another 80 acres south of the Nookachamp Hills development and east of the Overlook Golf Course have been excluded from the Rural Village as a result of having been designated as a natural resource land.

96. The Fall Package identified several areas of the County in addition to Big Lake that, based on specific local circumstances, should be studied in more detail to determine appropriate land uses and densities. These specific areas were identified in the Fall Package, together with a brief explanation of the unique circumstances and issues that should be addressed in that subarea plan. Appropriate policy language has been added to Chapter 4, Land Use Element to guide such subarea planning efforts. GMA recognizes that unique local circumstances might justify studying such areas in more detail and could, under certain circumstances, justify some potential for new, more intense rural development.

97. ESB 6094 specifically acknowledged that unique local circumstances should govern decisions to provide for areas of more intense rural development. To this end, the proposed amendments include identification of several study areas that, based on the unique circumstances described in those amendments, may be appropriate for additional development. In some cases, the areas identified may likely have limiting factors that would not support additional development, such as the aquifer and water quality issue on Fidalgo Island and Guemes Island. Because the land use choices for these areas are highly dependent on a greater level of detailed study and understanding, and should be supported by significant additional public input from the area residents most affected, the Planning Commission is recommending these areas as appropriate for additional subarea planning before making any more detailed decisions regarding appropriate land uses. Until that planning is completed, the existing Comprehensive Plan land use designations, as modified slightly by the rural commercial/industrial amendments in this proposal is deemed most appropriate.

***Open Space Areas***

98. One of the original appeals in the *Abenroth* case asserted that the County had not properly or adequately identified open space and greenbelt areas in the County. The proposed revisions to Objective 8 of the Comprehensive Plan are intended to identify more fully the types of open spaces found within the County, both publically owned and privately owned, to recognize the different open space functions that are provided by each type of ownership, and to establish more complete policies to provide for future open space designations. In particular, Skagit County has a significant portion of the acreage in the County set aside in public ownership for open space purposes (national, state and local parks, wilderness areas, conservation areas and recreation areas).

99. In addition to those publicly-owned lands specifically designated as Open Space of Regional Significance in the Comprehensive Plan, the Planning Commission finds that there are other significant open space lands in one or more types of private ownership that provide some or all of the valuable open space functions, such as wildlife habitat and corridors. While these private open space lands do not typically provide public access and use, they nonetheless are an important contribution to the County's overall open space and greenbelt network. Similarly, that open spaces that result from application of the County's Critical Areas Ordinance, such as the required riparian corridors, provide valuable greenbelts and open space connections.

100. The County has previously adopted in 1998 a Comprehensive Parks and Recreation Plan for Skagit County that includes maps and policies for public parks, open spaces and recreational facilities.

***Commercial and Industrial Uses Outside of Urban Growth Areas (Rural Commercial and Industrial)***

**Introduction and Historical Overview:**

101. A major part of the proposed amendments to Chapter 4 of the Comprehensive Plan relate to new rural commercial and industrial provisions incorporated into the Comprehensive Plan and Unified Development Code. Rural Commercial and Industrial uses are of critical concern to rural Skagit County, and have been part of the rural character in the County historically. The Skagit County Comprehensive Plan and the GMA provide a number of reasons for the allowance of appropriate commercial or industrial development in County unincorporated areas. These



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include promoting rural economic diversification, allowing for a reasonable level of rural services, encouraging opportunities for employment and economic self-sufficiency for rural residents, and supporting natural resource uses of the land in sufficiently close proximity to the resource production to make the support efficient and economical.

102. The GMA includes Planning Goals 5 and 8, addressing appropriate development in rural areas. Section 4 of the Land Use Element of the Skagit County Comprehensive Plan establishes goals, objectives, and policies to guide rural commercial and industrial development. Goals and objectives dealing with rural economic opportunities and diversification are partially summarized by Goal B in the Land Use Element at 4-28. These broad, framework level goals give overall direction to the policies and regulations that will direct rural growth in Skagit County.

103. County-wide Planning Policies 5.5, 5.6, 5.7, 5.15, and 6.2 all support the development of rural commercial and industrial policies and codes.

104. Significant additional details regarding the rationale for the rural commercial and industrial proposal are provided in a number of staff documents that were presented to the Planning Commission including, but not limited to: the Department Report: Proposed Interim Comprehensive Plan Amendments and Development Regulations Addressing Rural Commercial and Industrial Development Outside of Urban Growth Areas and Attachment 1 to that report, both part of the adoption process to Ordinance No. 17535; the November 8, 1999 Transmittal Memo to the Fall package; the February 3, 2000 Staff memo to the Planning Commission regarding C/I development; the February 3, 2000 SEPA Addendum; and the C/I Comprehensive Plan policies and supporting text themselves, which contain significant rationale imbedded internally for the various C/I designations. These documents are hereby incorporated by the Planning Commission by reference.

105. The C/I policies and provisions contained in this action are the product of a long process extending back to 1997. In that year, with adoption of the Comprehensive Plan, Skagit County adopted provisions that essentially carried forward past C/I designations and regulations that had been in existence since prior to the adoption of the GMA in 1990, with some further limits on uses to address rural character concerns and to prevent extension of urban services to these rural commercial and industrial locations. These provisions, as well as others, were appealed and found invalid by the GMHB in its Final Decision and Order ("FDO") in *Abenroth v. Skagit County* GMHB (Case No. 97-2-0060c, FDO January 23, 1998) ("97-2-0060c" or "Abenroth"). Among other concerns, the GMHB indicated that the County should include specific rural commercial and industrial Comprehensive Plan designations to be mapped, and should not simply rely on a rezone process anywhere in the rural area.

106. In April of 1999, Skagit County successful challenged one part the GMHB's invalidity ruling in Whatcom County Superior Court, arguing the GMHB lacked authority to invalidate pre-GMA commercial and industrial zoning based on the Washington State Supreme Court's ruling in *Skagit Surveyors and Engineers, LLC v. Friends of Skagit County*, 135 Wn.2d 42, 958 P.2d 962 (1998). Judge Mura agreed with the County and lifted the zoning invalidity but remanded the case back to the GMHB for consideration of the County's interim C/I development regulations. On May 21, 1999, the GMHB found that Section 7(1) of Ordinance No. 16559 continued to be non-compliant with the GMA and indicated it might recommend harsh penalties if the County had not addressed the remaining C/I issues by the GMHB's July 22, 1999 deadline. On June 8, 1999, the Board of County Commissioners adopted Emergency Ordinance No. 17463 generally

halting new development on undeveloped property with C/I zoning outside of UGAs until the County could implement interim Comprehensive Plan policies and development regulations addressing C/I development.

107. In the meantime, the County began work in 1998 on an interim set of policies and regulations addressing the concerns raised in the *Abenroth* appeal, while acknowledging ESB 6094 provisions regarding rural C/I activities. Economic consultants were hired to provide updated economic information for an updated Overall Economic Development Plan to assist in the understanding overall C/I land needs, including for the first time, an assessment of needs in the rural area. Staff worked on creating background information and proposals regarding new C/I designations, including substantial research on existing C/I uses and zoning in Skagit County and other counties' adopted rural C/I provisions. Public comment was taken and considered leading up to the August 17, 1999, adoption of Ordinance No. 17535.

108. The ESB 6094 Citizens Advisory Committee was authorized and appointed by Resolution No. 17353 to address amendments to the GMA made by ESB 6094, including rural commercial and industrial development and rural residential densities. Under Resolution No. 17353, the CAC's role was advisory in nature with responsibilities to review and comment on the Department's proposals.

109. The CAC met on five Wednesday evenings from March 24, 1999 through April 21, 1999, to address its first task: review and comment on the Department's conceptual level proposals on rural commercial and industrial development. During the first two meetings, the Committee reviewed the GMA, the ESB 6094 rural amendments, and the commercial and industrial invalidity and non-compliance issues facing Skagit County. During the remaining three meetings, the Committee discussed and commented on the Department's proposed responses to those issues as explained in the March 24, 1999 Concept Paper on Rural C/I. The Department presented a summary of the CAC's major comments n the Rural C/I concept paper in a memo dated May 12, 1999, as presented to the Board of County Commissioners on May 17, 1999. The Department reconvened the CAC one last time, on December 9, 1999, to review the rural commercial and industrial provisions, and proposed rural areas of more intensive development, as released for public review and comment in the "Fall Package Proposal" on November 8, 1999.

110. The February 3, 2000, memo to the Planning Commission regarding C/I issues contains additional historical detail regarding Ordinance No. 17535, and is hereby incorporated by reference to these findings.

111. Ordinance No. 17535 contained most of the C/I provisions now proposed with this action. It amended the Comprehensive Plan Land Use Element, Chapter 4, by deleting C/I provisions adopted with the 1997 Comprehensive Plan and replacing them with new Comprehensive Plan C/I designations and zoning districts. It amended the Comprehensive Plan Rural Element, Chapter 6 by adding language identifying the basis in GMA and County-wide Planning Policies for "limited areas of more intensive rural development," and creating new objectives and policies calling for the creation of new Comprehensive Plan designations guiding these limited areas of more intensive rural development. Finally, it amended the Skagit County Zoning Ordinance to add new zoning districts for each of the new Comprehensive Plan C/I designations, and to modify some existing zoning regulations to make them consistent with the proposed new Comprehensive Plan C/I policies. The new land use/zoning classifications proposed with this action were: Rural Village Commercial ("RVC"), Rural Center ("RC"), Rural Freeway Service

("RFS"), Small Scale Recreation and Tourism ("SRT"), Natural Resource Industrial ("NRI"), and Rural Business ("RB"). These land use/zoning categories are carried forward in this action, with some modifications. Ordinance No. 17535 also designated approximately 175 properties in accordance with these various land use/zoning categories. The primary intent of Ordinance No. 17535 was to designate sites with existing commercial or industrial uses and to not designate much, if any property that is not currently developed with those uses to some degree.

112. Additional detail regarding the formulation of Ordinance No. 17535 was provided to the Board of County Commissioners: *Department Report: Proposed Interim Comprehensive Plan Amendments and Development Regulations Addressing Rural Commercial and Industrial Development Outside or Urban Growth Areas,* and *Attachment 1* to Ordinance No. 17535. These attachments have been incorporated by reference as findings to this motion.

113. Ordinance No. 17535 was not appealed to the GMHB. It was renewed through Ordinance No. 17760 on February 8, 2000.

114. This action contains the bulk of the changes made by Ordinance No. 17535, with some additions and modifications. Two additional land use categories/zones are provided for, Cottage Industry/Small Scale Business ("CSB") and Rural Marine Industrial ("RMI"). Both of these rural commercial/industrial zones were reserved in Ordinance No. 17535 to give the County more time to analyze rural issues and refine recommendations for policies and code provisions. This recommendation also contains some additional refinement on development standards and uses for the various rural commercial and industrial districts, based on further assessment of rural character issues and in response to public comment.

**C/I Issues Raised by the Abenroth Case and How They are Addressed by this Action:**

115. In *Abenroth,* discussed in the history section above, the GMHB invalidated all of Skagit County's "C/I zones outside the UGAs and Rural Village[s] and any rezone to C/I and the maps that implement these zones." The GMHB noted what it considered to be several major problems with Skagit County's 1997 Comprehensive Plan and interim development regulations. These issues and how they are addressed by this action are summarized by the following findings.

116. Retention of all Previous C/I Zoning Outside UGAs: The GMHB found fault with the County's retention of all previous C/I zoning outside UGAs with "no analysis of the need for, the cost of, or the appropriateness of the location of, those zones." According to the GMHB, the County failed to rezone existing C/I areas no longer needed or appropriate given GMA and County-wide Planning Policy ('CWPP") mandates. "The underlying theme of the [Growth Management] Act is that a local government must determine what exists, what is needed, and what it will cost to achieve what is needed, before adopting a [Comprehensive Plan]...[T]he County may determine how to recognize existing land uses, however, existing zoning cannot be a sole criterion for retention of C/I zoning under GMA." (*Abenroth*, at p. 2804, CPC pagination). This proposal addresses these GMHB concerns. The revised OEDP provides the detailed analysis of need for rural commercial and industrial activity found missing in the earlier Comprehensive Plan. The proposal contains limitations on the size of rural commercial and industrial activity to be sure such development does not impose inappropriate costs for development or require provision of urban services. The proposal does address existing uses, but no longer retains all existing undeveloped commercial or industrial zoning outside of the UGA's. This proposal will not allow new C/I designations or zoning to be placed on vacant properties that fail to meet certain criteria. Further, the proposal removes from the Comprehensive Plan reference to the retention

of all previous C/I zoning outside the UGAs. The proposal provides C/I designations and zoning primarily only to existing uses and a select number of vacant parcels that meet the relevant criteria for retention. Existing C/I uses have been inventoried as part of the background analysis for this action (reflected in the November 8, 1999 transmittal memo and in the February 3, 2000 SEPA Addendum, (both herein incorporated by reference as findings)) and are reflected in the proposed land use/zoning maps.

117. Failure to Designate Commercial and Industrial Areas Outside of UGAs: The GMHB faulted the County's failure to designate C/I areas outside the UGAs, which are appropriate for C/I uses and are in compliance with the GMA, CWPPs, and policies in the Comprehensive Plan. "The County already has large areas of C/I designated in the municipal and Bayview UGAs plus several rural villages. It must determine what other, if any, rural C/I needs exist and what specific, limited areas would be most appropriate to meet those needs in order to assure that the inappropriate conversion of undeveloped land will not be allowed to occur." (*Abenroth*, at p. 2804, CPC pagination). Again, the revised OEDP has provided the analysis of need in the rural area, and the proposed policies have addressed suggestion locations for existing rural commercial and industrial activity (and their potential expansion), together with a prioritization of locations for new rural commercial and industrial uses. Under this action, C/I uses throughout unincorporated Skagit County are now designated on the Comprehensive Plan/Zoning Map Portfolio. This action contains new C/I land use designations and zoning districts based on the Comprehensive Plan and the GMA, specifically the amendments made by ESB 6094 as incorporated as RCW 36.70A.070(5). These designations reflect existing areas or uses of C/I development that the County believes should be retained for the purposes of serving documented rural and natural resource land commercial and industrial needs while remaining consistent with Skagit County and Washington State land use goals.

118. Creation of New Commercial and Industrial Zones Through a "Simple Rezone": A third major concern was that the County made it possible to create additional new C/I zones in the rural area with no Comprehensive Plan amendment required, through a "simple rezone." According to the ruling: "Under GMA, once the [Comprehensive Plan] and implementing [Development Regulations] are adopted, they direct where growth will be allowed, giving some level of predictability and consistency to property owners. Rather than being left to the whim of changing elected officials and staff, a full [Comprehensive Plan] amendment process is required for designation changes." (*Abenroth*, at p. 2803, CPC pagination). Under the proposed amendments, new C/I development proposals (other than those limited uses permitted through the Home-Based Business Special Use) will require a Comprehensive Plan map amendment and a showing of consistency with Comprehensive Plan land use policies and designation criteria that have been developed for each of the proposed new C/I designations.

119. Policies Allowing Rural Commercial Outside of Rural Villages. The GMHB found that the use of a "simple rezone" was even more problematic because of the use of the less-than-mandatory word *should* in two statements within Policy 3.1 at p. 4-30 of the 1997 Comprehensive Plan which appear to encourage commercial development outside of Rural Villages. The first statement is: "New rural commercial *should* be located within rural villages to avoid incompatible land uses and the proliferation of commercial businesses throughout the rural area." The second is: "New rural commercial uses *should* be limited to those typically located in an intended to serve the rural community." The GMHB suggested this problem could be corrected by replacing the words *should* with the mandatory word *shall*. It also suggested providing

additional criteria that would limit the use of the following exception to Policy 3.1: "Such uses may be located in other rural areas if it can be demonstrated that the use is located beyond the service area of a rural village, such as on an island that does not contain a rural village or an incorporated area." The basic policies discussing new C/I areas and the fundamental locational requirements for land use designations use non-discretionary language, such as "shall", "will", and "are". This will ensure that the policies are considered with their full force in the review of Comprehensive Plan Amendments and other discretionary permits. Further, the proposed policies provide a specific "preference" for locating new rural commercial or industrial uses first in existing rural villages or rural centers.

120. Lack of Documented Need for Highway-Oriented Commercial. The GMHB commended the County for specifically designating 4 Highway-Oriented Commercial locations in the Comprehensive Plan and requiring that any additional locations seek a Comprehensive Plan amendment, noting: "This specific location designation and requirement for a [Comprehensive Plan] amendment for additional HOC designations is a step in the right direction." The GMHB was "unable, however, to find in the record any showing of need for the services of these 4 [HOC] locations that are not already supplied by many locations along I-5 within UGAs. We, therefore, cannot find compliance at this time." The amendments create a new Rural Freeway Service ("RFS") designation and zoning district. RFS areas are designated at I-5 interchanges where there is existing freeway-oriented development located generally within 1,000 feet of the interchange. Logical boundaries are not required to fall within 1,000 feet of the I-5 interchange, as used for designation purposes in Policy 4A-12.7, provided that they meet the requirements for delineating logical outer boundaries found in Policy 4A-12.11. The I-5 interchanges meeting this requirement are the following: SR 534 (Conway), Cook Road, Bow Hill Road, and Lake Samish Road (Alger). Some additional property has been added to those parcels containing existing development where there is some combination of vested development rights, installed infrastructure and paid for infrastructure commitments, and aspects of the natural and built environments that create logical outer boundaries to prevent future commercial sprawl, such that recognition of the property as RFS results in a reasonable and logical planning outcome. RFS areas serve existing needs, and projected future needs, for rural freeway-oriented goods and services, as demonstrated by existing development at those interchanges, and projections for additional rural commercial service needs in unincorporated Skagit County through the year 2015. They are intended to help meet these needs within existing clusters of commercial development, rather than allowing a more dispersed pattern of low density rural commercial sprawl. These isolated small-scale businesses primarily serve the traveling public, rather than support the needs of the local rural population, reflecting the intent of RCW 36.70A.070(5)(d)(iii). Any new (or infill) rural commercial development at these interchanges would be counted against the new rural commercial acreage provided for by amended CWPP Policy 1.1, as discussed under the CWPP designation section.

121. Expansion of Existing C/I Uses to Legal Parcel Limits: On this issue, the GMHB found that the County had taken no corrective action on Ordinance No. 16559 Section 7(2) implementing the Comprehensive Plan allowing expansion to the legal parcel limits of any lawfully existing C/I use on the date of the ordinance. In an earlier ruling (*Friends of Skagit County v. Skagit County*, #95-2-0065), the GMHB had found inconsistency between Section 7(2) of Ord. No. 16559 and Skagit County Code 14.04.270(1). The inconsistency resulted, according to the GMHB, because SCC 14.04.270(1) allows "continuance of the established legal use of the land at the time of adoption of a regulation, permitting these 'nonconformities to continue until they are removed.'

'It does not, however, 'encourage their survival.'"(*Abenroth*, at 2804, CPC pagination) By contrast, the GMHB felt, allowing expansion to legal parcel limits does encourage a businesses survival.

122. Also, the GMHB found that section 7(2) allows "expansion which is not limited to neighborhood business or resource-based businesses. As such, it allows urban growth in rural areas and substantially interferes with RCW 36.70A.020(1) and (2)." *Abenroth* at P. 2804, quoting *Friends of Skagit County, #95-2-0065).* Because the rural commercial and industrial use zones have now been substantially revised from the old C-LI zoning in the County, and because ESB 6094 now recognizes specifically the potential for certain commercial and industrial activities in the rural area, these GMHB's concerns are now satisfied with these new rural commercial and industrial zone limitations.

123. The proposed amendments also create a new Comprehensive Plan designation of Rural Business ("RB"), which is provided to legally operating rural commercial or industrial activities that do not meet the locational criteria and related policies defining the other rural commercial or industrial designations. This Comprehensive Plan and zoning designation is intended to recognize lawfully existing rural commercial and industrial uses that would otherwise be left as noncomforming uses. The Planning Commission finds that making some limited accommodation for legal continuation of such uses, including minimal expansion or change of use better promotes the goals and policies of the rural element of the Comprehensive Plan than to pretend they do not exist, or to strive for their elimination. The County has identified all businesses proposed to be designated as RB. The limitations of this zone are discussed in more detail in the findings below.

124. The general impetus and foundation for the proposed revisions to the C/I provisions of the Comprehensive Plan extends far beyond the limited issues raised in the *Abenroth* appeal and are also found in the GMA and the overall needs of the Skagit County economy and residents. More detailed discussion regarding these issues are found in the Ordinance No. 17535 and its supplemental materials, and in the staff report and Attachment 1 to that report released on July 9, 1999, along with the Department's original proposals for Commercial and Industrial Development Outside of Urban Growth Areas, all of which have been incorporated by reference.

**GMA and ESB 6094 Provisions for Rural Development**

125. ESB 6094 amendments to the GMA provide additional support for the proposed rural commercial amendments. This proposal, in every respect, aims to meet the requirements of the GMA provisions and requirements for rural C/I development.

126. One significant change from previous GMHB rulings is that the ESB 6094 amendments allow some types of C/I development not "principally designed to serve the existing and projected rural population." These uses are noted in RCW 36.70A.070(5)(d) (i), (ii), and (iii). According to the amendments, the rural element of a County Comprehensive Plan may allow for limited areas of more intensive rural development. The three subsections address different types of rural C/I development. Subsection (i) essentially provides for infill, development, and redevelopment within existing concentrations of rural development, including C/I development. Subsection (ii) allows for the intensification of development on lots containing, or new development of, small-scale recreational or tourism uses that rely on a rural location and setting. Subsection (iii) provides for the intensification or new development of isolated cottage industries and isolated small-scale businesses.

127. ESB 6094 also requires at RCW 36.70A.070(5)(d)(iv) that counties adopt measures to contain areas of more intensive rural development by establishing logical outer boundaries. These areas may contain some undeveloped land, subject to the limitations of that subsection. Under this subsection of the law, an existing area or use is defined as one that was in existence on July 1, 1990.

128. The GMA also requires at RCW 36.70A.070(5) that when allowing for areas of more intensive rural development, counties must protect the rural character of the area, and includes a number of specific issues to address, including containing rural development, assuring visual compatibility, reducing the inappropriate conversion of undeveloped land into low-density sprawl, and guarding against conflicts with sensitive areas and natural resource lands.

129. Past GMHB decisions have also allowed for resource-based industrial uses within the non-urban area to support natural resource production, most notably in the Central Puget Sound Board decision on Vashon-*Maury, et al. v. King County*, CPSGHB No. 95-3-0008, FD&O, October 23, 1995.

130. ESB 6094, as codified at RCW 36.70A.070(5)(d)(i), (iv) and (v) discusses the significance of "existing areas" delineated "predominantly by the built environment" as of July 1, 1990. The Act does not provide a definition, however, of the term "built environment." The County defines "built environment" to include infrastructure elements including roads (particularly when surrounding a site), public water and public sewer (especially when the costs of such services have been paid for by the property owner prior to July 1, 1990), and site improvements, such as grading and filling, short of actual construction of buildings. The County's definition is parallel with RCW 43.21C.110(1)(f) which defines "the elements of the 'built environment' to consist of public services and utilities (such as water, sewer, schools, fire and police protection, [and] transportation."

131. Use of the parallel SEPA definition of "built environment" is implicitly recognized by the Central Puget Sound Growth Management Hearings Board in *Vashon-Maury, et al. v. King County*, CPSGMHB No. 95-3-0008, (Final Decision and Order, October 23, 1995).

132. Under RCW 36.70A.070(5)(a) local circumstances are considered in establishing patterns of rural use. Defining "built environment" to mean only completed structures, or considering only completed structures on July 1, 1990, results in a number of unreasonable and illogical zoning decisions. This is because properties exist with substantial and *legally permitted* commercial- or industrial-oriented site improvements, which have been made since July 1, 1990. There are, however, logical outer boundaries in each of these land use categories forming barriers to future commercial sprawl. Failure to allow reasonable commercial development of the properties under a C/I designation would leave property owners with little opportunity for reasonable returns on their investments and no reasonable development options for their land. Detailed rationale for the boundaries of specific properties is provided below.

133. RCW 36.70A.070(5)(a) specifies that existing areas must be delineated *predominantly* by the built environment, clearly allowing for consideration of other factors.

134. In the context of Skagit County's historic development patterns, which is a mix of stand-alone commercial uses and small groups of commercial uses, the County views "isolated" as mentioned in RCW 36.70A.070(5)(d)(iii) as a relative term that does not necessarily mean a single use or business. For example, "isolated" cottage industry or small scale businesses may

be a stand-alone or small group of commercial operations located in a Rural Village or Rural Center, where they can take advantage of existing more intense rural uses and be consistent with existing more intense rural character.

135. Alternatively, it may be located as a single use in the rural area. For the purposes of compliance with the GMA, commercial uses are considered "isolated" as long as they are consistent with the balance of the rural policies in the Comprehensive Plan and are not of such a nature, number, or intensity that they constitute urban development or urban or rural sprawl, or require the extension of urban services to the rural area.

**Summary of Proposed C/I Designations**

136. Based on the work done over the last year and a half, the County has designated within the Comprehensive Plan specific locations or areas for rural and natural resource-related C/I development. Generally, these designations identify and acknowledge existing areas or uses of C/I development. Where there were existing areas or uses as of July 1, 1990, these areas may include limited amounts of undeveloped land contained within a logical outer boundary. Activities within these existing areas of more intensive rural development may include infill, development, or redevelopment within the existing area, subject to the relevant Comprehensive Plan policies.

137. New rural commercial uses will be located within designated commercial areas to avoid incompatible land uses and the proliferation of commercial businesses throughout the rural area. To encourage revitalization of existing developed areas and the more efficient use of already developed land, priority consideration is to be given to the siting of new rural C/I uses in areas of existing development, including existing Rural Villages and existing Rural Centers, followed by already developed sites in the remaining rural area, and only lastly to wholly undeveloped sites in the rural area which shall be isolated and contained within logical outer boundaries in a manner that does not permit low density sprawl.

138. Rural commercial uses are limited in size to serve the communities in which they are located, or the additional uses allowed under RCW 36.70A.070(5)(d)(i), (ii), and (iii). Uses are limited to development that can be supported by services typically delivered at rural levels of service. These services may include domestic water, septic systems, and transportation facilities. In some of the proposed rural commercial and industrial locations, additional government facilities or services already exist at greater than rural levels (such as the existing sanitary sewer lines at Cook Road). In these situations, uses may utilize additional governmental services that are historically already available to the site, since to prohibit such would lead to illogical and inefficient provision of services.

139. Strip development is not allowed and is controlled by establishing logical outer boundaries around areas of more intensive rural development that existed on July 1, 1990, beyond which such development is not allowed. These policies will also implement CWPP 2.5 regarding the clustering of commercial development and avoidance of strip commercial.

140. The proposal creates 8 new Comprehensive Plan C/I designations reflecting the requirements of GMA. The Planning Commission has recommended this relatively large number of rural commercial and industrial land use categories, because of the unique nature of the uses permitted in each and the particular restrictions imposed by GMA for each type. The Planning Commission finds that to try to combine more uses into fewer land use categories could lead to a

greater potential for land use conflicts or for permitting inappropriate uses at particular designated locations. A larger number of land use categories with fewer permitted uses in each best provides the County with sufficient control over land use changes and sufficient protection of existing rural character in each of the affected areas of the County. The new designations are

a. Rural Village Commercial District ("RVC");
b. Rural Center ("RC");
c. Rural Freeway Service ("RFS");
d. Small Scale Recreation and Tourism ('SRT");
e. Natural Resource Industrial ("NRI");
f. Rural Business ("RB");
g. Cottage Industry/Small Scale Business ("CSB"); and
h. Rural Marine Industrial ("RMI").

141. Generally, the RVC, RC, and RFS policies seek to encourage rural commercial development to occur within and around areas of existing development. New RCs are also proposed representing isolated small-scale businesses, as anticipated by RCW 36.70A.070(5)(d)(iii). Similarly, but at a much smaller scale, the RB designation recognizes and provides for limited expansion opportunities to legally existing businesses in the rural areas that do not meet the criteria for the other C/I designations. The SRT designation provides for limited recreational and tourism uses that reflect RCW 36.70A. 070(5)(d)(ii) which is "based upon the scenic and/or natural features of the land that support the need for a rural location and setting." The CSB designation has been created to address RCW 36.70A(5)(d)(iii). Finally, the NRI and RMI designations take advantage of the GMHB's decisions allowing for resource-based industrial activity, and represent the isolated rural businesses anticipated by the GMA. RMI businesses also reflect existing businesses as of July 1, 1990 (all four of the proposed designated areas were in operation prior to this date).

**Acreage of Existing C/I land and Connection to CWPP Non-urban Allocation**

142. 632 acres of C/I land use designation is proposed with this action. All of the parcels given C/I designations contain some amount of existing C/I development. Approximately 214 acres of the 632 acres are vacant and developable and could accommodate new C/I development. This acreage would count against the overall CWPP non-urban C/I allocation. This issue is elaborated in significantly greater detail in the February 3 SEPA Addendum, which has been adopted by reference to these findings. The acreages provided in that discussion are slightly different, as the number of acres proposed for the various C/I zone categories have changed somewhat. The SEPA Addendum states 571 acres are proposed to be designated C/I. The reason for the change is that the Planning Commission added 13 acres to the RMI category. In addition, 4 acres moved from CSB to RB.

143. Beyond designation of existing activities and infill development within logical outer boundaries, the County generally has not tried to anticipate or direct where new C/I development will locate through the year 2015. Instead, the County has held in reserve the remaining C/I acreage identified in its needs analysis for allocation to future rural and natural-resource-related C/I land uses. Proposals for new C/I development require a Comprehensive Plan map amendment, a showing of consistency with Comprehensive Plan land use designation policies, and a rezone. Following a successful Comprehensive Plan amendment and rezone, the appropriate C/I acreage will be allocated to that use and subtracted from the amount being held in reserve by the County.

144. It is important to note that even though there is a significant amount of C/I acreage still to be designated, a great deal of future C/I Comprehensive Plan designations are already *generally* pre-determined. The general structure of the C/I designation process is to cluster new C/I development around existing developed areas, especially existing Rural Villages and Rural Centers (*see*, for instance, policy 4A-9.1). To the extent these existing commercial designations expand, such expansion will generally be adjacent to already designated C/I areas (see policy 4A-10.3) and within logical outer boundaries delineated predominantly by the built environment (see policy 4A-10.4). The County does not anticipate that new RFS or RMI designations will be created, or that additional property will be added to the currently proposed designations. That is because RFS and RMI designations rely on historic, pre-1990 development or permit activity, or post-1990 vested development rights. That leaves only new NRI, SRT, CSB, and new RC designations that may locate at currently undetermined places in the rural or resource areas. NRI and SRT uses are unique in that their location is dependent on a particular site (*e.g.* a scenic area for SRT, or proximity to a natural resource for an NRI). These locational needs are beyond the County's ability to determine through the year 2015. CSB's are only permitted outside Rural Villages, Rural Centers, or already-developed rural sites provided they meet certain locational criteria (*see* proposed policies 4A-18.8 through 4A-18-10). New RC's may only be considered at locations specified in the Comprehensive Plan, subject to a number of detailed criteria. Finally, there is nothing in GMA that requires all future C/I designations to be shown on the Comprehensive Plan map at this time; and, the Comprehensive Plan amendment process required for new C/I designations is a far more rigorous process than the "simple rezone" the GMHB criticized in the *Abenroth* ruling.

**General Approach to the Protection of Rural Character**

145. The use, size, and intensity limits for rural and natural resource C/I designations and zones, including RFS, ensure that resulting "rural densities and uses....are consistent with rural character," as required by RCW 36.70A.070(5)(b). The practical definition of rural character is the character of existing uses in the rural area. Accordingly, those existing uses guide use, size, and intensity limits for the rural C/I zones. This process tracks GMHB rulings on County efforts to implement ESB 6094. A recent GMHB ruling stated: "When evaluating densities and uses in areas of more intensive rural development, the question is . . . whether the allowed densities and uses reflect the existing density or uses contained within a specific RAID [rural area of intensive development]. RCW 36.70A.070(5)(d)(iv)." *Island County Citizens' Growth Management Coalition v. Island County*, GMHB No. 98-2-0023c (Final Decision and Order, June 2, 1999).

146. The Department has addressed the GMA requirement to protect the rural character of the area by ensuring that uses and building size limits proposed within the various C/I designations are generally consistent with current uses and current building sizes in the unincorporated area. The identification and listing of businesses in unincorporated Skagit County and statistics generated by the Department on sizes and uses, as reflected in the SEPA Addendum dated February 3, 2000, which has been incorporated into these findings by reference, has helped substantially in determining the current "rural character" of Skagit County. The size and use limits under the various C/I designations and zoning districts draw heavily on this analysis of existing uses. The Department also has analyzed and reviewed C/I provisions adopted by several other counties in Washington, specifically Snohomish, Whatcom, Island, Jefferson, and Thurston, and has reviewed GMHB rulings, to determine what are generally acceptable rural size limits and uses under the GMA. Beyond limits on size and use, other proposed Comprehensive Plan policies

and development regulations propose additional standards to protect rural character. The details of the protection of rural character are articulated farther in the findings related to each specific C/I designation as well as the respective zone category found in the UDC findings.

**Rural Village Commercial ("RVC")**

147. Rural Villages are areas that historically have provided an activity center where rural residents and others can gather, work, shop, entertain, and reside. The RVC district is intended to provide for a range of commercial uses and services to meet the everyday needs of rural residents and natural resource industries, to provide employment opportunities for residents of the rural area, and to provide goods, services, and lodging for travelers and tourists to the rural area. Rural Villages may provide locations for natural resource-related industrial activity. A RVC district is allowed within a Rural Village designation in the Comprehensive Plan. The basic concept and locations of the Rural Villages in Skagit County were previously reviewed and approved by the GMHB in *Abenroth*. In fact, the GMHB's expressed concerns about rural commercial and industrial development, were about commercial and industrial activity outside of UGA's and rural villages. *Id.*

148. RVC districts are existing "limited areas of more intensive rural development" that are "clearly identifiable and contained" and that fall within "a logical boundary delineated predominantly by the built environment" per RCW 36.70A.070(5)(d)(i) and (iv). C/I development within RVC districts may include infill, development, or redevelopment of existing uses. The RVC district and RVC commercial uses may not be located beyond the boundary of a Rural Village. The logical outer boundaries of the Rural Villages are generally consistent with GMA requirements per RCW 36.70A.070(5)(d)(iv), even though those provisions were not in effect when the Rural Village boundaries were established.

149. Rural character is inherently preserved by the nature of this zone. RVC uses will be located within a Rural Village and typically clustered with existing commercial uses. The scale of the uses will also be consistent with existing RVC uses. Scale of RVC uses are discussed in detail within the RVC section of the UDC findings.

**Rural Center ("RC")**

150. Rural Centers are centers or clusters of small retail and service businesses serving a limited area and rural population outside established UGAs and Rural Villages. These RCs are also intended to serve, to a more limited extent, the traveling public at existing crossroads. They are smaller in size and intensity than Rural Villages. RCs are intended to help meet existing and projected future rural commercial needs within existing clusters of commercial development, and at a limited number of new locations, rather than allowing a more dispersed pattern of low density rural commercial sprawl.

151. The Comprehensive Plan policies provide for RC in 3 different circumstances: RC containing C/I uses established before July 1, 1990, RCs containing C/I uses established after July 1, 1990, and new RCs at defined locations where based on unique local circumstances there may be a need for additional commercial services to serve the local and traveling population.

152. For RCs established before 1990, the Comprehensive Plan contains a number of policies addressing infill within these existing commercial areas. Policies are also provided addressing the logical outer boundaries of these RCs. The GMA clearly allows for the expansion of such

centers at RCW 36.70A.070(5)(d)(i). The policies addressing logical outer boundaries addresses the issues raised by RCW 36.70A.070(5)(d)(i).

153. For RCs established after 1990, unique local circumstances dictate that these sites should be provided with commercial zoning. At this time, only one of the RC designated properties falls into this category. Others may be identified in the future. These uses exist and serve a function for local residents. By recognizing these uses with commercial zoning, property owners are given the assurance of knowing that their property is viable for the long term and assures business owners that their locations are secure. The Planning Commission finds that run down, marginal businesses are not reflective of rural character in Skagit County, but that vibrant, thriving businesses are. In addition, RCW 36.70A.070(5)(d)(iii) allows for isolated small-scale businesses. A review of the survey of the RC businesses listed in the February 3, 2000, SEPA Addendum shows that the existing RC businesses are indeed small scale, generally sized below 3,000 square feet. These businesses, while serving local residents, also serve the traveling public.

154. The Comprehensive Plan also allows for the designation of new RCs in the more remote areas of the County, such as on islands likely to experience future residential development, or in the Samish Valley north of Sedro-Woolley. It also allows for the expansion of the existing Day Creek Rural Center and the Birdsview Rural Center beyond what might otherwise be considered the logical outer boundaries based on 1990 development. RCW 36.70A.070(5) specifically permits Skagit County to identify areas of more intensive rural development. In addition, other amendments to GMA found in ESB 6094 give greater discretion to local governments to explain the unique local circumstances giving rise to particular choices in the rural element of the Comprehensive Plan. Policies 4A-11.11 and 4A-11.12 identify the unique local circumstances that may give rise to the need for a limited number of new RCs or the possible expansion of Day Creek and Birdsview. In the case of Day Creek, Samish Valley or the nonferry islands, such as Vendovi, physical separation from other available goods and services that would be provided by a rural center justifies the potential new designation. Day Creek is 20 miles from the nearest commercial services. In the case of Birdsview, the existing irregular pattern of Rural Intermediate and rural center designations, together with the unique location at the crossroads between the North Cascades access (Hwy 20) and the Baker Lake recreation area access, support additional, more thorough study of this area, logical boundaries, and possible redesignation of additional rural center development. These policies also identify the extensive spacing, market, and compatibility issues that must be met and the community planning process that must be conducted before a new RC can be designated. The November 8, 1999, Staff Memo, pages 35-37, identifies the unique local circumstances and GMA authority for considering the possible expansion of the Day Creek and Birdsview RCs. The acreages shown for the Day Creek and Birdsview are the acreages of properties currently designated RC. If community planning processes result in expanded boundaries for those RCs, the acreages shown in the Comprehensive Plan will be changed accordingly. The unique local circumstances for new RCs on islands or in the Samish Valley are that if residential development occurs on them, some limited commercial development may be appropriate, or these future residents would have to travel long distances for every day groceries, etc. On the islands such a trip would require a boat ride. In the Samish Valley, there are no commercial services, requiring a trip into Sedro-Woolley, in some cases as far as a 10-mile drive. Because of the isolated nature of the service areas for these potential RC areas, it is recognized that they will be in some cases further than 2-1/2 miles from other RC areas, as anticipated by policy 4A-11.7. These businesses can be

considered isolated and small scale in nature, reflecting the intent of RCW 36.70A.070(5)(d)(iii). In many cases, particularly on the islands, these commercial services will support local tourism, which is within the intent of ESB 6094.

155. Rural character is inherently preserved by the nature of this zone. RC uses will be clustered with other small-scale commercial uses. The scale of the uses will also be consistent with existing RC uses. Scale of RC uses are discussed in detail within the RC section of the UDC findings.

156. As described above, the Planning Commission finds that the unique local circumstances are adequate justification for possible new rural center designation, contrary to criticisms received by some of the public comment.

**Rural Freeway Service ("RFS")**

157. RFS areas are to provide for small-scale commercial uses at certain I-5 freeway interchanges outside of UGAs to serve local rural populations and the traveling public with necessary goods and services. RFS areas serve existing needs, and projected future needs, for rural freeway-oriented goods and services, as demonstrated by existing development at those interchanges, and projections for additional rural commercial service needs in unincorporated Skagit County through the year 2015. They are intended to help meet these needs within existing clusters of commercial development, rather than allowing a more dispersed pattern of low density rural commercial sprawl. These isolated small-scale businesses primarily serve the traveling public, rather than support the needs of the local rural population, reflecting the intent of RCW 36.70A.070(5)(d)(iii).

158. RFS development is limited to development that can be supported by services typically delivered at rural levels of service, unless additional services historically are already available at these locations. These services may include domestic water, septic systems, and transportation facilities. Site conditions such as topography, soils, existing vegetation, critical areas, frequently flooded areas, proximity to agricultural natural resource lands, vehicular traffic sight lines and capacity for water, fire protection and septic systems are required to be appropriate to support RFS development without adverse impacts to adjacent sites, agricultural practices, the natural environment, or water resources, including sole source aquifers. New development (including infill, development, redevelopment, or intensification of development) at RFS areas is subject to development regulations and design guidelines intended to maintain the rural character of the area, and to minimize impacts to rural residential areas, resource lands, critical areas, and other sensitive natural features of the environment. These development regulations include standards addressing potable water, buffers, screening, lighting, noise, drainage, traffic impacts, lot coverage, land use intensities, and non-urban levels of service in an effort to maintain the existing character of the rural area in which the commercial use is proposed.

159. RFS areas are designated at I-5 interchanges where there is existing freeway-oriented development located generally within 1,000 feet of the interchange. The I-5 interchanges meeting this requirement are the following: SR 534 (Conway), Cook Road, Bow Hill Road, and Lake Samish Road (Alger). The November 8, 1999, transmittal memo, which has been incorporated by reference into findings, addresses these areas in significantly greater detail on pages 10-23 than the summary findings below.

160. Because of the presence of commercial development as of July 1, 1990, at the Conway RFS area, this is an existing area "of more intensive rural development" that is clearly identifiable and

contained and where there is a logical boundary delineated predominantly by the built environment per RCW 36.70A.070(5)(d)(i) and (iv). Commercial development within this "limited area of more intensive rural development" may include infill, development, or redevelopment of the area within a logical outer boundary established under Policies 4A-12.11 and 4A-12.12. Because the west side of this interchange is immediately adjacent to the Conway rural village, the Planning Commission does not recommend any additional RFS at this location, beyond the existing designation. The Conway Rural Village Subarea Plan should address rural commercial needs.

161. The commercial situations at the Bow Hill, Alger, and Cook Road interchanges are considerably more complex than the pre/post July 1, 1990 option presented by the GMA. Various parcels or quadrants at these interchanges have one or more of the following characteristics: commercial structures or activities in existence prior to July 1, 1990; other aspects of the built environment in existence prior to July 1, 1990 (*e.g.* infrastructure installation or commitments); existing freeway-oriented commercial activity that was legally approved and constructed after July 1, 1990; permits for commercial activity that were legally issued after July 1, 1990 but that have not yet been constructed; substantial post-1990 legally permitted site improvements preparing the property for commercial activity; and post-1990 vested development rights that have not yet been exercised. Based on detailed analysis of the histories of these properties, and as further described in the SEPA addendum to the Comprehensive Plan, the County designates the following quadrants of these freeway interchanges as RFS:

    a. Bow Hill: the parcel in the northwest quadrant that contains an existing fish market; the 11.86 acre parcel in the southeast quadrant that is the subject of Binding Site Plan No. PL 98-0001, with the condition that the remainder of the approximately 70 acres of property under the same ownership is permanently restricted to limited-use open space; and the approximately 10 acres in the southwest quadrant that has existing urban sewer service (pre-1990) and water service.

    b. Alger: the 4 parcels located in the southeast quadrant of the interchange totaling approximately 5 acres, including the parcel containing an existing gas station/mini-mart, the adjacent parcel to the east on which there is a permitted but currently unbuilt commercial sales operation, and 2 approximately .5 acre parcels to the south, which have been legally filled and graded for commercial development, all four of which parcels are served or are prepared to be served by water, sewer and power, and are bounded by elements of the built or natural environment which create logical boundaries to any future commercial sprawl.

    c. Cook Road: That portion of the northeast quadrant of the interchange, totaling approximately 9 acres, that contains an existing gas station/mini-mart as well as a vacant parcel, which is surrounded by logical boundaries consisting of the built or natural environment, including a drainage swale to the north, I-5 and Old Highway 99 to the west and east, and Cook Road to the south, and which have paid sewer commitments dating back to the late 1970s; and, that portion of the southeast quadrant of the interchange between I-5 and Highway 99 consisting of four parcels totaling approximately 6 acres. The northern-most parcel in this southeast quadrant has a pre-1990 history of service station use, the 2 northern-most parcels have existing service stations, all four parcels are served by public sewer and public water and have paid sewer agreements dating back to the late 1970s, and the quadrant as a whole is

surrounded on all sides by pre-1990 aspects of the built environment, including Cook Road to the north, I-5 to the west, Old Highway 99 to the east, and the convergence of I-5 and Old Highway 99 to the south. The northerly drainage swale is located roughly in the same location of the north boundary of the prior C/I zoning; in addition, it is an obvious boundary since the Rural Reserve area south of the swale would be difficult to access, and to the north, there is no other logical boundary until the railroad tracks, further to the north. This is a recorded limitation preventing swale crossings.

162. Rural character is inherently preserved by the nature of this zone. RFS uses will be clustered with other small-scale commercial uses. The scale of the uses will also be consistent with existing RFS uses. The allowed uses are also consistent with the types of uses currently found in RFS areas. Scale of RFS uses and the allowed uses themselves are discussed in detail within the RFS section of the UDC findings.

**Small Scale Recreation and Tourism ("SRT")**

163. The intent of the SRT zone is to provide for small-scale recreational and tourist uses that provide opportunities to diversify the economy of rural Skagit County by utilizing, in an environmentally sensitive manner, the County's abundant recreational opportunities and scenic and natural amenities.

164. The SRT designation reflects the intent of RCW 36.70A.070(5)(d)(ii), calling for intensification of, or new development of, small-scale recreation or tourist uses. These uses may include supporting commercial facilities, but may not include new residential development, except for necessary employee and owner/operator housing. These types of uses are also to rely on a rural location.

165. The uses permitted within SRT designations are not principally designed to serve the existing and projected rural population, but rather anticipate the entire Skagit County population and touring public from outside of the County. Typical uses within small-scale recreational or tourist areas are those that rely upon the rural setting, and incorporate the scenic and natural features of the land. They may include uses similar to: campgrounds, U-fish ponds, hot springs, trails, boat launches and docks, private parks, recreational, cultural or religious retreats (non-residential), historic sites, gardens open to the public, animal viewing farms or wild game farms, horse arenas and stables, shooting clubs, festival sites, marinas, golf course pro-shop and snack bar, and cabins, cottages, and other forms of overnight lodging that are rural in scale. New small-scale recreational or tourist designations and uses must demonstrate that the proposed wholly new location or use is reliant upon a particular rural location and setting, and would be inappropriate or infeasible in a RVR, RC, or UGA.

166. SRT designated uses will support the North Cascade National Park with tourism-related facilities for overnight stay, etc. The National Park was created, in part, to provide tourism-related economic opportunities in anticipation of the decline of logging-related employment. The SRT designation will address this expectation. The SRT designation is also necessary to provide lodging close to the Park. The lodging facilities in Mount Vernon, Sedro-Woolley, and Burlington are effectively too far to provide accessible lodging for the typical Park tourist.

167. SRT uses may not include new residential development, except for necessary employee or owner/operator housing. However, rental cabins, cottages, or other forms of overnight lodging that are rural in scale and serve recreation and tourism-related uses are allowed. The Planning

Commission finds that in certain more remote areas of the County where SRT uses are most likely, such as east of Concrete or the non-ferry islands, there is little, if any supply of affordable employee housing, creating a significant obstacle to attracting employees to staff the tourist facility. For this reason, the Planning Commission recommends allowing employee and owner/operator housing in the SRT designation. The size limitations for SRT uses will serve to self-regulate the amount of employee housing that would be necessary or appropriate.

168. The SRT designation is not be interpreted to permit a Master Planned Resort pursuant to RCW 36.70A.360, without further Comprehensive Plan review. Master Planned Resorts are generally larger in scale and are subject to separate Comprehensive Plan policies and development regulations. However, nothing in the SRT policies are intended to prevent one of the existing SRT designations from seeking a Comprehensive Plan amendment to Master Planned Resort, thereby facilitating additional expansion or activity beyond that permitted by the SRT designation.

169. Consistent with RCW 36.70A.070(5)(d)(ii), public services and public facilities for small-scale recreation and tourism uses are to be: a) limited to those necessary to serve the recreational or tourist use; b) provided in a manner that does not permit low-density sprawl; and c) provided at an intensity usually found in rural areas unless other services are historically already available to the site. Public services and facilities may include domestic water, individual or community septic systems, and transportation facilities.

170. The two existing recreation and tourism uses designated as SRT areas in the Comprehensive Plan Map Portfolio and on the Zoning Map are consist with the applicable Comprehensive Plan policies. They are Clark's Skagit River Resort and the Guemes Island Resort. The Planning Commission finds that there may be additional existing uses, such as campground or resorts that could qualify for an SRT designation, and suggests that all such property owners be contacted to see if they want to pursue review in a future round of Comprehensive Plan Amendments to see if SRT designation is appropriate.

171. The designation and development of a SRT use will not result in the conversion of undeveloped land into sprawling, commercial development in the rural area. SRT areas and uses are limited in size and scale so as to be rural in nature and compatible with the surrounding rural area as follows:

    a. The maximum number of acres that may be devoted to the built environment within a SRT-designation is 20 acres of contiguous developable land. Additional land may be associated with an SRT-designated area provided it remains substantially undeveloped and used for passive recreation purposes only.

    b. The maximum number of units of overnight lodging permitted within a SRT area is 35 units of built lodging, including fixed or mobile structures. This limit does not apply to the number of camping sites or recreational vehicle hook-ups within a campground or resort.

172. The Planning Commission considered that while DCTED previously opined that 50 units of overnight lodging may be excessive, the agency did not object to the 35-unit or 20-acre caps currently proposed.

173. SRT designations tend to be large relative to other commercial designations (up to 20 contiguous developable acres) and very low in employment density. This means if their acreage is fully

counted, they could consume large amounts of the County's commercial acreage allocation without employing the requisite number of workers based on typical rural commercial employment densities that were used to calculate need, leaving the County with too little land to accommodate its projected share of employment by 2015. For this reason, the policies specify how to account for SRT acreage in the total allocation.

**Natural Resource Industrial ("NRI")**

174. The NRI designation is intended to facilitate the production of agricultural, forest, and aquatic products by allowing related processing facilities, limited direct resource sales, and limited natural resource support services that support local natural resource activities and are not harmful to the natural resource over the long term.

175. Under the Skagit County Comprehensive Plan and the GMA (RCW 36.70A.070(5)(d)(i)), a NRI area is not required to be principally designed to serve the existing and projected rural population. Past GMHB cases have also found that resource dependent industrial uses are appropriate in the non-urban area. NRI activities are permitted in the rural area provided they:

    a. are resource-based and located proximate to the natural resource;
    b. do not require urban services, and
    c. are compatible with the surrounding rural area and rural character.

176. New NRI designations and activities are generally permitted on Rural lands, and under some conditions on NRL lands, subject to the following provisions:

    a. NRI activities directly involved in the extraction, sorting, and primary processing of natural resources may generally locate on designated natural resource lands.

    b. NRI activities not directly involved in the extraction, sorting, and primary processing of natural resources should generally locate on rural lands, including Rural Villages. These activities include support services, such as the sale and service of equipment and supplies, office and management services, and certain storage and processing activities, that serve natural resource industries but are not directly involved in the on-site extraction or primary processing of natural resources.

    c. NRI activities may be located in more densely populated rural areas, including Rural Villages, provided their operations do not present an unreasonable threat to the health and safety of rural residents due to the hazardous nature of the NRI activity.

177. These policies balance the need for protecting rural areas from intrusive uses, locating natural resource industry close to the resource activity being processed, and preserving resource land for direct resource production.

**Rural Marine Industrial ("RMI")**

178. The RMI designation is intended to recognize existing rural marine industrial facilities and to permit water and shoreline dependent or related marine industrial activities in Skagit County. The term "rural marine industrial facilities" includes harbors, marinas, docks, moorages, and other existing or permitted facilities that support and enable marine industry and commerce.

179. Because Skagit County has significant navigable waters, and a long and continuing history of marine related commerce and industry, a RMI designation is an essential component of Skagit County's comprehensive land use plan and its rural and natural resource-based economy. Skagit

County's navigable waters are a natural resource akin to forest and agricultural resource areas. It is therefore appropriate for there to be a dedicated zone devoted to economic use of the aquatic resource.

180. Marine industrial facilities are essential for the moorage, repair, fabrication, and maintenance of vessels and equipment used in marine and aquatic industries; for the repair, fabrication, and maintenance of marine structures and facilities such as docks, harbors and marinas; for the economical transportation of marine-related and raw natural resource materials; and for the development, conduct and enhancement of marine-related recreational opportunities.

181. Despite the abundance of navigable waters in Skagit County, marine access is very limited, particularly outside of UGAs. Due to the state's Shoreline Management Act, the siting of new marine industrial facilities would be difficult. The RMI designation seeks to utilize to best advantage those existing locations in the rural area with a history of marine industrial activity or regulatory approval, and with continuing use of the property for marine industrial purposes.

182. Marine industrial facilities have been designated as RMI based on the following criteria:

    a. Those areas or facilities with a history of marine industrial use pre-dating July 1, 1990; or

    b. Those areas or facilities with a history of regulatory approval and related site improvements for marine industrial use pre-dating July 1, 1990.

183. These uses are, therefore, considered to be C/I uses existing prior to July 1, 1990, as discussed in RCW 36.70A.070(5)(d).

184. The existing areas and facilities identified as RMI areas, all of which are located outside of UGAs, are discussed below. Significantly greater detail regarding the first three of these uses is provided in the November 8, 1999, transmittal memo that has been incorporated by reference into these findings.

    a. The Twin Bridge Marine Park, an approximately 15-acre parcel on the east side of the Swinomish Channel north of State Route 20 and Josh Green Lane, which includes an existing artificial moorage facility and shoreline and building permits for a marine dredging and construction business. An additional approximately 12 acres of property just south of the Twin Bridge Marine Park is also identified as RMI, bordered by Josh Green Lane to the north, the SR 20 west-bound bridge to the south, and the Swinomish Channel to the west. Although this property does not contain an existing RMI use, the property is fully contained within the above-mentioned logical outer boundaries and there is no other reasonable designation.

    b. The former "Western Lime" property, currently occupied by Ace Rock. This approximately 13-acre parcel, which includes a barge dock and unloading facility, is located on the Swinomish Channel directly north of the Twin Bridge Marine Park.

    c. Approximately 31 acres of property on Turner's Bay at the north end of Similk Bay, owned by Culbertson Marine Construction, Inc. The property has a long history of marine industrial use since the early 1900s, serving primarily, but not exclusively as a marine terminal for logs and other natural resource materials, and as a log storage site.

d. Rozema Boat Works, an approximately .37-acre parcel located in the Bay View Rural Village, on the eastern shore of Padilla Bay, which houses a boat manufacturing business.

185. Because these existing marine facilities and areas are located outside of UGAs, they are inherently dependent upon a rural location, which is one condition under which the GMHBs have allowed industrial activities in the rural area. All four sites have a history of marine industrial use or regulatory approval and related site improvements pre-dating July 1, 1990, establishing them as industrial areas of more intensive development under the GMA, RCW 36.70A.070(5)(d)(i).

186. Public services and public facilities necessary for RMI uses shall be rural in nature, limited to those necessary to serve the RMI uses, and provided in a manner that does not permit low-density sprawl. Rural services should not include public storm and public sanitary sewers, except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment. Uses may utilize public facilities and services that are historically already available to the site.

187. The restriction on urban services to the site, combined with the extensive lot coverage and impervious surface limits on these uses, demonstrate that they are inherently rural in nature. These are not inherently urban uses requiring urban sewer and stormwater systems. The only site that might possibly use urban water service is Twin Bridge Marine, which has had a City of Anacortes water line running through the property since the 1950's.

188. According to the SCSMMP, the Rural Shoreline Area designation is "typified by low overall structural density and low to moderate intensity of uses." (p. 6-6, bold emphasis added). Given the proposed low lot coverage limits for RMI, the anticipated uses are expected to be no more than moderate in nature. The County anticipates updating its SCSMMP in the near future, but not until the Department of Ecology adopts new guidelines to help local governments amend their programs. Regardless, all proposed uses within the RMI zone will be required to be consistent with the SCSMMP, including the existing master program until a new one is adopted. Uses with an existing valid Shoreline permit may continue to operate under that permit, but uses that do not have an existing Shoreline permit are required to obtain one. Final consistency between this GMA Comprehensive Plan designation and any future shoreline master program designation will be confirmed at the time such shoreline program amendments are completed.

**Cottage Industry/Small Scale Business ("CSB")**

189. The CSB designation is intended to provide for small-scale commercial or industrial activities involving the provision of services or fabrication or production of goods, primarily for clients and markets outside of the immediate rural area. The CSB designation may be applied to existing or new businesses.

190. The CSB designation is consistent with the GMA's allowance for the "intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and non-residential uses, but do provide job opportunities for rural residents." (RCW 36.70A.070(5)(d)(iii)).

191. One purpose for the CSB designation is to provide locations for home-based businesses that are providing job opportunities for rural residents but have outgrown their residential locations.

Permitted uses within the CSB designation include those permitted under the Home-Based Business special use, provided that the primary markets and customers are outside of the immediate rural area. However, the scale of activities within a CSB designation is typically greater than can be accommodated through a Home-Based Business.

192. Nothing in these policies is intended to create a presumption that the property on which a Home-Based Business is located should be re-designated to CSB if that business outgrows its home-based status. There is no automatic progression from Home-Based Business to CSB. Decisions about whether to designate a property as CSB shall be based entirely on the public interest tests identified in designation Policies 4A-18.7 through 4A-18.15, not on the needs of an individual property owner.

193. A CSB may have up to 20 full-time equivalent (FTE) employees, meaning an employee that visits the business site more than two times per week, including solely for purposes of vehicle transfer. The Planning Commission finds that this is an appropriate limitation on employees which will allow for business growth while ensuring businesses do not grow to a size that is too large for the rural area. The Planning Commission finds that some previously designated C-LI properties outside the UGAs have employee figures comparable to this limitation and, therefore, this size limit is consistent with existing Skagit County rural character.

194. Extensive Comprehensive Plan policies ensure that CSB uses are consistent and compatible with the rural area, do not impact sensitive and resource areas, and utilize rural vs. urban services.

195. Rural character is inherently preserved by the nature of this zone. The prioritization for siting new rural commercial will limit locations for these CSB uses. The scale of the uses will also be consistent with existing CSB uses. Scale of CSB uses are discussed in detail within the CSB section of the UDC findings.

**Rural Business ("RB")**

196. The RB designation is intended to acknowledge certain significant existing uses in the unincorporated areas that are not consistent with the other C/I Comprehensive Plan designations and zoning districts, but are consistent with GMA provisions for existing rural C/I use.

197. Prior to the adoption of the ESB 6094 amendments to GMA, the businesses designated RB under this proposal would have been considered pre-existing nonconforming uses. The County's original proposal to allow expansion of pre-existing nonconforming uses (Section 7(2) of Ordinance No. 16559) was found invalid by the GMHB in its *Abenroth* ruling. ESB 6094's allowance of the "intensification of development on lots containing isolated non-residential uses" (RCW 36.70A.070(5)(d)(iii) gives the County an opportunity to provide these pre-existing uses a Comprehensive Plan designation rather than calling them nonconforming. The Planning Commission finds that such uses provide a valuable contribution to existing rural character and to the rural economy. Permitting such uses to continue and, under limited circumstances to expand, is a more desirable method to address the goals of GMA and the Comprehensive Plan than to discourage their survival, which could lead to abandoned and run down structures, health hazards, and general rural blight.

198. The Comprehensive Plan and UDC allow for limited expansion of these uses, or for a change of use, subject to certain criteria. This is discussed in more detail in the UDC findings.

**Major Industrial Developments**

199. The Comprehensive Plan provides for Major Industrial Developments, a location for a manufacturing, industrial, or commercial business reflecting Section RCW 36.70A.365. Major Industrial Developments means a master planned location for a specific manufacturing, industrial, or commercial business that requires a parcel of land so large that no suitable parcels are available within an UGA; or is a natural resource-based industry requiring a location near agricultural land, forestland, or mineral resource land upon which it is dependent, and which does not meet the criteria for the NRI designation or special use due to the size, nature, and related impacts associated with the major industrial development.

200. Additional Comprehensive Plan policies addressing siting criteria and coordination with cities is required prior to the siting of a Major Industrial Development. This is also consistent with CWPP discussion of Major Industrial Developments. No such developments or such policies are felt to be necessary and are not being proposed at this time.

**Master Planned Resorts**

201. GMA specifically authorizes counties to include policies for designation of master planned resorts as a type of urban development that is permitted outside of UGA's, under certain circumstances. *RCW 36.70A.360 and .362.* Both new and existing resorts may be so designated. *Id.* At least one GMHB has reviewed and approved master plan resort policies in a rural county, similar to Skagit County. *Ridge, et al. v. Kittitas County,* EWGMHB 94-1-0017.

202. The Rural CAC originally recommended that the County include policies for possible designation of master planned resorts.

203. At least one of the two SRT designated properties in the County either already has exceeded, or has expressed a strong desire to grow to exceed the limitations imposed by the SRT designation. The Planning Commission finds that the possibility of a master planned resort, provided adequate review and planning occurs and environmental impacts are addressed, would provide a valuable economic development opportunity for certain areas of the County.

204. In addition, the Upper Skagit Tribe has begun investing in property adjacent to its existing casino at Bow Hill to provide economic opportunity for the tribal community. The Master Plan Resort designation may provide an appropriate designation needed to address such economic concerns, but in a fashion that does not create sprawl or unauthorized urban growth outside of a UGA.

205. For these reasons, the Fall Package included proposed master plan resort policies. Several comment letters supported the idea and the policies specifically. The Planning Commission initially thought that this concept should have additional public comment before making a recommendation, and such was noted in the Spring Proposal to solicit additional comments.

206. The proposed MPR policies require preparation of a master planned resort development regulation AND a site-specific Comprehensive Plan amendment request prior to any such designation or development. This limitation ensures that an MPR application will not be filed, vested or processed, until those regulations are in place, and all of the required environmental review has been completed.

207. One comment letter suggested that master planned resorts may be too large for what is envisioned in Skagit County. However, nothing in the policies requires only large resorts. The MPR designation is, rather, intended to address any potential resort development that is planned to exceed the small-scale limitations of the SRT designation. Existing SRT properties may seek this designation. New properties may seek this designation.

208. The Planning Commission finds that the proposed Master Planned Resort policies provide an appropriate opportunity to explore destination resort type economic development, which is particularly important in some of the more remote areas of Skagit County, and is necessary as the historic natural resource industrial activity has moved from these areas.

**Home-Based Business**

209. The purpose of Home-Based Businesses is to provide opportunities for rural entrepreneurs to establish small-scale service or fabrication businesses within their homes that provide economic and limited employment opportunities in the rural area and are compatible with surrounding uses.

210. Home Based Businesses are located entirely within a single-family structure or permitted accessory outbuilding and remain clearly incidental and secondary to the primary use of the premises as a residence. Because they take place on residential property, they do not require a C/I acreage allocation.

211. The Planning Commission also finds that with the limitations as proposed within the UDC, the nature of Home-Based Businesses are fundamentally residential in character and do not necessarily even rise to the level of commercial use anticipated by the RCW in 36.70A.070(5)(d)(iii). The limitations on employees, signage, and requirements for enclosure will all ensure that visually these businesses will look residential, with a rural eclecticism seen throughout Skagit County. The types of businesses found currently as home occupations in Skagit County are operations such as specialized fabricators, potters, data processors, transcribing services, dressmaking, upholstering, weaving, baking, and computer software development. These eclectic uses, found within the context of residential areas, are inherent in Skagit County's rural character and are reflective of how people are making a living in the rural area. Further, as the agricultural or timber industry continues to struggle under the increased costs from increased regulation, it is often such home based businesses that help supplement the family income and help maintain the family farm or the family woodlot in production. The Planning Commission finds that while segregation and hierarchy of more intensive C/I use is appropriate, an approach which does not segregate these non-intensive commercial uses is appropriate. An inherent aspect of Skagit County's rural character is a combination of residences, resource use, and low intensity business operations that interact to provide a way for rural residents to live, thrive, and make a living.

212. Even given the finding above, the provisions for Home-Based Businesses are consistent with the GMA's allowance for the "intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and non-residential uses, but do provide job opportunities for rural residents." (RCW 36.70A.070(5)(d)(iii)).

213. Public services and public facilities necessary for Home-Based Businesses are limited to those necessary to serve the residential uses in which they are located and shall be provided in a manner that does not permit low-density sprawl.

**Concrete UGA**

214. Skagit County's June 1997 Comprehensive Plan included the designation of UGAs. The Town of Concrete's (Town) UGA was reserved until the Town completed its Comprehensive Planning

process pursuant to the GMA. In May 1998, the Town adopted its Comprehensive Plan and proposed UGA. That adoption was not appealed to the GMHB. County adoption of Concrete's UGA is proposed as part of the subject legislation. Concrete's development code is part of the record regarding the Town's UGA, but has not, at this point, gone through the County's public hearing process. The Town and County are in the process of drafting an interlocal agreement addressing these issues. At such time as that interlocal agreement is adopted and the Concrete codes have been reviewed by the County, the County can adopt an ordinance that requires use of the Concrete Municipal Code within the Concrete UGA, consistent with similar arrangements in the other municipal UGA's.

215. Concrete's proposed UGA is based on a number of factors, including: (1) the location of the Skagit River floodplain, (2) natural features, (3) existing land uses, (4) population projections, (5) potential for the efficient provision of urban level of governmental services, (6) the inability of the land to sustain long-term commercial, agriculture, forestry or mineral production, and (7) economic development forecasts.

216. A logical urban growth boundary is created by including the Grassmere area in the UGA. This conclusion is based on a number of specific findings: (1) the location of Grassmere is adjacent to the incorporated limits of Concrete; (2) the availability of city services; (3) existence of urban levels of density and land use; (4) the lack of environmental constraints in Grassmere; (5) the lack of land for viable industrial activity within the Town's corporate limits; (6) the location of the highway which is routed through the center of the UGA, (7) the availability of additional range of housing options, and (8) the Overall Economic Development Plan (1999) of Skagit County. This Grassmere area contains fairly significant existing commercial and industrial development, which is more appropriately located within the City UGA, rather than within an adjacent rural area.

**Non-Conforming Uses**

217. The GMA goal of protecting private property rights is served if expansion or change of nonconforming uses beyond the conditions of the original permit or land approval is permitted, under limited circumstances that do not interfere with other goals and objectives of the Comprehensive Plan and GMA. The proposed policies and UDC provisions adequately balance the interests of private property rights, the concerns over abandoned or blighted nonconforming structures, and the need to protect existing rural character in Skagit County.

218. See Finding 367 (Development of Lots of Record) for the rationale supporting revisions to the development criteria for substandard, legal lots of record and Finding 385 (Innocent Purchaser) for development of lots created in violation of State and County statutes.

**Public Uses**

219. Public uses are regulated as special uses in the UDC, carrying forward the existing code provisions created by Ordinance No. 16559.

**Land Division**

220. The Planning Commission has adopted modifications to the Comprehensive Plan Conservation and Reserve Development provisions. Rationale for these changes can be found in the applicable UDC findings.

## Chapter 5 Natural Resource Element

221. The goals from Chapter 5 Natural Resource Element were reformatted for clarity.

222. It is appropriate to extend the right to practice natural resource production activities to all natural resources, extending it from the historic right to farm provisions in existing Skagit County Code. This policy and the associated code requirements help ensure long term commercial resource production and advise property owners of the importance of ongoing natural resource activities. Notice on title provides one of the best mechanisms for minimizing disputes and conflicts in the future.

223. As described in the forest lands designation criteria findings above, the Planning Commission finds that residential uses in the IF-NRL zone maybe appropriate beyond 200 feet from an existing County road or state highway, provided certain fire protection measures and fire district service levels can be met.

224. Many of the mineral resource lands designation criteria were moved to Chapter 4 and clarified as described in those findings above. Additional clarification to the mineral land policies and the requirements for a special use permit for mining activities are addressed in Chapter 5.

## Chapter 6 Rural Element

225. Many of the Rural element issues and findings have been thoroughly discussed in the discussion of Chapter 4 Land Use element. The proposed amendments to Chapter 6, Rural Element are intended to address ESB 6094 and are consistent with those described for Chapter 4 and for the implementing development regulations described under the UDC findings. These proposed changes were originally adopted by the County in Interim Ordinance No. 17535. As described above, the staff analyses that supported that ordinance adoption are incorporated into these Planning Commission Findings by reference.

## Chapter 7 Urban Growth Area Element

226. Certain provisions from the existing capital facilities element regarding provision of urban facilities and services have been moved to Chapter 7, Urban Growth Area Element for clarity. Additional service providers have been added to the list, consistent with revisions to the new capital facilities element.

227. The amendments also include a new statement regarding consideration of logical boundaries when changing city or special purpose district boundaries. This requirement is consistent with current requirements in the Boundary Review Board statutes, and is consistent with Goal 12, and RCW 36.70A.110 addressing services within UGA and what constitutes adequate and logical provision for such facilities and services.

## Chapter 9 Transportation Element

228. Although no changes to this element were proposed in the Fall Package, the Planning Commission did discuss some confusion or concern over whether policy 9.3 regarding rail banking properly addressed consideration of property rights concerns regardless of when rail corridors were acquired for trail purposes. Since the County is always obligated to and desirous of adequately addressing private property rights in any trail acquisition, an amendment was

proposed to policy 9.3 to clarify this concern for the Spring Proposal public comment package. No comments were received on this minor clarification.

## Chapter 10 Utilities Element

*CWSP*

229. Minor modifications to the Utilities Element have been proposed, consistent with the level of service recommendations contained in other documents, including the Coordinated Water System Plan. Regional Supplement, June 1999.

230. The County's concurrency standards, adopted pursuant to GMA, insure that public water systems will not be degraded below established CWSP level of service ("LOS") standards. In addition, the CWSP and the Utilities Element are internally consistent, satisfying GMA's consistency requirement.

231. The LOS associated with water service is defined by "Operational features, such as pressure, flow, reliability, etc. provided to the customer by the water system." For both rural and urban customers, the amount of water utilized varies drastically from site to site, depending on what type of use the property is put towards. As each site has different water needs, the particular needs of a particular site define the LOS for that site. In this regard, water service is like other public services, including electricity, natural gas, and telephone, where a major rural or urban user of electricity will have a different service line from a residential user. The need and use dictates the size of service, which, in turn, defines the LOS. By the same token, water LOS cannot be defined merely by the size of the water line: this is not how utilities operate.

232. GMA permits public water systems in rural areas. "Rural government services" and "Rural Services" include "those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems . . . associated with rural development and normally not associated with urban areas." Rural development has always included land uses that are major consumers of utilities. Again as an example, saw mills require huge amounts of electricity. Veterinary clinics, by the same token, require substantial volumes of pure, clean water. Accordingly, the intensity with which rural areas are delivered government services has always depended on the uses cited in these rural areas.

233. The CWSP defines minimum standards for public water systems, both urban and rural. The CWSP maps, including those maps from the various supplements to the CWSP, have been updated since the *Abenroth* petition was filed.

## Chapter 11 Capital Facilities Element

234. The revised capital facilities element updates revenue and expense projections to the next 6-year period, as well as addresses in more detail the minimum urban level of certain public facilities and services identified in the amendments to the CWPP's, discussed above. Revisions to the capital facilities plan address outstanding "stipulated issues" from the *Abenroth et al v. Skagit County,* GMHB 97-2-0060c appeal, regarding alleged inadequacies in the previously-adopted capital facilities plan, and adoption procedures.

235. As part of the public facility planning and discussions regarding Bayview Ridge UGA and the associated County-wide Planning Policies, the fire districts that serve the Bayview Ridge UGA and the 5 larger cities in the County met and recommended a set of minimum urban levels of fire service that has been incorporated into the capital facilities plan. This minimum allows some variation among the urban areas as to how the minimum is met, but provides for a fairly uniform standard by which all UGA development will be measured for concurrency and will be funded for improvements.

236. Policies from the former capital facilities plan were revised or eliminated to clarify that urban services should not be extended to or expanded into rural areas except as necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development. This revision and/or elimination tracks state law. *See*, for example, Comprehensive Plan Element 7, Policy 7A.3.4.

237. The capital facilities plan addresses the potential for the use of those impact fees authorized by state law. It is within the County's discretion whether or not to impose those impact fees through its development code.

238. The CFP Element (and CFP) now includes an "urban" and "rural" water level of ervice standard and definition consistent with the CWSP. In addition to Finding 235, a "non-urban" (rural) fire LOS was established. The "non-urban" fire LOS was based on current Skagit County fire district ratings by the Washington Surveying and Rating Bureau (WSRB). Skagit County rural fire districts have been graded according to the efficiency of their public fire protection. The ratings are based on a fire department's water supply, organization, training, equipment, fire reporting system and control. Skagit County rural fire districts have been graded by the WSRB at 8/9. Obtaining a rating of 7 or higher (1-6) requires paid personnel and fire hydrants throughout the districts. Retaining a fire rating of 8/9 or higher is important to assure that insurance rates are maintained for rural residents and there is a reasonable expectation that rural fire service can be provided in a timely manner.

## Chapter 15 Essential Public Facilities Element

239. Certain siting criteria previously located in the capital facilities plan have been moved to this element for clarity. The UDC contains additional findings regarding the unclassified use permit process developed to regulate these uses and the siting process.

# SKAGIT COUNTY CODE

240. GMA requires adoption of development regulations to implement the GMA Comprehensive Plan.

241. The Fall Package contained a draft Unified Development Code, ("UDC"), proposed to replace Title 14, Skagit County Code. This UDC contains significant revisions to existing Title 14, Skagit County Code, to implement the requirements of GMA and the 1997 Skagit County Comprehensive Plan. Upon adoption, this UDC is intended to replace the existing Skagit County Code.

242. Specific findings regarding particular sections of the UDC are described below.

## Chapter 14.02 General Provisions

243. To facilitate transformance of local governance and to ensure long-term consistency for development within the unincorporated portions of city UGAs, the County has adopted and is administering city ordinances within each city's UGA. The County adopted permanent Ordinance No. 17237 on December 1, 1998, adopting the City of Anacortes Development Standards within the UGA. On March 21, 2000, the County readopted key provisions from Mount Vernon, Burlington, and Sedro-Woolley's development codes with Interim Ordinance No. 17813. This ordinance was renewed on June 6, 2000. This ordinance is the latest in a series of ordinances, which were originally adopted, in part, to address GMHB compliance orders. The County's UDC includes a Conway ordinance that addresses appropriate phasing of commercial and industrial development. The cities of Anacortes, Burlington, Mount Vernon, Conway, and Sedro-Woolley have adopted concurrency ordinances to address this issue within city UGAs.

244. The vesting provisions of SCC 14.02.050 are intended to provide vesting of permit applications consistent with recent Court decisions in *Noble Manor Co. v. Pierce County*, 133 Wn.2d 269, 943 P.2d 1378 (1997), and *Weyerhaeuser v. Pierce County*, 95 Wn. App. 883, 976 P. 2d 1279, review granted, 139 Wn.2d 1001 (1999), and to apply these same vesting concepts to other discretionary development permits and approvals, based on the level of information presented in the permit applications, provided the applications are deemed complete.

## Chapter 14.04 Definitions

245. Definitions have been provided which achieve the overall intent of the Comprehensive Plan and the UDC. A number of the definitions are drawn directly from the Growth Management Act or the Comprehensive Plan. Definitions have been consolidated in one chapter of the Unified Development Code for consistency and ease of reference.

246. The definition for Commercial Agriculture should be clarified that it applies to SCC 14.32 only, and that it applies to wholesale and retail trade.

247. The Planning Commission discussed whether the terms "cabin" and "rustic cabin" should be included in the three sub-definitions of "campground." After discussion, it was concluded that the idea may have some merit, but that there were a number of related issues that required addressing. The Planning Commission determined it would be best for the issue to be considered in conjunction with the formulation of the MPR zone.

248. The Planning Commission determined that the definition of "sprawl" should be carried forward from the CWPPs into the UDC.

## Chapter 14.06 Permit Procedures

249. SCC 14.06 is intended to implement the requirements of RCW 36.70B, "Regulatory Reform." The exemption, notice and procedural requirements of this section of the UDC are intended to match those provided in the RCW.

***SCC 14.06.030 - Requests for Interpretations.***

250. RCW 36.70B directs municipalities to provide an informal appeal of administrative interpretations. The statute permits discretion regarding what class or classes of decisions can be

appealed. The County considered what other local jurisdictions provide by way of an appeal before determining what was appropriate for Skagit County.

***Public Notice Requirements.***

251. The code was clarified to specifically reflect noticing requirements of RCW 36.70B for Notice of Development and Notice of Decision. Exemptions are not required by RCW 36.70B. The current exemptions including Boundary Line Adjustments, short plats, building permits, flood area development permits, or similar construction permits categorically exempt from SEPA or permits for which SEPA has been completed on prior review reflect no change from past practice. All permits are on file for public review at any time.

***SCC 14.06.050 and .060.***

252. Consolidation between SEPA and project review is a requirement of RCW 36.70B. However, RCW 36.70B still gives an applicant the choice as to whether to process all permits at once, or to process them sequentially. SCC 14.06.050 allows the applicant to consolidate multiple permit reviews into a single process, but does not require the applicant to do so. SCC 14.06.060 requires SEPA for a proposal to be processed concurrently with the permit and is not inconsistent with the option under SCC 14.06.050 to separate multiple permits, if the applicant elects to do so.

***SCC 14.06.110 - 14.06.140, and 14.06.170 - Burden of Proof.***

253. Applications for certain land uses are divided into different "Levels," each with its own review procedures, including steps for bringing an appeal. As part of the appeal procedure, the standard to be applied to an appeal is whether or not the decision is *clearly erroneous.* After review of what standard is applied by other jurisdictions, *clearly erroneous* was selected. *Clearly erroneous* is a higher standard to prove than the former "substantial evidence" test. Appellants challenging the recommendation to the Board have a clearly erroneous standard.

***SCC 14.06.170 - Board of County Commissioners Substitutes Its Judgment.***

254. When the Planning Commission or Hearing Examiner makes recommendations to the Board of County Commissioners on Level III applications, the Board of County Commissioners applies its judgment to the recommendation rather than reviewing it under the clearly erroneous standard. This is consistent with Washington case law on this topic. *Maranatha Mining v. Pierce County,* 59 Wn. App. 795 (1990).

255. The land division procedures now include the potential for a land division of up to nine lots to be processed administratively, provided certain extra notice requirements are met. This option is specifically authorized by RCW 58.17. Because the issues related to a land division of this size are often issues that can be dealt with at the staff level and because this option provides for a public hearing if one is requested, the Planning Commission finds this is an appropriate addition to minimize unnecessary permit procedures and associated costs and time delays.

## Chapter 14.08 Legislative Actions

256. This new Chapter separates out the Comprehensive Plan and Rezone legislative procedures from the existing development permit procedures in SCC 14.06, to minimize confusion over which

procedures apply. For example, the GMA public participation procedures apply to legislative procedures and may require multiple public hearings to take evidence and comment on proposed plan amendments or new regulations, whereas the Development Permit procedures of 14.06 limit the proceedings to one open record hearing.

## Chapter 14.10 Variances

257. Most variance procedures are codified in a single chapter to minimize redundant or potentially conflicting procedures. Alternates for Public Works Road Standards are handled separately by the Public Works Department because they involve alternative engineering solutions that do not require the same variance criteria.

258. Section 14.06.050 specifically requires plat variances to be processed with the plat application since it is often difficult, if not impossible, to evaluate whether variance criteria are met and whether a variance is necessary without the plat design information to review.

259. A 5-year sunset provision on variance approvals was not proposed. Variances are grants of relief from the requirements of the code that permit construction in a manner that otherwise would be prohibited by the code. Such decisions are very site specific requests, generally requesting reductions in the bulk or dimensional requirements of the code. The analysis of the potential impacts to the health, safety and general welfare considered prior to approval of a variance remains sufficient for years to come on a particular site. The analysis for approving variances is considered to be long lasting, based on the specificity of the requests for reduction in bulk or dimensional characteristics. Therefore, no sunset provision was recommended.

## Chapter 14.12 SEPA

260. The County's SEPA ordinance was revised to be consistent with the new model SEPA ordinance found at WAC 173-806.

***SCC 14.12.070(1)(e) SEPA Categorical Exemptions.***

261. The State Legislature has established ranges of acceptable exemptions to SEPA for various development activities. The burden is placed on each jurisdiction to set, within the established ranges, the level of exemption that is appropriate for the local community. The County took seriously the authority granted by the state legislature regarding exemption levels. A Citizens Advisory Committee was established to study the issue and make a recommendation to the Planning Commission. The CAC review was conducted based on WAC 197-11, RCW 43.21C, then existing environmental code at 14.24, and a model SEPA ordinance. The CAC recommended that maximum exemption levels be adopted.

262. Through the integration of SEPA and GMA, SEPA analysis will be required for the sub-area planning, and SEPA analysis is complete for the existing UGAs. Accordingly, utilizing the maximum exemptions reduces the potential for duplication in the SEPA process.

263. In addition, the County now regulates impacts to critical areas under SCC 14.24, regulates drainage related impacts with the new Drainage Ordinance, SCC 14.32; regulates flood plain related impacts under the Flood Hazard Protection Ordinance, SCC 14.34, regulates traffic and public infrastructure issues under the Concurrency Ordinance, SCC 14.28, and has addressed land use compatibility impact issues through substantial revision to the Zoning code, SCC 14.16.



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264. Because significant environmental impacts have been adequately addressed in these new regulations, the larger SEPA categorical exemptions are appropriate in Skagit County.

265. The County proposes to exempt up to 500 cubic yards of fill, as allowed by the WAC. This is the exemption level the County has used historically. Based on this experience, the County has found that it has adequately addressed potential impacts from this level of earth moving activity and this exemption level allows for the right balance between assessment of environmental impacts and avoiding duplicative revisions. This level is also consistent with the exemptions found in most cities in the County.

266. Nonexempt projects or non-project government proposals, which have potentially significant adverse environmental impacts, remain subject to the procedural and substantive reach of SEPA.

267. An EIS should not automatically be required by virtue of a project being located all or partly within a critical area. Critical area review, however, will be conducted on all projects as required by the Critical Areas Ordinance, SCC 14.24. If SEPA review is triggered, coordination will take place in order to adequately address the Critical Areas Ordinance issues prior to the making of a SEPA threshold decision.

## Chapter 14.14 Development Agreements

268. This is a new Chapter that codifies a local procedure for entering into Development Agreements, as authorized by RCW 36.70B.170. No public comments were received on development agreements.

## Chapter 14.16 Zoning

269. The proposed SCC 14.16 substantially revised the County's existing zoning code, SCC 14.04, to implement the new Comprehensive Plan policies. In many cases, uses were addressed or limited to maintain appropriate rural character or to protect natural resource land activities. New rural commercial and industrial zones were added to parallel those permitted by the rural amendments to GMA, found at RCW 36.70A.070(5).

***Fractional Section Descriptions.***

270. During its deliberations, the Planning Commission requested that the provision in the current UDC allowing minimum lot sizes be determined based on the square footage specified by the Comprehensive Plan, or the commensurate fraction of a section, to be carried forward. Many of the sections of the County were platted inaccurately during the 1800's. In some cases, this resulted in sections slightly smaller than 640 acres. In the intervening years, these sections have been platted into fractions of a section, resulting, in many cases, in tracts that are slightly under a uniform acre size. For example, a 630-acre section platted in the early part of the century into 16ths of a section would result in 39.375-acre lots. If these lots were zoned Secondary Forest, and there was no provision that allowed subdivision into 1/32nd of a section lot (instead of 20-acre lots), these parcels could not be subdivided further, even though the resulting lots would meet the intent of the zone. Given this past surveying anomaly, it is fair to allow subdivisions to occur based on fractional descriptions. This is also consistent with the practice of numerous counties within the state.

***Minimum Lot Size.***

271. Public comments were received during Planning Commission review that rather than requiring a minimum lot size which is the average of the allowed density of the zone (for example, 10-acre lots in the Rural Reserve zone), the County should instead simply ensure that the density allowed by the zone not be exceeded when reviewing subdivisions, with no minimum lot size. For example, a subdivision of 40 acres in the Rural Reserve zone would have no more than 4 lots, which average 10 acres in size - some could be bigger, some smaller.

272. The Planning Commission does not support such an approach to lot size. The CaRD process provides a similar approach to what the commentator is seeking - greater flexibility in the location of lots. The CaRD process will provide extra review in the location of smaller lots, ensuring that the potential impact on rural character of smaller lots is addressed. This would not be available through a lot averaging process. While it is true that the Comprehensive Plan discusses some zones in terms of allowed density and not maximum lot size, it does not establish a density-based approach as County policy. It is appropriate for the zoning regulations to provide further detail on this issue.

***Zoning Lines Following Right-of-way.***

273. Where zoning lines follow road rights-of-way, the centerline of the right-of-way is to be used as the actual dividing line of the zone. In the case of a right-of-way vacation, this will allow the abutting lots to receive the same zoning in the former right-of-way area as occurs within the abutting lot.

***General Issue of Rural Character and Existing Uses.***

274. A number of the zones provide for uses which may not currently exist within a given zone, or potentially within Skagit County. The Planning Commission finds that actual existence of a use is not needed for that use to fit into the rural character of Skagit County. "Protect the rural character" does not in all cases mean that the existing rural character must be mimicked in all its aspects. If this were the case, cellular phone towers should never have been allowed, and the rail lines running through parts of the County should not have been converted into hiking/biking paths. The requirement for new uses to compatible with existing rural character means just that – it does not mean simply more of exactly what is there. For example, uses such as family day care center, mini-storage, loft living quarters, and bed and breakfasts may not be located in rural centers currently, but are compatible with these zones and the existing rural environment. GMA requires visual compatibility of rural development with the surrounding area. This does not suggest it has to be the same. "Compatible," indeed, suggests there will be differences.

275. The Planning Commission has carefully reviewed and refined all of the proposed uses within the proposed zones and finds them to be consistent with the purposes of their respective zones and compatible with the existing rural character of Skagit County. The Planning Commission has also reviewed the setback requirements in detail and believes they provide adequate separation between uses based on the characteristics of the zone.

***Building Height.***

276. Many of the zones within the UDC do not contain a specific height limit, but rather simply defer to the Uniform Building Code to limit height based on various occupancy types. The Planning finds that many of the zones limit the uses or FAR sufficient to also consequently limit the height. The Uniform Building Code adequately limits height based on a number of

considerations. First, single-family residences are limited to three stories in height. For other types of construction, such as for industrial buildings, Uniform Fire Code requirements will effectively limit the height of buildings. Specifically, tall buildings (above four stories) will require a fire flow which cannot be supported by rural fire districts and this lack of fire flow will limit the permitted heights. Taller buildings also trigger and type and cost of construction that is not justified with the rural intensity of the uses that are permitted by the code. These factors would effectively limit the height of construction in Skagit County to no greater than four stories, with the possible exception of non-occupied structures such as agricultural silos.

***Public Uses.***

277. Comments were received raising concerns that major public uses within the rural area have no upper limit on size. However, major public uses are required to obtain a Hearing Examiner Special Use which includes approval criteria which ensure scale impacts on adjacent properties will be considered. In addition, there are a number of large public uses currently within the non-urban area, including schools, water treatment facilities, fire stations, and post offices. Inclusion of language limiting the public uses to those which primarily serve the rural area is inappropriate and difficult to address in regulatory review. Numerous public uses serve both the urban and rural area, and it may be difficult to ascertain the proportionality of that use, which may change over time. For example, fire stations located in the rural area may frequently respond to fires in the urban area through mutual aid agreements.

***Rural Village Commercial and Rural Center Zones.***

278. These zones are proposed to implement the Rural Village Commercial and Rural Center policies. The intent and purposes of these zones are discussed in more detail in the Comprehensive Plan findings section of this motion.

279. The various uses to be permitted within the RVC and RC zones have been reviewed by the Planning Commission, which found them to be consistent with the respective RVC and RC Comprehensive Plan policies. These uses are similar to those existing currently in the RVC and RC zones, as listed in the SEPA addendum dated February 3, 2000. (This Addendum was reviewed in detail by the Planning Commission during its Winter 2000 deliberations).

280. The RVC zone contains a provision that limits the total of all primary uses to 6,000 square feet, except for fire stations and overnight lodging. The RC zone contains a provision that limits individual buildings to 3,000 square feet, except for fire stations and overnight lodging, with no more than two establishments per lot. County staff performed an analysis of the square footages of all existing RVC and RC uses found in the SEPA addendum dated February 3, 2000. The addendum found that existing RVC businesses range in size from several hundred to more than 6,000 square feet in size, with a number of uses close to 6,000 square feet. The addendum found that existing RC businesses range in size from several hundred to more than 3,000 square feet in size, with several of the RC uses close to 3,000 square feet.

281. Allowing businesses in the 6,000 square foot range in the RVC zone and 3,000 square feet in the RC zone is consistent with the type and size of businesses that have established themselves over time in Skagit County, reflective of its existing rural character. It will also help to limit traffic impacts of the use within the rural area. Relative to the size of commercial businesses in the urban area, which often exceed these limits by a factor of ten or more, these sizes are quite small and will help retain a scale appropriate to Skagit County's non-urban areas. Use of the square

footage of existing businesses as the maximum allowed within the applicable zones provides an appropriate range of intensity of new businesses, consistent with the existing character of Skagit County.

282. The proposed square footage limitations are consistent with the size limitations of similar zones in other counties. A review of several counties' rural commercial zones found development standard limitations on building size, ranging from 4,000 to 15,000 square feet.

283. Fire stations within the RVC and RC zones are limited to 8,000 square feet. An informal survey with Fire Departments within the rural portions of the County revealed this is the upper limit of sizes of rural stations within the County. It is necessary to allow stations this large to ensure adequate public safety.

284. The allowed lot coverage within the RVC and RC zones is 50%. As shown in the SEPA addendum, this is reflective of the lot coverage found in existing RVC businesses. The SEPA addendum found a number of existing RVC businesses with lot coverage in the vicinity of 50%. One existing RVC business had 100% lot coverage. As articulated in the square footage discussion above, the proposed lot coverage regulation is reflective of existing rural character.

285. All of the parcels currently proposed for RVC and RC designation have existing uses which are limited in size currently. Given the square footage limitation, the 50% lot coverage allowance will not result in significant additional development potential on these parcels.

***Rural Freeway Service.***

286. This zone implements the Rural Freeway Service policies. The intent and purpose of this zone is discussed in more detail in the Comprehensive Plan findings section of this motion.

287. The various uses to be permitted within the RFS zone have been reviewed by the Planning Commission, which found them to be consistent with the RFS Comprehensive Plan policies. These uses are similar to those currently found in the RFS zone, as listed in the SEPA addendum dated February 3, 2000. Although some of these uses are not specifically currently found in the RFS zone within Skagit County, they are consistent with the existing uses, and are also found in other rural freeway interchanges within western Washington.

288. The RFS zone contains a provision that limits all primary uses to 6,000 square feet, except for overnight lodging. County staff performed an analysis of the square footages of all existing RFS uses, which is found in the SEPA addendum dated February 3, 2000. The addendum found that existing RFS businesses range in size from several hundred to more than 6,000 square feet in size.

289. Allowing businesses in the 6,000 square foot range in the RFS zone is consistent with the type and size of businesses that have established themselves over time in Skagit County, reflective of its existing rural character. Use of the square footage of existing businesses as the maximum allowed within the applicable zones provides an appropriate range of intensity of new businesses, consistent with the existing character of Skagit County.

290. The proposed square footage limitations are consistent with the size limitations of similar zones in other counties. A review of several counties' rural commercial zones found development standard limitations on building size, ranging from 4,000 to 15,000 square feet.

291. The allowed lot coverage within the RFS zone is 25%. While the SEPA addendum found that lot coverage within this zone was typically lower than this, the sample size of existing RFS

businesses was quite low and not necessarily reflective of typical rural commercial freeway development. A 25% lot coverage provides for appropriate levels of development within the rural freeway commercial areas while allowing for green space and landscaping within the zone.

***Hotel/motels in RVC and RFS zones.***

292. Hotels and motels currently exist within the rural landscape of Skagit County. They are currently found in several places in the County. These existing hotels are typically separate from other uses and are zoned Rural Business. While hotels are a part of the existing rural character, future hotels should be located within Rural Villages or freeway interchanges, to be connected with other supporting commercial activities and to better serve the anticipated clientele.

293. Hotels and motels as an allowed use within the RFS zone make sense for a number of reasons. Highly visible and accessible freeways interchanges are ideal places for traveler-oriented services, including motels and possible other services in addition to those allowed in the proposed RFS zone. This use is typical at many other rural freeway interchanges in western Washington. Hotels/motels are explicitly allowed at rural freeway interchanges in Snohomish County and King County.

294. Artificially restricting uses and size limits at those RFS interchanges already served by public sewer and public water (such as the Cook Rd./ I-5 interchange) defies logic and good planning sense. Cook Road is the busiest county road in Skagit County and currently carries between 8,000 and 12,000 average daily vehicle trips along the corridor between I-5 and Sedro-Woolley. In the future, Cook Road will likely become the preferred route over SR 20 as the "Gateway to the North Cascades," as well as to greatly expanded public recreational opportunities at the Northern State Recreation Area in the Sedro-Woolley UGA. The traveling public needs and expects services available at the Cook Road interchange in particular. Located less than 1 mile from an already heavily developed portion of the City of Burlington, the surrounding character of the east side of the Cook Road interchange is already more urban than rural.

295. The proposed square footage and unit limitation (12,000 square feet and 35 units) is based on the number of units believed to be needed for a hotel/motel to be financially viable. If in fact hotels/motels are built in the rural area, economic viability is essential to avoid their failure. Abandoned buildings serve no interest and promote blight in the rural portion of the County.

296. The proposed draft requires hotels and motels to be at least 200' from adjacent agricultural areas. This will ensure that compatibility issues between these uses are adequately addressed. This separation reflects the 200' setback which is required generally for uses adjacent to Agriculturally designated areas.

***Small Scale Recreation and Tourism.***

297. This zone implements the Small Scale Recreation and Tourism policies in the Comprehensive Plan. The intent and purpose of this zone is discussed in more detail in the Comprehensive Plan findings section of this motion.

298. The various uses to be permitted within the SRT zone have been reviewed by the Planning Commission, which found them to be consistent with the SRT Comprehensive Plan policies. The permitted uses will allow a spectrum of activities that are consistent with the rural environment and character of Skagit County and provide for economic opportunity for rural residents. The permitted and special uses will allow local residents and tourists to take advantage of Skagit County's significant natural and scenic assets. These uses have been

carefully reviewed to ensure that they are reflective of and support Skagit County's rural character. The Planning Commission does not believe there is good reason to include minimum spacing requirements between SRT uses as, in many cases, these uses may in fact work best if they are located in the same general area. The natural features which these uses tend to be oriented around are also located such that SRT uses may be close to one another.

299. Because only two areas currently have this designation, potential impacts of such uses for other areas can be thoroughly evaluated at the time of Comprehensive Plan amendment and rezone. The maximum 5% lot coverage and limitation of retail and service uses to not more than 3,000 square feet, with not more than 2 establishments per any contiguous zoned SRT district, ensures that these areas maintain an open, green, and outdoors recreational character. The limit on the number of lodging units to 35 will similarly ensure that these uses do not result in a sense of higher intensity within the rural context and do not require urban level of services.

300. The two existing SRT uses, Clark's Skagit River Resort and the Guemes Island Resort, may be appropriate to be considered for other land use designations, particularly Master Planned Resort once that designation is completed. Since these uses could not be considered for the MPR designation with this action, it is appropriate that application fees be waived for these uses for consideration of a Comprehensive Plan amendment to MPR at such time as this designation is completely developed.

***Remote Employee Housing in SRT and OSRSI Zones.***

301. Recreational uses within the SRT and OSRSI zones in remote locations often require on-site employee housing. Employees are often seasonal, and may be college students or others of more limited means that would be unable or unwilling to find housing for a short duration. In more remote areas such as saltwater islands or east of Concrete, housing may be limited or non-existent for the employees, making on-site employee housing necessary for a facility's operations.

***Cottage Scale Industry/Small Scale Business.***

302. This zone implements the CSB policies of the Comprehensive Plan. The intent and purpose of this zone is discussed in more detail in the Comprehensive Plan findings section of this motion.

303. The CSB zone contains a number of provisions to ensure that uses within the zone remains consistent with the purpose of the zone to provide rural employment opportunities for rural residents which have the nature of a small scale business or cottage industry, such as small scale boat manufacturing, construction businesses, and wood and steel fabricators (all of which are existing CSB uses). This zone is not meant to provide for the retail needs of the rural population. It is reflective of the type of dispersed small-scale rural commercial activity making up a vital part of the rural economy.

304. The CSB zone specifically limits commercial uses to the production, repair and servicing of specialized tools and equipment, the provision of services, and small scale production and manufacture of products. It does not allow for retail sales, except for sale of products produced on site, or which are accessory to products produced on site (such as oars, lifejackets, etc. to go with the on-site manufactured dinghy).

305. The CSB zone contains two maximum size limits, size of use and number of employees, to help ensure the scale of these uses remains consistent with the rural area.



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306. The first limits the size of the use to 10,000 square feet. While this is larger than the sizes allowed in the RVC, RC, and RFS zones, this size is important to allow for adequate production and expansion space for fabrication, etc. Fabrication and repair facilities, particularly for larger items, are often space intensive, requiring multi-stage assembly areas and space for storage of finished products and component parts. The allowed uses (essentially manufacturing and service) will ensure that these uses do not generate unacceptable amounts of traffic in the rural area. While 10,000 square feet is a large building, many barns and outbuildings associated with resource production are larger. Buildings of this size will not be out of scale with the rural environment. Few of the existing CSB uses are this large; however, it is critical that these businesses be able to expand up to a point if they are successful without having to relocate out of the zone. Even if not acted upon, this knowledge is important to give small scale business owners one less thing to worry about and also to ensure creditors that the location will be viable for some period of time.

307. The second restriction limits the number of employees to 20 full-time equivalent on-site employees. Most businesses will not have this many employees, but as with square footage, it is important that these businesses be able to expand for the reasons articulated above. Again, the limited number of employees will also ensure that traffic generated from these uses is limited. Many other natural resource industries (not zoned CSB) within the County have more than this number of employees. Therefore, this number of employees is not atypical within the framework of the County's existing character and operations.

308. Neither the 10,000 square-foot allowed building size or 20 allowed employees will trigger the need for urban services. Skagit County allows septic systems that handle up to 3,500 gallons/day.

309. There is no need for a minimum spacing requirement between CSB districts as they are of a size and scale which is minor. Comprehensive policies prohibiting strip commercial and requiring that isolated CSB uses be developed as a single use will ensure that these uses do not overwhelm their surroundings.

***Rural Business ("RB").***

310. This zone implements the RB policies of the Comprehensive Plan. The intent and purpose of this zone is discussed in more detail in the Comprehensive Plan findings section of this motion.

311. The Rural Business zone recognizes existing rural businesses that do not fall into the other rural commercial categories. This zone allows for limited expansion and modification of these uses. This provision is for similar reasons to those discussed above for the CSB zone. Skagit County does not want marginal businesses that have no opportunity to expand or change use. This discourages reinvestment and repair and locks the rural populations into an outside-imposed stagnation. Business owners must have the knowledge that there is opportunity for growth of their business, albeit limited, for them to invest the time and energy to create a thriving business. Ideally, rural character does not mean marginal businesses that barely turn a profit and have inadequate money for reinvestment, but rather vibrant businesses with a good income that can maintain properties in a proper fashion. Again, for business owners to be willing to put this type of investment into property and buildings, they must know that there is some possibility expansion may occur. Similarly, when a specific use is no longer viable, it is important that, within reason, that use be able to change to another use compatible with the rural environment. The change of use will hopefully provide a good or service more in demand by the rural

population, allowing for a healthier business, which in turn provides for better upkeep and repair of the site development and buildings without any potential to change use or expand to some minor decree, could have abandoned buildings. While it is true that some of the RB uses may not be ideally located, they are there and serve a function to the rural population. Vibrant businesses that support the rural population with employment and limited goods and services are part of Skagit County's rural character.

312. To this end the RB zone provides for limited expansion and change of use. All uses, no matter when they were created, may expand by 50 percent of the existing building footprint up to a maximum of 1500 square feet with no discretionary review. Uses created prior to July 1, 1990 (the date of adoption of the Growth Management Act) may expand by up to 50% through a Hearing Examiner Special Use so long as a number of detailed criteria addressing preservation of rural character are met. This distinction is based on the rural amendments to GMA that specifically allow intensification or expansion of uses that exist on this date. In addition, uses may change in a limited fashion (*i.e.,* same use category and same functional characteristics) with an Administrative Decision. Other changes of use to other commercial categories would require a Hearing Examiner Special Use, subject to detailed criteria related to preservation of rural character and minimization of impact. All of these measures will provide for the expansion and change of use needs articulated above while ensuring that rural character issues are addressed with these changes.

***Aesthetic Impact of Rural Commercial/Industrial Businesses.***

313. A public comment was received that businesses in commercial/industrial zones tend to have a lot of unsightly outdoor storage that impacts adjacent properties.

314. This issue has been addressed by Skagit County in the past, including the Board of County Commissioners. The types of rural businesses found in the rural area may have a degree of clutter to them. This is representative of the existing rural character of the County. However, in many situations, especially where a use requires a special use permit, additional screening may be required of the business. In some of the more intensive rural business zones, perimeter landscaping is required adjacent to rural residential zones. The code, as proposed, strikes the appropriate balance between County regulation and property owner discretion relative to the aesthetics of rural businesses.

***Natural Resource Industrial ("NRI").***

315. This zone implements the NRI policies of the Comprehensive Plan. The intent and purpose of this zone is discussed in more detail in the Comprehensive Plan findings section of this motion.

316. The various uses to be permitted within the NRI zone have been reviewed by the Planning Commission, which found them to be consistent with the NRI Comprehensive Plan policies. The permitted uses will allow a spectrum of activities that are consistent with resource industrial activities, providing for employment opportunities for rural residents and economic development activities for the County generally. By locating these activities close to the point of resource production, trucking activities along the I-5 and Highway 20 corridor can also be reduced. The associated trucking volume of the refined material typically is much less than the volume of the raw materials. For example, a wood furniture maker will use a large volume of wood relative to the finished product. Placing a fabricator such as this next to the resource production and trucking the finished product from there results in much less truck traffic than if the raw

materials are carried into the UGA or elsewhere along the I-5 corridor for processing. These uses are by their nature rural in character, as they include activities common in rural parts of Western Washington, such as logging mills, seafood processing, stockyards, agricultural processing, and the like. They have been carefully reviewed to ensure that they are reflective of the type of development the Planning Commission believes to be appropriate to the economy and rural character of rural Skagit County.

317. This zone contains several limitations on size to ensure that the scale of these uses do not become too large and out of scale with the rural environment. The maximum allowed size of a contiguous NRI district is 40 acres unless adjacent to a UGA. This will allow for adequate space for certain activities such as logging yards (the existing Crown Pacific log yard is 57 acres) while protecting the rural area from overly intensive uses. In some cases, several NRI uses may cluster in one location to achieve a contiguous area of 40 acres.

318. The maximum lot coverage allowed (except for greenhouses, which tend to be land intensive) adjacent to UGAs and in designated Rural Villages or Rural Centers is 15%, and in other parts of the rural area, 10%. This is consistent with the existing NRI uses, several of which are actually larger than 15% lot coverage. Special provisions are also required for all NRI uses related to screening and layout to ensure impacts on adjacent rural uses are minimized.

***Rural Marine Industrial ("RMI").***

319. This zone implements the RMI policies of the Comprehensive Plan. The intent and purpose of this zone is discussed in more detail in the Comprehensive Plan findings section of this motion.

320. The general prohibition against extension of urban sewer and urban storm water systems found in GMA, the CWPPs, and policy 4A-15.9 does not mean that shoreline development in non-urban areas is somehow exempt from addressing water quality issues. That will be accomplished through other ordinances in the code dealing specifically with storm and wastewater, including 14.32, the Drainage Ordinance.

321. The permitted uses under the RMI designation and SCC 14.16.170, at the scale and intensity proposed, are not inherently urban uses requiring urban sewer and stormwater systems. For instance, waterborne commerce and shore-water transfer has been limited to "marine related and raw natural resource materials." The various uses to be permitted within the RMI zone have been reviewed by the Planning Commission, which found them to be consistent with the RMI Comprehensive Plan policies.

322. As discussed in the Comprehensive Plan discussion, this zone is specifically focused on providing for industrial activities at the interface of the rural economy and the sea. The allowed uses are very narrowly defined to be related to marine and/or shore/water transfer of natural resource goods. The ample shoreline in Skagit County and the County's marine/fisheries heritage make this an important part of the County's rural character. This zone will provide for additional rural employment opportunity as well. New RMI locations absent a historic facility will not be permitted.

323. As with the NRI zone, the RMI zone contains provisions to limit the size and potential impact of the industrial activity on the surrounding rural landscape. The zone contains a sliding scale lot coverage and impervious surface limitation based on the size of the contiguous zoned RMI area. Smaller areas are allowed relatively more lot coverage than larger areas, to ensure they can be adequately developed to support a viable business. In addition, smaller areas will yield smaller



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structures that will have less impact on rural character. A specific nuance within this zone is the wide range of size of existing rural marine uses – ranging from .37 to 31 acres. A 30-acre RMI area is limited to 150,000 square feet of lot coverage, or roughly 11%, while a one-acre parcel is allowed 10,000 square feet, or more than 23% lot coverage. These lot coverages and the relatively larger impervious surface limits significantly restrict the use of the parcels, ensuring they are lower intensity in nature, while providing for some degree of business activity in the rural area.

***BR-I & BR-HI.***

324. The zoning categories for Bayview Ridge Industrial and Heavy Industrial have been carried forward into this proposal. The findings adopted with Ordinance No. 17568 are hereby incorporated by reference. The Bayview Ridge Subarea Plan is currently underway and these regulations may change based on that planning effort.

***Aviation Zones.***

325. These zones are derived from the existing zones for areas within and adjacent to the Skagit Regional Airport. They are intended to address potential land use and height conflicts with airport operations. The regulations are based in part on the Port of Skagit County's master plan for the airport. The Bayview Ridge Subarea Plan, currently under development, is evaluating potential land use issues. If found to be necessary, further refinement of these zones will occur through that process.

***Rural Intermediate ("RI"), Rural Village Residential("RVR"), and Rural Reserve("RRv").***

326. These zones are proposed to implement their respective Comprehensive Plan policies. The intent and purpose of these zones is discussed in more detail in the Comprehensive Plan findings section of this motion.

327. During Planning Commission consideration of these zones, several comment letters were received regarding the types of uses designated as Administrative Special Uses in the RI, RRv and RVR zoning designations. Some commentators were concerned in particular about the incompatibility of these uses on Guemes and Fidalgo Islands. Commentators also suggested that some of the uses proposed, such as outdoor shooting range and storage of animal carcasses, were inappropriate under any circumstances in these zones.

328. Upon consideration of these issues, staff recommended and the Planning Commission supported their recommendation, that a number of the uses proposed as Administrative Special Uses be instead Hearing Examiner Special Uses. This will ensure that some of the more relatively intense uses that could occur in these zones will receive adequate consideration and a forum for community input. Three additional use categories: outdoor shooting ranges, mortuaries, and storage of animal carcasses, were deleted in their entirety from these zones as inappropriate to the zoning context. The Planning Commission proposes revisions to the zoning designations that reflect rural character and lifestyles, while providing for the types of activities appropriate to and typical of the rural area, such as cemeteries, fish hatcheries, outdoor recreation facilities, outdoor storage of natural materials, and stables and riding clubs. The substantial review provisions of the hearing examiner special use process will ensure that these uses are adequately reviewed for compatibility with surrounding residential uses and the rural context.

329. In addition to these changes, the subarea plan to be performed for areas such as Guemes Island can further address local concerns about specific land uses. The subarea plans can evaluate

whether some uses of concern should be either prohibited entirely within a given area or added as Hearing Examiner Special Uses, with the additional consideration and scrutiny that process provides.

***Residential Zone ("R").***

330. This is a residential zone for single-family urban densities. While generally City regulations are applicable within Urban Growth Areas, per specific individual interlocal agreements, no such agreement exists for the Swinomish Urban Growth Area because this is a non-municipal UGA. In addition, if additional urban residential is proposed as part of the Bayview Ridge Subarea Plan, an urban residential zone will be required there. Therefore the Residential zone from the existing code is being carried forward for use in this area.

***Agricultural.***

331. This zone implements the Ag-NRL policies of the Comprehensive Plan. The intent and purpose of this zone is discussed in more detail in the Comprehensive Plan findings section of this motion. The zoning provisions for this zone general carry forward those currently in the Unified Development Code, with a number of refinements, particularly to the allowable uses and special uses. These refinements are based on staff consideration of current agricultural issues, trends, and public comment. In general, these refinements aim to ensure that the agricultural area of Skagit County remain as vital and protected as possible. In some cases, the allowable uses have been brought up to date with current practices. The revised list of allowable uses are important to the functioning of the agricultural area.

332. The various uses to be permitted within the Ag-NRL zone have been reviewed by the Planning Commission, which found them to be consistent with the Ag-NRL Comprehensive Plan policies.

333. Inspection of agricultural special uses. During Planning Commission review comments were received suggesting that special uses within the Agricultural zone be subject to review upon change in ownership. Such a change in ownership regulation could be implemented only through the conditioning of special uses. In addition, the commentator suggested inspection of special uses in the Agricultural zone every 3 years to ensure the use continues to comply with the terms and conditions of the permit. The Planning Commission believes this level of review and oversight would be extremely difficult and require dedicated staff to oversee, which is not currently budgeted. Currently, if a violation is reported, it will go to enforcement for review. In addition, the special use permit sunset requirement will help ensure that unbuilt special uses do not suddenly appear long after approval which may no longer be appropriate given the issues of the time. The Planning Commission recommended no change to these provisions.

334. Removal of Non-soil Dependent, Non-agricultural Uses from the Agricultural Zone. Comments were received during Planning Commission review concerning the allowance of several non-agricultural, non soil-based uses that were proposed to be allowed within the Agricultural zone. These commentators stressed the importance of allowing only uses related to agriculture in this zone, to preserve the soil resource. The Planning Commission supports this concern. There are a number of agriculture-related uses in the Fall Package that are not purely agricultural and that have other potential zones they could be located in. These include animal clinics, kennels, and retriever/field dog trial facilities. While it is true that these uses support the agricultural activities, the nature of the layout and zoning within Skagit County is such that there is generally some type of non-agricultural zoning within 3 or 4 miles of any given agricultural area where the



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uses of concern could be located. For example, the Rural Reserve and Rural Intermediate zones allow animal clinics, retriever/field dog training facilities, and kennels as hearing examiner special uses. Large acreages of this zone are available in Bayview Ridge, Bow Hill, Samish Valley, and east County. The Planning Commission believes these uses could easily be located in these areas and still provide maximum access to the agricultural area. There is no compelling reason why these activities would need to be located on prime agricultural soils when other reasonable cost alternatives are available nearby.

335. Limitation of Size of Buildings in Agricultural Zone. The Planning Commission received comments that the requirement for an administrative special use for lot coverage greater than 50,000 square feet be deleted, given that numerous farm parcels have greater lot coverage than this. The goal of this provision was to minimize non-soil dependent, non-agriculturally related construction within the Agricultural area. Given the revisions to the code proposed based on the above comment, which removes several non-agricultural uses, the fact that drainage standards will need to be met for certain thresholds of impervious surface, and given that concentrated animal feeding operations (which can be extremely large) require a hearing examiner special use, this deletion is appropriate, which must address impacts, if any, to long-term agriculture production.

336. Soil-dependent Greenhouses. The Planning Commission received comments about the restriction on greenhouses in the Agricultural zone. The comments stated that far less than 1% of all Agricultural zoned land in the County is used for greenhouses, and that concerns about greenhouses covering the agricultural area are not significant issues. Revisions to the Fall draft language were suggested that would allow outright all greenhouses relating to a soil-based farming operation, and require all other greenhouses to undergo an administrative special use. In the latter case, the land would be required to be restored to its former state should greenhouse operation cease.

337. The Planning Commission supported the revised language to strike the proper balance between preserving prime agricultural soils and recognizing that agricultural activities are changing with improvements in technology. Greenhouses are becoming a more prevalent use in order to provide an early start on crop growing and to provide year-round produce. Given the importance of this resource to the economy of the County, it is critical that the Code reflect current technology and standard agricultural practice, not as agriculture occurred in the past. Agriculture is a dynamic sector of the Skagit County economy that must be supported with relevant policies and regulations to protect the natural resource base. The requirement that non-soil based greenhouses restore the land to its former state or otherwise place the land in agricultural production will ensure that prime agricultural soils continue to be preserved.

338. Requirement that all Residences be Located within 200 feet of Public Roads in the Agricultural Zone. Public comments were made that the possible removal of the 200-foot maximum setback provision from the existing code, as suggested in the Fall draft, creates significant impacts to farmland, with possible conflicts of use and impacts of long driveways covering prime agricultural soil. In addition, concerns were raised about the possibility of additional structures and houses being built along long driveways. Exceptions to the 200-foot setback requirement for land out of the floodplain and critical areas are provided. The Planning Commission supports continuation of the 200-foot maximum setback as an important provision to maintain viable agricultural areas and protect them from residential intrusions. The setback should be retained,

with exceptions where the physical layout of the site are such that the setback is inappropriate or cannot be met.

***Industrial Forest (IF).***

339. This zone implements the IF-NRL policies of the Comprehensive Plan. The intent and purpose of this zone is discussed in more detail in the Comprehensive Plan findings section of this motion. The zoning provisions for this zone generally carry forward those currently in the Unified Development Code, with a number of refinements, particularly to the allowable uses and special uses. These refinements are based on staff consideration of various forestry issues and public comment. These uses are compatible with the essential function of the Industrial Forest area for forest production.

340. The requirement of an NRI designation for permanent operation of certain forest industry activities is intended to distinguish activities that are integrally related to the practice of forestry and timber harvesting (such as log scaling stations, log dumps, and log sorting areas, and should therefore remain an ongoing permitted use on forestry-designated lands) from those that are primarily natural resource-related industrial uses (such as sawmills, chippers, and shake and shingle mills). The latter industrial uses carried out on a permanent basis should require the additional scrutiny of a Comprehensive Plan designation because of their potential for greater impacts on natural resource lands and the rural environment. There are provisions for smaller-scale, family-based forestry businesses on IF-NRL, SF-NRL, and RRc-NRL that could involve sawmills and other small scale industrial activities (see SCC 14.16.410(5)(d), SCC 14.16.420(4)(d), and SCC 14.16.430(4)(f). These "forestry based businesses" would require a Hearing Examiner Special Use Permit, but not a Comprehensive Plan amendment.

341. As further discussed in the forest land findings, above, the Planning Commission finds that residential single-family dwellings are an appropriate use within the Industrial Forest zone, but only if fire protection is adequately addressed. Fire suppression is an important issue within the Industrial Forest. However, adequate fire access may often be met on a private as opposed to public road. The fire prevention criteria in the code, together with the fire service response requirements adequately address potential fire impacts to and from such residential development.

***Secondary Forest ("SF").***

342. This zone implements the SF-NRL policies of the Comprehensive Plan. The intent and purpose of this zone is discussed in more detail in the Comprehensive Plan findings section of this motion.

***Rural Resource ("RR").***

343. This zone implements the RRc-NRL policies of the Comprehensive Plan. The intent and purpose of this zone is discussed in more detail in the Comprehensive Plan findings section of this motion.

344. The Rural Resource zone includes uses reflective of the purposes of the zone. Several of them are supportive of resource-oriented uses, such as animal clinics, concentrated animal feeding operations, and localized rock and gravel extraction for use on site. The uses allowed in the zone are representative of Skagit County's rural character.

*Mineral ("MRO").*

345. See discussion of MRO in Comprehension Plan section of these findings. The mining permit requirements in SCC 14.16.440 were originally adopted by the Board of County Commissioners in Ordinance No. 17313 (February 9, 1999). These provisions have been revised slightly to allow the Hearing Examiner to address circumstances where existing mining operations are less than 1/4 mile from existing RI residential development.

***Public Open Space of Regional /Statewide Importance.***

346. The Public Open Space of Regional/Statewide Importance zone implements the public open space policies of the Comprehensive Plan. Skagit County contains significant large open space recreation areas, including the North Cascades National Park, the Glacier Peak Wilderness area, and numerous State parks. This zone will allow these areas to be addressed according to their unique use characteristics and needs, rather than being regulated under another zone which is not applicable to the recreational use (such as a resource zone).

***Public Utilities and Uses.***

347. A public comment was received that allowing public uses everywhere by special use is not planning, and that at a minimum, public uses should be shown on the Comprehensive Plan map by circles. Major and minor public utilities and facilities are allowed in nearly every zone, with varying levels of review. Most require a special use permit. The Planning Commission does not believe this is an issue of concern.

348. The County has traditionally allowed these uses throughout the County. The fundamental reason for this is that service and operational issues typically demand that public facilities (such as a fire station) or utilities (such as a substation) be located in a particular area. A fire district may need a station at a particular crossroads, and a utility may need a substation at the crossing of utility corridors. Limiting the number of zones in which these types of uses can occur may seriously impair the ability of government agencies to provide required public services, potentially preventing their meeting level of service goals. In some cases, a given utility or government service district may contain only rural or resource zoned areas, without a City or rural business area in which to locate a needed facility. There are so many variables affecting the required locations for various public utilities and facilities that adding a severe location-zoning constraint may cripple the County's ability to provide adequate public facilities. The Planning Commission is not convinced that limiting the number of zones in which these uses can occur will improve rural character or protect rural residences from intrusive uses. The current UDC allows for public uses through the public use zone. Currently, if a public use is desired, a rezone to the public use zone is made. Typically, these rezones are granted where public uses are needed and are conditioned as part of the approval. The end result is not significantly different than through the newly proposed process of utilizing the special use process.

349. As stated above, the existing code allows these uses in all zones with a special use permit, meaning that these uses currently exist throughout the County and are a part of its existing rural character. Fire stations, substations, schools, and water treatment facilities are part of the everyday rural environment. The Planning Commission acknowledges that the special use process will provide the opportunity to place conditions on these uses to ensure they are compatible with adjacent residences. In the case of more substantial public uses, these uses will be reviewed through the unclassified use permit process in SCC 14.16.600, following the same

process as a Comprehensive Plan amendment. This will ensure these more intensive uses are subject to more thorough scrutiny and review.

***Unclassified Uses.***

350. A new land use permit category, unclassified uses, is being created through this action. This category addresses more intensive uses that are the special use review process, which is inadequate to cover. There is an identifiable need for this sort of process. Based on GMA, counties must now plan for "essential public facilities." While some of these facilities are not particularly intensive in nature (such as group homes), and will be regulated through the special use process; others are very large and intense (such as a regional landfill, college, or a correctional facility). In addition to the more intense essential public facilities, there are other types of uses (such as regional race tracks or stadiums), which may be appropriate in a certain context, but only if certain criteria and issues are addressed. These types of uses have the potential for quite significant impacts, and in many cases, may not be appropriate in a given location or even within Skagit County. Because of this, a more thorough review process is needed to address these issues with stringent criteria and more extensive public input.

351. A number of the listed unclassified uses are currently allowed as special uses within the existing code, including correctional facilities, power generation facilities, solid waste disposal sites, and race tracks. These uses will now have to be considered based on the more thorough process required for unclassified uses.

352. The approval criteria are quite extensive and will ensure these major uses are evaluated in the most thorough fashion. For example: compatibility, health, safety and welfare, traffic, facilities and services must be addressed; in addition, there must be no better feasible alternative site; and for state-owned facilities, there must be a demonstrable need for the facility. These criteria and others will ensure that the facilities are fully reviewed for their possible impacts on the rural environment and whether they are, in fact, appropriate to the rural area. In addition, facilities within Natural Resource Lands will have to meet the criteria requiring that impacts on Natural Resource Lands are minimized. The requirement that these uses be reviewed pursuant to a Comprehensive Plan amendment review process will ensure that the public is fully involved and that the review process is open to complete review by all applicable parties.

***ADUs.***

353. Accessory dwelling units contain several provisions to help ensure this use does not result in an abuse to the intent of the Comprehensive Plan. First, owner occupation of either the principal unit or accessory dwelling unit by the owner of the property or an immediate family member is required. Second, segregation of the accessory dwelling unit from the principal unit is prohibited, unless allowed by the zoning. Third, the accessory dwelling unit shall not exceed 50% of the total square footage of the principal dwelling and in no instance shall it be larger than 900 square feet.

***Personal Wireless Services Facilities.***

354. Initially adopted as an interim ordinance in 1998 after a consultant and a citizen's advisory committee assisted staff with the first draft. It was Skagit County's response to the 1996 Federal Telecommunication Act that allowed local government to regulate the placement, construction, and modification of personal wireless service facilities provided there was no unreasonable

discrimination. The Planning Commission mostly approved the original interim ordinance language with non-substantive changes for purposes of clarification.

***Home Based Businesses.***

355. A public comment was received recommending that the County remove retail sales and signs from allowed options for special use permit home occupations. Noting that most rural businesses have less than 3 employees, it was suggested in the comment that the County is allowing a level of commercial development through a special use permit that otherwise requires a Comprehensive Plan commercial designation.

356. The Planning Commission recognizes that Home Based Business provisions as amended will provide for incidental employment within the rural area compatible with rural residential character, without creating the appearance or impacts of what might be considered a typical commercial operation. The criteria for a Home Based Business will limit business operations such that an inappropriate level of development will not occur.

357. The limitations proposed as part of the Home Based Business criteria will ensure that these uses fit in with the rural residential fabric. The criteria will also ensure that the Home Based Business provisions are not used simply as an alternative mechanism for more typical, dedicated commercial activities. No signage is allowed in a Home Based Business I, and a Home Based Business II is only allowed to post one non-illuminated sign not to exceed 4 square feet. Home Based Business II's are also limited to an amount of parking which is normal to a residential area. Perhaps most importantly, Home Based Businesses are to be clearly incidental and secondary to the use of the property for a dwelling, and are to have no outside storage or other exterior indication of the home occupation or variation from the residential character of the property. These limitations will ensure that the property will not be used for a typical retail use (such as a store). In the case of a Home Based Business II, a Hearing Examiner special use will be required providing for public input on the proposed use.

358. These limitations are the same as those currently adopted for home occupations within the County. Staff has found that the criteria are workable and have not resulted in the typical obvious commercial operations that may be of concern.

359. The Planning Commission does not believe retail sales should be prohibited from Home Based Businesses. In staff's experience, some amount of retail sales (such as Avon, or direct sales of art or other items made by the business) currently occurs with these uses. In addition, direct internet sales may also be occurring which do not bring in traffic other than deliveries. This type of retail activity is important to the viability of many home businesses, and does not impact surrounding areas, due to its minimal scale.

360. The Skagit County Comprehensive Plan also supports the allowance of Home Based Business in the rural areas. Chapter 12 of the Skagit County Comprehensive Plan adopted June 1, 1997 entitled the "Economic Development Element", outlines a section titled "Employment". Goal A of this chapter states: "Create and maintain diverse employment opportunities that meet the changing income needs of Skagit County residents."

361. Also under this Chapter, "Objective #1" states:

A-1: Facilitate the creation and retention of family wage jobs to meet the needs and demands of Skagit County Households.

A-2: Encourage diverse job options and entrepreneurial opportunities for persons interested in full-time and part-time employment or desiring to own their own business.

A-3: Encourage educational opportunities for residents of all ages to develop and upgrade skills required for employment, advancement and entrepreneurship.

362. Policy 1.3 of Chapter 12 states:

> Home occupations that are consistent with the character of adjoining properties and neighborhoods will be accommodated.

363. The Rural Element, Chapter 6, of the Comprehensive Plan states that the rural landscape is characterized as areas with open space; natural vegetation; and is comprised of a variety of rural densities; farms, forest, mining and aquatic resource areas; small unincorporated rural communities; small, isolated rural commercial and industrial development; and regionally important recreation areas. Home Based Businesses are a small, but important part of that rural fabric.

364. Home Based Businesses are required to relocate to an appropriate commercial designation if they outgrow the Home Based Business parameters.

***Setbacks.***

365. To ensure the protection of natural resource lands within Skagit County, a 200-foot setback of all structures from any NRL designated lands is required. Exceptions may be made for substandard lots, or if the owner records a no-protest acknowledgement of the resource use. This setback is currently in the Code and has been found to be an effective means to protecting agricultural lands.

***Signs.***

366. Significant new sign regulations have been added to the code. The existing regulations are quite minimal and do not address various issues of concern related to signs. Sign regulations are needed to protect rural character and aesthetics. Such sign regulations are appropriate given the new rural commercial zones, which addresses issues like the scale of uses to ensure they fit the rural context. The sign regulations will similarly ensure that the scale, quantities, and designs of rural signage are appropriate to the rural area. The Planning Commission finds that, in general, the signs allowed by these provisions are consistent with the existing rural character of the County. For example, signs painted directly on buildings such as barns are a part of Skagit County's rural heritage. Similarly, freeway-oriented signage currently exists at Skagit County rural freeway interchanges.

***Landscaping.***

367. New rural landscaping has been introduced. These regulations have been crafted to provide appropriate rural (vs. urban) type landscaping in the rural setting. The standards will help rural commercial uses to fit into the rural context, as well as buffering these more intense uses from other less intense uses such as housing while, at the same time, acknowledging the need to change existing code requirements that were originally adopted to address more intensive, urban-scale uses.



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***General Provisions.***

368. To implement the Comprehensive Plan regulations regarding prohibition of urban services into the rural area, provisions have been included in the Zoning Code prohibiting extension of sewer service into the rural area except in those limited circumstances shown to be necessary to protect basic health, safety and the environment, and when such services are financially supportable on rural densities and do not permit urban densities. This provision will ensure the preservation of rural character and densities.

***Development of Lots of Record.***

369. Significant changes have been made to the standards that determine whether a substandard (smaller than the minimum lot size for a lot within the present zoning district) lot of record can be developed. History of ownership requirements have been removed and replaced with objective performance based criteria that focus on health and safety considerations. Aggregation of substandard lots is no longer required. There is no longer a need for the term "Lot of record, legal." The changes, which for the first time include minimum lot sizes requirements, should reduce the total number of potential buildable lots. The present law (enacted in 1966) has been difficult to administer and enforce. Aggregation violations are discovered at the time a development application is submitted and lot certification requested. At that time, the law restricting development of illegally divided lots is virtually unenforceable. This is partly because of "due process" considerations as well as the impact of RCW 57.18.210, enacted by the State in 1969. That RCW contains an "Innocent Purchaser" exception (see Finding #382) to the general prohibition denying development permits on lots divided in violation of State and Local law. The 1997 Comprehensive Plan and Development Regulations eliminated "aggregation" for legal lots of record acquired after June 1, 1997. These changes even the playing field for properties acquired before that date. Lots of record would still need to meet minimum size requirements based on the health and safety requirements found in the On-site Sewage and Concurrency regulations before development could proceed.

370. The Planning Commission finds that the revised proposal for allowing development on substandard lots of record will not result in an increase in the amount of development than would have been otherwise allowed under the previous lot certification process. The currently proposed process allows development on formerly platted lots, even if those lots do not meet the dimensional requirements of the current zoning, as long as Health Department septic dimensional requirements are met. Formerly, substandard lots were required to be "certified," meaning it had to meet one of several criteria that demonstrated that it either was legally platted or at least segregated in compliance with the zoning requirements in effect at the time of the lot's creation. In practice, the Planning and Permit Center has found that there are almost no cases where a lot was not certified. The lot certification process is a time intensive and costly process which provides practically no benefit since it is very rare (perhaps once a year) that a non-certifiable lot is found. Experience has shown that changing to a process which essentially assumes the certifiability of each lot will not result in an increase in the number of formerly platted substandard lots available for development.

371. The revised lot of record provisions are supported by CWPP 6.2.

***Non-conforming Use.***

372. In accordance with the Comprehensive Plan policies that encourage the retention of existing businesses, promote the protection of property rights from arbitrary actions and in accordance with the goals, objectives and policies of the Pre-Existing Non-Conforming Uses and Development Approvals section, pre-existing non-conforming uses and structures are allowed to continue, subject to County regulations and general municipal powers regarding health and safety. In order to ensure that non-conforming uses or structures are not altered or made more non-conforming, and to promote transition to a conforming use or structure after abandonment, the zoning regulations have been revised to clarify the status and allowances for continuance of non-conforming uses. Specifically, the non-conforming use provisions have been updated to more clearly define abandonment, outline the process for conformance after abandonment and establish new processes for making determinations of abandonment.

***Rezone and Special Use Requirements.***

373. Occasionally, special use permits and rezones are not acted upon after approval. This has resulted over time in a number of special use and rezone approvals throughout the County that exist on paper and not on the ground. This creates unpredictability for surrounding property owners, and also means that uses can be built long after their approval with conditions no longer responding to the surrounding physical environment or complying with current regulations. It also makes for difficulty in tracking unbuilt, but potentially non-conforming uses. This proposal includes provisions to address the sunsetting of unactualized special uses and rezones, taking into account phasing, partial completion, and required permit filing timeframes.

374. The Planning Commission has reviewed the special use permit process, particularly the approval criteria, and finds they will provide for adequate review and regulation of any proposed special uses. Special uses are to comply with the Comprehensive Plan, not to create undue impacts on surrounding properties; are to be supported by adequate facilities and services; and for special uses in natural resource designated zones, are to minimize impacts on long-term natural resource management and production. Administrative special uses are appealable to a hearing examiner and ultimately to the Board of County Commissioners. Hearing Examiner special uses are heard initially by the Hearing Examiner with possible appeal to the Board of County Commissioners. In both cases, public notice is provided in newspapers and to neighboring residents. The Planning Commission finds that this process will ensure that the myriad of uses that may be considered through the special use process will be adequately addressed and considered and any potential impacts taken into account.

***Bed and Breakfasts ("B&Bs").***

375. During Planning Commission review, a commentator recommended extending the notice to adjoining landowners' requirements on this Special Use provision from 300 feet to 400 feet so areas with larger lots can be notified. Also, the respondent recommended that B&Bs be both owner-occupied and managed. The current definition of "owner occupancy" would allow the owner to run the B&B as a commercial enterprise even though they may not reside there for 6 months of the year. It was suggested that the occupancy requirement also be increased from 6 to 9 months for these special operations. Also, it was suggested that these applications be determined by the Hearing Examiner, as opposed to being processed as an Administrative Special Use.

376. The Planning Commission determined that a special notification radius for Bed and Breakfasts does not make sense, given that they are no more intensive than a variety of other uses allowed



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as special uses which have a 300-foot notification requirement, which the Planning Commission believes to be adequate to provide notice to surrounding residents. The Planning Commission does agree that refining the description to include "owner occupied and managed" would serve to preserve the intended use of a home as a main residence and less of a commercial business. Given that this use may be located in rural residential zones, this requirement is appropriate. The Planning Commission also agrees that changing the definition of "Owner Occupancy" to require residence for more than 9 months of the year would promote the use of B&Bs as incidental to normal residential occupancy. The Planning Commission does not recommend that these uses be categorized under the Hearing Examiner Special Use category, since the B&Bs are limited in scope to 5 bedrooms, and the integrity of the home as a residential use is guided by these regulations. Bed and Breakfasts are similar in intensity to other listed Administrative Special Uses in the rural residential zones, such as specialized recreation facilities or minor utility developments.

## Chapter 14.18 - Land Divisions

377. The Planning Commission finds that the proposed land division regulations will implement the Comprehensive Plan policies as they relate to the division of land and implement RCW 58.17.

***80-acre blanket exemption.***

378. The subdivision statute, RCW 58.17, allows the County to exempt creation of certain minimum size parcels from subdivision requirements. The Planning Commission recommends a blanket provision to allow divisions of 80 acres and greater through assessor's segregation. The Planning Commission believes it is unnecessary for the County to be involved in the review of tracts of this size and larger. Eighty acres is the largest minimum lot size in a County zone (Industrial Forest). The Planning Commission finds that potential impacts from 80-acre parcels are minimal and otherwise adequately addressed by the County's Critical Areas Ordinance, Drainage Ordinance, and/or Concurrency Ordinance.

***Inclusion of roads in lot acreage.***

379. For the purpose of determining whether a proposed lot within a land division meets the minimum lot size of the zone, the area of adjacent and internal streets (to the right of way centerline) may be included. This is a practice used in other counties. The Planning Commission believes this is a fair approach given that many lots being segregated through the land division process are fractions of sections, and maybe have exact round acreage such that if the road right-of-way could not be counted, the lots in the land division would not quite meet the minimum lot size requirements. For example, a 40-acre parcel (originally segregated as a 16th of a section) zoned Rural Reserve (10-acre minimum lots) might require a short access road to serve the lots. Assume the right-of-way for this road is 10,000 square feet. If the right-of-way could not be included in the lot area, only 3 lots could be platted, since with 4 lots, the resulting lot sizes would be around 9.9 acres. This situation would happen quite frequently, and the Planning Commission believes the intention of the Comprehensive Plan in situations such as these is for 4 lots to be platted, rather than 3 (if 3 were platted, the resulting average lot size would be 13.3 acres).



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***Land Division Exemptions by Testamentary Provisions.***

380. A public comment was received that it makes no sense to exempt divisions by testamentary provisions, or the laws of descent, since useless lots may be created.

381. Testamentary exemptions are authorized by RCW 58.17.040 (3). The Planning Commission notes that the proposed development regulations exempt these types of divisions "...provided that newly created parcels are subject to all zoning and building code regulations in effect at the time of the application." The code does not allow substandard lots created by testamentary provisions to have a development right.

***Discretion of Road Engineer and Site Circulation Issues.***

382. A public comment was received related to the discretion of the road engineer in determining off site improvements. This subsection states that the "Approving Authority shall require off-site improvements to public or corporate streets needed to provide access from the subdivision to a road acceptable to the road engineer." The comment indicates that this section gives too much discretion to the road engineer and is too vague. It also notes that the requirements for off-site improvements must have a rational nexus and have defined standards for when they are applied.

383. The Planning Commission agrees that the requirements for off-site improvements must have a rational nexus. However, as drafted, off-site improvements may (or may not be) recommended on a project-specific basis, based on the Road Standards, and guided by the impacts of the development, traffic studies and other pertinent information provided in the application. The nexus can be evaluated on a project-by-project basis. Provision of adequate access is a critical public need to allow for the future mobility within and cohesion of the rural area.

***Safe Walking Provisions for Schoolchildren.***

384. This is an important need in Skagit County and is also articulated as an issue to be addressed through subdivision review in RCW 58.17. The code contains provisions to address safe walking conditions for school children where schools are located within a quarter mile of a long division and walkways are deemed to be necessary.

***Provisions for Park Facilities.***

385. Comments were received that the requirement for parkland and/or open space with land divisions was inappropriate and onerous. The Planning Commission believes making adequate provisions for parks and open space is an important Skagit County value, which will implement the County's Comprehensive Park and Recreation Plan. The SC CPRP outlines recommended levels of service and park standards. These standards can be used to guide the provision of parkland and facilities. The Land Division Chapter simply implements these standards. In addition, the regulations allow the developer to provide a fee-in-lieu of park facilities on site to be paid to the Parks Department. This will ensure that adequate park facilities are provided with development.

***Fire Districts.***

386. The draft Code requires that land divisions be located within a fire district, unless the land is to be segregated for transfer purposes only, without a development right. This will assure that new lots that are created have adequate fire protection if it is anticipated that they will be developed with homes.



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***State Access Permit Requirement.***

387. If necessary, state access permits are required from the Department of Transportation as part of the land division approval process. The application for such access permits must be filed with the land division application. As these access permits often take many months to receive approval, actual approval of the access permit need not occur until start of on-site improvements or final plat, whichever is sooner.

***Innocent Purchaser.***

388. This is a new definition and a new provision in the zoning code. This term and concept have become increasingly important since case law has consistently required local municipalities to acknowledge innocent purchasers and issue development permits to innocent purchasers of lots which were created in violation of state and local subdivision laws. This addition to code would help determine who qualifies as an innocent purchaser and establishes minimum development requirements for substandard lots.

***Preventing Illegal Subdivisions.***

389. The Planning Commission finds that Chapter 14.44 will be adequate to prevent the illegal subdivision of land within Skagit County. It is the intent of the Planning and Permit Center to pursue illegal subdividers with greater vigor through an administrative process involving work with the County Assessor and Treasurer. The Review of Sales process prepared for codification is unnecessary given the provisions of 14.44.

***Short Subdivisions.***

390. A maximum of 8 lots may be created by short subdivision from 2 or more contiguous parcels with any common ownership interest over the course of 5 years. This will ensure that major subdivision actions are reviewed under the heightened scrutiny and requirements of a long subdivision.

***CaRDs.***

391. Development code provisions to implement the Conservation and Reserve Development ("CaRD") are forwarded as part of this package.

392. The Fall CaRD proposal included a number of provisions which the Planning Commission finds were not reflective of the original CARD concept (as outlined in the Comprehensive Plan) and in particular were not reflective of the elements which the Planning Commission deems to be part of existing rural character. For example, the prohibition on lots on ridgelines would have eliminated view lots throughout the County. This would have resulted in significant economic impact to these property owners, but more importantly, the Planning Commission does not find existing view lots within the County to violate any sense of rural character. In many cases placing lots on ridgelines may be an excellent location for development relative to building on a slope or building close to a wetland at the base of the slope. The Fall proposal also did not differentiate between short and long CARDs, and the Planning Commission finds that there are a number of important reasons to differentiate between these two processes.

393. Short CARDs are typically done by local property owners who live on the land and are trying to generate additional income. They need an easy process which is understandable, or they won't use the process, but rather do a regular short subdivision. In a standard short subdivision, the



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result will be the possibility of development covering the entire lot, rather than a limited 1-acre area. As a result, no open space will result.

394. In addition to providing an straightforward regulatory process, there are a number of reasons for the short CaRD standards proposed by the Planning Commission, as follows.

    a. The existing rural character of Skagit County is a dispersed lot pattern, which is allowed by the short CaRD provisions. Clustering is needed only for larger numbers of lots where it is necessary to minimize the impacts of large groups of lots on the rural and resource areas.

    b. Additional design requirements are not necessary in short CaRD's because of the limited number of lots involved. Four or less lots will not create impacts on rural character which necessitate further regulation.

    c. The required 200' setback from NRL in 14.16 will adequately protect NRL lands from housing developed in the short CaRD's.

    d. The Short plat process is intended by the RCW's as an easier process with less restrictions. The process for Short CaRD's should be similarly more basic.

    e. Independent of any regulatory requirements, the cost to construct infrastructure for the residential units will likely result in cluster development, or the location of the units such that the amount of roads, utilities, etc, are minimized, unless the physical constraints of the site justify a more internal or separated location. For this reason, it is unlikely that driveways and infrastructure will be located throughout the CaRD.

    f. The standards allow flexibility for locating building pads based on site specific constraints.

    g. Requiring the lots to be located along the road is not in keeping with the rural character of Skagit County (as proposed in the Spring BOCC version).

395. CaRD density bonuses are proposed based on the applicable Comprehensive Plan policies.

396. CaRDs are proposed to be applicable to portions of land divisions. This is appropriate so long as applicable densities are located in the respective portions of the plat. This will enable the property owner additional flexibility on the development of the site.

397. No density bonus is allowed in a sole source aquifer or in low flow stream, based on the requirements of the Critical Areas Ordinance.

398. As part of its deliberations, the Planning Commission has also considered provisions for long CaRD's. Progress has been made on refining appropriate provisions, but at this time the Planning Commission is not ready to make a recommendation for long CaRD regulations. The Planning Commission desires to have the BOCC refer the long CaRD back to the Planning Commission for immediate reconsideration.

399. Provisions are included within the chapter stating that a maximum of 8 lots may be created from 2 or more contiguous parcels with any common ownership interest, and that 5 years must pass before another contiguous short plat in common ownership interest may be approved. These provisions ensure that the long plat process is not circumvented by a number of short plats being processed contiguous to one another. In addition, this provision will also ensure that the short CaRD process is not used for numerous contiguous CaRD's where it would be more appropriate



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for review to occur under what is anticipated will be more stringent long CaRD provisions. This is particularly important given the nature of the existing lot pattern in Skagit County, combined with the potential densities available through the zoning, which result in most land divisions being able to be accomplished through short divisions.

***Final Land Division.***

400. The final land division process established in this proposed code will implement RCW 58.17 and will enable the creation of legal lots within Skagit County.

401. Provision is made in this proposal to allow a single residential building permit to be approved prior to final subdivision so long as the building location conforms to the preliminary subdivision plan. This recognizes the existing building right of the overall parcel and allows smaller developers to begin generating income to assist in financing the overall construction of the subdivision.

402. Comments were received that better coordination of final plats with special districts (such as water and fire) is needed to ensure that final construction and engineering details have been adequately addressed. Additional language has been inserted into the draft to address this issue.

***Binding Site Plan.***

403. The binding site plan provisions of this code enable binding site plans for either commercial site plans (possibly within the rural commercial and industrial zones) or for condominiumized residential (possible as co-housing). These provisions are authorized by the State RCW's.

***Approval Process for Boundary Line Adjustments("BLA").***

404. A number of public comments were received regarding the Boundary Line Adjustment process, found in 14.18.800. In general they address different but somewhat related issues concerning the approval process. A commentator raised the issue that requiring BLAs to be surveyed could be onerous and costly. A commentator questioned what review by the Board of Health regulations would entail. A commentator stated that portions of the Fall draft language were too subjective and vague. A commentator suggested that boundary line adjustments be allowed to be used for resolution of boundary line disputes, even if it involves substandard size lots.

405. Staff has reviewed the RCW and determined there is no explicit requirement for BLAs to be surveyed. While many jurisdictions require BLAs to be surveyed, this requirement is not universal. In the case of Skagit County, large parcel size means the surveys would tend to be quite expensive, particularly in areas with minimal past survey work. On the other hand, requiring BLAs to be surveyed ensures all involved are certain of the lot adjustment taking place. However, the involved property owners could do this if they felt it appropriate. On balance, the Planning Commission believes requiring BLAs to be surveyed is unnecessary given the expense involved. It would, however, be appropriate for the legal descriptions describing the BLA to be certified by a licensed surveyor or title company.

406. Board of Health requirements refer to septic and wellhead protection requirements. A boundary line adjustment would have to ensure these requirements could still be met if a lot was reconfigured. For example, a lot could not be reduced below the size necessary to meet septic area requirements. Further clarification of this is appropriate.

407. The Planning Commission agrees that portions of the Fall draft were subjective, redundant, and overly restrictive in allowing the flexible reconfiguration of lots.

408. BLAs may be used to modify already substandard lots, but may not be used if a substandard lot would be created.

***The Planned Unit Development.***

409. The provisions of the existing code are outdated and do not address current issues adequately. Planned Unit Developments would only be permitted within urban areas. Given that the only urban residential area subject to County regulations currently is the Swinomish Reservation, the Planning Commission determined that updated Planned Unit Development provisions would not likely be used frequently and not worth the time and effort in revising. Therefore, these provisions were not carried forward. If additional urban residential development is proposed in the Bayview Ridge UGA and if a PUD development is appropriate at that location, new PUD provisions can be developed at that time.

## Chapter 14.22 Records of Survey

410. This Chapter is substantially the same as that previously codified at 14.20.

411. No public comment was received on records of surveys. Only minor, non-substantive changes were made.

## Chapter 14.24 Critical Areas

412. Protected Critical Area (PCA) boundaries shall be marked in the field by a qualified expert, and must be accurate to within +/- 5 foot. Once marked, the boundary shall be mapped and recorded. A binding management agreement shall be recorded as well. The irregular shape and dynamic nature of PCA boundaries makes surveying of the boundary lines expensive while providing no better accuracy. The requirement to survey the boundary of a PCA is no longer necessary. PCA's are still recorded on Plat maps, and permanent field marking is still required.

413. Language has been added to allow the Administrative official to consider waiving the site assessment requirements of the CAO upon receiving a written request from the applicant and the submission of a Conservation District approved Farm Management Plan. The waiver of the critical areas site assessment remains subject to review by the Technical Advisory Team. Farm Management Plans assess agricultural impacts to water quality and vegetation resources and provide guidance to rural farm owners to avoid such impacts. In developing a Farm Management Plan, the Conservation District is required to be consistent with applicable local and state laws. Future Farm Management Plans will be required to adhere to ESA guidelines as well. Separate crucial areas assessment after adoption of a farm management plan that meets ESA requirements would be unnecessarily duplicative.

414. Sections 14.24.085(5)a. and 14.24.140(6) were combined to provide clarity and consistency when requiring financial assurance (*i.e.,* bonding) for completion of critical area mitigation projects. Language regarding bonding was changed to read "Financial Assurance" to allow for a wider variety of surety performance instruments. A threshold level for requiring mitigation is proposed at $4,000. The threshold is designed to set a firm point at which financial guarantees for completion of mitigation for a project is required. The threshold also provides relief to smaller, less critical projects. Duration of the financial assurance is project and mitigation-type

specific, and provides for seasonal considerations. Based on the original mitigation plan, the Administrative Official will determine when the mitigation plan is complete.

415. A provision was made allowing an applicant to limit a site assessment to 200 feet surrounding a proposed development rather than delineating the entire parcel, if the remainder of the parcel is placed into a Protected Area Open Space (PAOS) designation. Any proposed activity or development within the PAOS would trigger a site assessment subject to the provisions of the chapter. This limitation is consistent with the overall intent of site assessment requirements to only trigger detailed study if the proposal is likely to impact the crucial area. The geohazards section still has the potential to extend this distance, where appropriate, based on potential impacts to the geohazard area.

416. Category IV wetlands typically function in a storm water retention capacity within the natural environment. The use of Category IV wetlands in the design of storm water retention is consistent with the guidelines contained in the Washington Department of Ecology Puget Sound Wetlands and Storm Water Management Research Program, Chapter 14 Wetlands and Storm Water Management Guidelines. The Administrative Official shall confirm that the wetland site assessment will not adversely affect the wetland or any other associated critical areas or their functions.

417. New section, SCC 14.24.530 (3)(c), has been added to provide criteria for limited park and recreational access to a fish and wildlife habitat area or its required buffer, provided the access is designed to minimize impacts and provide appropriate mitigation. These criteria support reasonable uses in the buffer. All development proposals including private resorts and parks have the ability to reduce or to alter buffers based on a site assessment/mitigation plan prepared by a a professional consultant for the type of critical area affected. Any such access will require thorough review and appropriate mitigation, consistent with the other requirements for critical areas protection.

418. The original language of the geologically hazardous area section of the Critical Areas Ordinance was found to be complex and inflexible, causing unnecessary delay and expense to permit applicants, landowners, and developers. The amended Geologically Hazardous Area Ordinance was developed to reduce the complexity of the ordinance while maintaining the requirements of the Growth Management Act. Further, with the addition of qualified staff to the Skagit County Planning Department, the section has been amended to provide staff with greater flexibility in evaluating the presence of geologically hazardous areas at proposed developments and determining when to require geologically hazardous area site assessments.

419. To provide protection from existing and proposed activities, such as vegetation removal that does not require a grading permit, restrictions on vegetation destruction and removal in the critical areas and their associated buffers have been added unless a buffer management plan specific to the Critical Area has been approved pursuant to SCC 14.24.060.

420. It is the belief of the Planning Commission that impacts from new development need to be regulated to avoid or mitigate against impacts to surface water and ground water. These are addressed in the Critical Areas Ordinance. Existing activities causing deleterious impacts to surface and ground water are regulated by other regulations and ordinances enforced by other County, State and Federal agencies. *See, e.g.*, SCC 12.05 – Skagit County On-site Sewage Code, SCC 12.48 – Rules and Regulations of the Skagit County board of Health Governing Individual and Public Drinking Water Systems (references Skagit County Sea Water Intrusion Policy –

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Resolution 15570), SCC 12.16 – Skagit County Solid Waste Code, 173-340 WAC – Model Toxics Control Act, 246-272 WAC – Washington State Department of Health On-site Sewage Disposal System, Regulation, 173-304 WAC – Washington State Department of Ecology Solid Waste Code, 173-308 WAC – Washington State Department of Ecology Code Governing Bio-solids, 173-201A WAC – Water Quality Standard for Surface Waters, 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington, 173-160 WAC – Minimum Standard for the Construction and Maintenance of Wells, US Code Title 33 Chapter 26 – Water Pollution Prevention and Control, (Code of Federal Registry) CFR Title 40 Chapter I – Environmental Protection Agency [Subchapter D – Water Programs, Subchapter E – Pesticide Programs, Subchapter I – Solid Wastes, Subchapter J – Superfund ..., Subchapter N – Effluent Guidelines and Standards, Subchapter O – Sewage Sludge, Toxic Substances Control Act], CFR Title 40 Chapter VII – Uniform National Discharge Standards and etc.

421. The Planning Commission recognizes that unregulated withdrawals from nearby individual wells without regard for stream base-flow issues may be a potential threat to salmon on Department of Ecology Designated "Low-Flow Streams" (per RCW 19.22).

422. Mitigation of impacts to base-flows on "Low-Flow Streams," in the absence of specific scientific data on the aquifers, involves a combination of Critical Areas Ordinance regulation, limiting water use; Comprehensive Plan density designations; and encouragement of public water systems sourced outside of the designated stream watershed.

423. The Planning Commission believes that the proposed restrictions on properties near designated "Low-Flow Streams" is appropriate and defensible given the current level of study and science available on the watersheds of Skagit County and further recognizes that the plan may require future updates in accordance with best available science, as additional information on aquifers becomes available.

424. RCW 19.27.097 provides authority for requiring public water system connection in certain circumstances where available. The Planning Commission finds that protection of base-flows in designated "Low-Flow Streams" would warrant such a requirement and further recognizes that the long-term protection of "Low-Flow Streams" will require restrictions on the use and withdrawals from individual wells located nearby.

425. The Planning Commission recognizes that proper management of Well Head Protection areas (per 246-290 WAC) to protect drinking water aquifers will require the mitigation of certain activities, and coordination between the County, Developer and Public Water System Purveyor.

426. It is the goal of the Planning Commission, in keeping with the intent of the Sole Source Aquifer designation under the Federal Clean Water Act, to provide special protection for areas so listed through the Critical Areas Ordinance by restricting certain activities and by limiting densities to the maximum authorized by zoning and by administration of the Sea Water Intrusion Policy (Resolution 15570). Density bonuses through to CaRD provisions have the potential to overtax the limited aquifer supply and, therefore, the Planning Commission is recommending restrictions on such density bonuses unless the water supply does not come from the restricted aquifer.

427. Sections 14.24.090(2) and (9), .095 and .096 are currently the subject of a pending appeal before the GMHB in consolidated Case No. 00-2-0018c and the compliance hearing for Case No. 96-2-0025, based on the County's adoption of these same provisions by interim ordinance. Briefing

and oral argument are complete. Any further revisions to these sections should wait for a decision or settlement in those matters.

## Chapter 14.26 Shoreline Master Program

428. The SCSMMP is not being revised or readopted. The existing code remains in effect. Accordingly, no review of the SCSMMP by the public, citizen groups, state agencies or other agencies is necessary at this point.

429. In several cases the SCSMMP property designations are inconsistent with the existing and historic uses of those properties. The County will update the SCSMMP in the near future, once the Department of Ecology adopts guidelines to help local governments. The County will have 2 years from the date of the new DOE guidelines to adopt implementing regulations, per RCW 90.58.080.

## Chapter 14.28 Concurrency

430. This is a new chapter, implementing the GMA requirements for concurrency. Transportation concurrency, required under the ordinance, is integrated with the annual 6-year transportation improvement program. The Birdsall method, which is the basis of the County's transportation level of service measure in the Transportation Plan and the Concurrency Ordinance is a more conservative method for assessing potential transportation concurrency issues than the standard Highway Capacity Manual.

431. Other project concurrency requirements for public facilities and services, consistent with adopted and proposed Countywide Planning Policies and Comprehensive Plan policies, are also included. These include public water systems, police and fire services, and sanitary sewer services. Differing specific concurrency levels are set for the urban and rural areas.

432. Both project concurrency review requirements and an annual concurrency reporting requirement for all public facilities and services identified in the Capital Facilities Element of the Comprehensive Plan are included in the ordinance.

433. Although not a facility or service for which formal concurrency is required, stormwater facilities shall be available at the time of development pursuant to existing drainage standards, SCC Chapter 14.32 and public works standards, Chapter 14.36. Additionally, stormwater is a facility and/or service that will be evaluated annually as part of concurrency review.

434. The only concurrency exemption decision by the GMHBs was in the recent *Island County Citizens' Growth Management Coalition, et al. v. Island County, et al*, in which the GMHB upheld similar, but not identical, concurrency exemptions. The discretion afforded to local jurisdictions under GMA allows sufficient latitude for Skagit County to set concurrency exemption levels as specified in the ordinance. The Planning Commission finds that exemptions of some smaller projects from concurrency review will not cause an overall adequacy problem because the ordinance also contains an annual reporting and concurrency review for the public services as a whole. That annual review will identify any potential capacity concerns not adequately addressed in the project reviews.

## Chapter 14.30 Public Impact Fees

435. This Chapter is substantially in the same form as that previously adopted by the County in SCC 14.52. It continues to implement aspects of the County's Capital Facilities Plan. Non-substantive changes include moving the definitions to Chapter 14.04 Definitions of the development code, deleting the process and appeals sections, and referencing the appeal section under permit procedures and eliminating the "findings of adequacy" section since this topic is fully addressed under the new concurrency section. The exemptions language was also clarified. To date the County has only chosen to adopt impact fees for school impacts.

436. The only public comments received on this section were supporting additional impact fees beyond those currently adopted.

## Chapter 14.32 Drainage

437. This Chapter largely follows the Washington State Department of Ecology Drainage Model Ordinance and the Puget Sound Water Quality Manual, as these documents exist at the time of this legislative action.

438. Special provisions and reductions in review thresholds are included where critical areas and their buffers are involved. This will result in higher administrative scrutiny for such projects.

439. The revisions also contain water quantity and quality management requirements for new development, based on the Ecology manual, which are the basis of concurrency review for stormwater facilities. Existing facilities are regulated through controls on redevelopment and through the operation and maintenance provisions, and may be regulated through basin planning, watershed ranking process, critical areas mitigation planning, or through sub area planning. Illicit discharges and illicit connections and uses are prohibited, regardless of past practices.

## Chapter 14.34 Flood Damage Prevention

440. The public comment on the flood damage protection section was forwarded to the Planning Commission along with the recommendations of a Citizens Advisory Committee. Both were synopsized in the memorandum dated January 20, 2000. The Planning Commission duly considered the public comment and CAC input when reaching its decision on this issue.

441. The existing Flood Damage Prevention Ordinance was originally adopted in 1984. The significant proposed amendments reflect requirements from the latest changes to Chapter 86.16 RCW, which are included as new provisions under proposed 14.34.200 and Appendices A & B. These provisions meet the minimum requirements under Chapter 86.16 RCW and further maintain our standing with the National Flood Insurance Program (NFIP).

442. Other amendments are internally consistent with the Comprehensive Plan criteria for frequently flooded areas by further reducing the allowable adverse effect on floodwater conveyance. Section 14.34.205 was amended to specifically measure the conveyance at each site and also reduces the site specific allowed impact to conveyance. This change will provide the County with the necessary data so that it can more accurately measure low impact development in the flood plain and further provides a more realistic means for a permit applicant to obtain engineering services to perform such analysis. Additionally, Section 14.34.160 (6) and (7)

prohibit the use of fill material as a means of elevating or protecting structures unless a zero loss of conveyance can be demonstrated. This provision was intended to discourage the placement of fill material in Skagit County's floodplain and specifically to address the criteria in our comp plan to maintain flood storage capacity. These provisions, together with Critical Area setbacks and buffers, Flood Insurance Rate Maps identifying 100-year floodplains for rivers, streams, lakes, coastal flood hazards and wetlands do provide for the protection from flooding and reduces the potential for increased flood hazards.

## Chapter 14.36 Public Works Standards

443. To avoid duplication and potential inconsistencies, this section on construction standards for roads, stormwater, sanitary sewer and water systems merely references the applicable standards in other relevant planning documents.

## Chapter 14.38 Right-to-Manage Natural Resource Lands

444. Notice through disclosure statements of potential incompatibilities, inconveniences and discomforts are a concept that is rooted in GMA. Notice requirements of 500 feet are also consistent with GMA. This type of notice helps facilitate the continued use of natural resource lands as natural resources, which is also consistent with GMA. The notice requirements and continued use of natural resource areas were supported by the only public comment on the issue. There is also a requirement to record the disclosure statement with the Auditor upon sale or transfer if the property is within 1 mile of an Ag-NRL or within ¼ mile of all other NRL districts.

## Chapter 14.40 Open Space/Current Use Assessments

445. No public comment was received on current use assessments. State law regarding open space designations procedures and process, as well as other issues, is satisfied.

446. This Chapter is essentially the same as previously codified at SCC 14.44, with the exception that the procedures for reviewing different types of open space/current use applications has been modified slightly to match the relevant RCW requirements.

## Chapter 14.42 Accepting Grants of Real Property

447. The chapter is revised to include a procedures section.

## Chapter 14.44 Enforcement

448. A newly expanded chapter on enforcement and penalties has been provided. This chapter will ensure that the UDC is implemented and that violations of the Code can be adequately addressed. A clear process for notice, orders, service of notice, stop work orders, and appeal are provided for.

## V. Road Standards.

449. The Road Standards have been updated to better reflect the needs of the rural environment, reflect more current State standards, and provide roads which are compatible with the rural environment.

450. Pursuant to GMA, the Planning Commission has reviewed the Road Standards prepared by the Department of Public Works for purposes of considering whether they provide adequate and appropriate levels of service for roads in the the urban and rural areas. Many of the engineering details for the road standards are beyond the GMA purview of the Planning Commission and more appropriate for consideration by the Public Works Department and the County Commissioners, when they review and adopt those road standards by separate resolution. The Planning Commission recommendation on Road Standards do not include some suggested revisions regarding base course, and do include revisions to private roads serving multiple lots and related revisions that the Planning Commission finds are appropriate to minimize costs for rural development in keeping with adequate rural levels of service.

451. Gravel base for roadways has been used for many years in Skagit County, with little specific evidence that it is inadequate to provide for durable roads. Native gravel within Skagit County is generally of high quality. Gravel base is also the standard specification within the WSDOT manual. Use of crushed surfacing base course as a base material, while providing for a durable roadway, is much more expensive than a gravel base. There is no clear evidence that the increased cost of a crushed surfacing base course provides for similar benefits in the long-term durability of roads. Also, most existing private roads have a gravel base. Changing the standards to require public roads to have a crushed base may make it more difficult for property owners to have their private roads converted to public roads.

## VI. Capital Facilities Plan ("CFP").

452. *See* the discussion of the Capital Facilities Element in the section regarding the Comprehensive Plan.

## VII. Transportation System Plan.

453. The Transportation System Plan, as amended meets the requirements of GMA, RCW 36.70A.070(6), including, but not limited to the requirement for a forecast of traffic from the adopted land use plan for a minimum of 10 years.

454. The proposed amendment to the Transportation System Plan is appropriate to include all necessary classifications of County roads for addressing level of service requirements in the Birdsall methodology.

## VIII. Coordinated Water System Plan ("CWSP").

455. The public comment on the CWSP was forwarded to the Planning Commission, and synopsized in the memorandum dated January 25, 2000. The Planning Commission duly considered the public comment when reaching its decision on this issue.

456. In addition to the public comment, the Skagit County Water Utility Coordinating Committee ("WUCC") and Citizen Advisory Committee ("CAC") spent nearly a year discussing the CSWP. Skagit County, the City of Anacortes, and Public Utility District ("PUD") No. 1 also hired a consulting firm to assist with organization, policy review, planning, drafting, and facilitating the CWSP update. Planning Commission duly considered the input from the WUCC, CAC and consultant.

457. The GMHB has previously approved the Skagit County Comprehensive Plan policies that permit extension of PUD water outside of the UGAs to serve the rural areas. Rural services can include the provision of public services, including domestic water systems.

458. Because the water pipe sizes are a function of hydraulic engineering, including, but not limited to, distance served, topography, and pressure, it is not appropriate or possible to set a water pipe size as an appropriate urban vs. rural level of service.

459. *See* also the discussion of the CWSP in the section regarding the Comprehensive Plan.

## MISCELLANEOUS PROPERTY SPECIFIC DESIGNATIONS

460. As part of the fall/spring package on the Comprehensive Plan and UDC amendments, the Planning and Permit Center recommended adding, removing, or modifying the commercial or industrial designations of several properties in Skagit County outside of Urban Growth Areas. There were several possible reasons for these recommendations, including: to provide a commercial designation to an existing C/I use that was missed by interim C/I Ord. No. 17535; to provide a new designation to selected properties based on the Cottage Industry/Small Scale Business or Rural Marine Industrial designations proposed in the fall package; or to correct or revise a prior mapping or designation error.

461. The Department's recommendations and findings supporting those recommendations were discussed, in all but a handful of cases, in two memos: the November 8, 1999 staff memo, titled "Skagit County Efforts Addressing Growth Management Act Compliance Issues," released with the fall package; and an April 27, 2000 memo titled "Commercial/Industrial (C/I) Mapping Corrections and Revisions to Re-Issue for Public Comment." In some cases, the April 27 memo contains revised recommendations and findings addressing properties first discussed in the November 8 memo, and in these cases, the April 27 recommendations and findings (if supported by the Planning Commission) prevail. The November 8 and April 27 memos therefore provide the recommendations and findings for individual C/I properties except in those instances discussed below where the Planning Commission made a recommendation different from that contained in the memos, where the memos did not contain a clear recommendation and therefore a Planning Commission decision was required, or in the handful of cases where the properties were not discussed in either of the two memos cited above but were instead verbally presented to the Planning Commission. This occurred in a few instances where correspondence was received during the spring comment period (following release of the April 27, 2000 memo) and the Planning Commission made a recommendation on individual properties that amounted to minor technical corrections to past C/I designations and mapping.

462. The individual properties where recommendations and/or findings are different from those contained in the Department memos, or that were not included in those memos, are as follows:

a. Property listed under g) (ii) on p. 33 of the November 8, 1999 staff memo and shown in Appendix C to that memo, map #12, labeled "Return to Rural Resource." The November 8 memo noted that this property had been inadvertently designated as Rural Intermediate when Ord. No. 17535 removed its prior commercial zoning and that it should be redesignated as Rural Resource consistent with the 1997 Comprehensive Plan. The Planning Commission noted that it had reviewed this property through an earlier round of individual Comprehensive Plan Amendments and, based on the parcel size and other factors, had recommended it be redesignated to Rural Intermediate. The Planning Commission stands by its earlier recommendation of Rural Intermediate.

b. Properties identified as 1) (b) and (c) on page 2 of the Department's April 27, 2000 memo, and labeled as R.L. Hornbeck (P43531) and LB&R Logging (P43592). The April 27 memo noted that the Planning Commission had recommended removal of the NRI designation/zoning from these parcels, on the basis that aerial photos and Assessor's data indicated they were vacant of existing C/I uses. However, the Planning Commission reversed its earlier recommendation and recommends retaining the NRI designation. This was based on information submitted to the record by the property owner, a major private employer in the area, that the properties were either currently in use or had previously been used for log storage and equipment storage by his company, LB&R logging, and that the maintenance of the property's NRI designation was necessary to take advantage of additional opportunities that might come available in the forest products industry.

c. The Planning Commission recommends that approximately four acres of property identified as 1) (d) on page 2 of the April 27 memo (P43572, P65206, P65228, and one portion of property without a legal description) be designated as Rural Reserve to ensure consistency with the surrounding designation outside of the proposed Concrete UGA. The April 27 memo had sought public comment on designation as either Rural Reserve or Rural Intermediate.

d. The Planning Commission recommends designation of the property containing Dunton's Body Shop (P19282) as Rural Business. This business was identified under 2) (a) on p. 4 of the April 27 memo, although the incorrect parcel numbers were given. The Planning Commission finds that additional information submitted by the property owner during the spring comment period on the business's size, number of employees, and length of existence in the area (since the 1950s) demonstrate that the business is a substantial existing commercial use that satisfies the designation criteria for Rural Business.

e. The Planning Commission recommends a Rural Business designation for property owned by Fire District 11 (P73137) and discussed under 2)(b) on page 4 of the April 27 memo. The memo had recommended either a Rural Business or Cottage Industry designation, and the Planning Commission finds that Rural Business best fits the size of the building, its previous use, its location adjacent to the Dewey Beach Rural Center, and the Fire District's future plans to lease a part of the building for commercial use.

f. The Planning Commission recommends a Rural Business designation for the Gadbois property (P24502) discussed under 2)(c) on p. 5 of the April 27 memo. The April 27 memo notes that if a rural commercial designation is selected for this business, created

in 1975 under a conditional use permit, that Rural Business would be the most appropriate designation. The Planning Commission finds that a commercial designation is warranted and the most appropriate designation is RB based on the business's current small size and number of employees.

g. The Planning Commission recommends that two parcels associated with Fab Tech (P36972 and P36975) be designated Rural Business, while a third, non-adjacent parcel containing a residence remain designated as Rural Reserve. These properties are discussed under 2)(d) on p. 5 of the April 27 memo. The Planning Commission finds that P36972 contains a substantial commercial/industrial structure and operation (Fab Tech) and that P36975, while vacant of structures, is frequently used as a storage and staging area for Fab Tech, qualifying both for an RB designation.

h. The Planning Commission agrees with the recommendation in the April 27 memo ( at 2) (d) on p. 6) that the two properties (P70389 and P70390) in the northeast quadrant of the intersection of Old Highway 99 and Alger-Cain Lake Road in the Alger Rural Village should be designated Rural Village Commercial. The Planning Commission also finds that the small triangle of property located just south of P70389 and north of Alger-Cain Lake Road also be designated Rural Village Commercial, if the property owner of the two parcels is able to certify ownership, as he is currently seeking to do.

i. The Planning Commission had difficulty addressing the Theodoratus property discussed as 2)(f) on p. 6 of the April 27 memo. The Planning Commission is very sympathetic with Theodoratus's situation of owning property (P43553) that was zoned Industrial by the County back in the 1980s but was never shown correctly with Industrial zoning on the Skagit County zoning map. Although Planning Commission members desire to recommend the property for commercial designation, they realize that providing a County designation would be inconsistent with their proposal to recommend approval for the Town of Concrete Urban Growth Area and adoption of its Comprehensive Plan. The Concrete Comprehensive Plan designates the area surrounding and including the Theodoratus property as Residential. Some members of the Planning Commission urged that the Skagit County Planning and Permit Center correspond with the Town of Concrete regarding the former mistaken mapping of the property, while others wanted to direct a strong message to the Town of Concrete to recognize Theodoratus's existing non-residential use of the property and to provide a reasonable opportunity for a change, alteration, or expansion of the current use. Options for Concrete might be to develop and adopt a Cottage Industry-type zone or to provide some provisions for allowing modest expansion or change of use of a preexisting nonconforming use.

j. The Planning Commission recommends a Rural Business designation for the Hayes Drilling property (P106471), described under 2) (j) on p. 7 of the April 27 memo. The memo had recommended either RB or CSB. The Planning Commission finds that Hayes Drilling is a significant and long-standing commercial use that substantially exceeds the employment limit for CSB and therefore is more consistent with the RB designation.

k. The Planning Commission recommends a Rural Business designation for Wood's Electric (P35691), discussed under 2)(k) on p. 8 of the April 27 memo. The Planning Commission finds that the business is a substantial existing business that exceeds the

employment limits for Home-Based Business 2 and therefore qualifies for the Rural Business designation.

l. The Planning Commission agrees with the recommendation discussed under 4) (b) on p. 10 of the in the April 27 memo regarding the removal of former C/I zoning from properties in the Conway Rural Village that do not have existing commercial uses, with the exception that the property containing the Sons of Norway Hall which should be shown as an existing commercial use and provided a Rural Village Commercial designation if adjacent to the Rural Village Commercial District, or Rural Business if the parcel is farther removed.

463. The following properties were not discussed in either the Nov. 8 or April 27 memos, but were discussed with the Planning Commission based either on public comment received during the spring comment period or on recommendations brought to the Planning Commission by the Department for technical mapping corrections:

a. A comment letter was received from the owner of property housing the business Farmer's Equipment (which is designated RB) requesting restoration of the property's former C-LI zoning. The Planning Commission increased expansion potential for properties designated Rural Business where there was an existing business as of June 1, 1990. However, the Planning Commission finds that restoring a pre-GMA zoning designation which no longer exist is not a possibility.

b. The owner of property containing Barker Airfield submitted a comment letter seeking a Rural Business designation for this property, describing it as a "multi-use business property." The Planning Commission finds that because the Rural Business designation request was not received in time to make available for public comment, redesignation of the property cannot be recommended at this time without an additional public comment period. The property owner can, however, submit a Comprehensive Plan amendment request to redesignate the property through the annual amendment process.

c. The Planning Commission recommends approval of a technical mapping correction proposed by the Department to expand the Rural Business designation to the entire parcel owned by Robert Stewart (P43864). This parcel was designated RB through interim C/I Ordinance No. 17535 last August. Unknown to the County, because it had not been recorded with the Assessor, three additional parcels plus the parcel designated RB had previously been consolidated and certified as one lot back in 1996. The Planning Commission finds that because these are now one lot, because the acreage involved is so small (approx. 1 acre of added property), and because these portions of the property have been and currently are used for commercial purposes, including vehicle access to the remainder of the property, the entire lot should be recognized as RB.

d. The Planning Commission recommends a technical mapping correction, proposed by the Department, to provide an RB designation to the property (P70106) containing Van's Equipment Rental. The parcel actually shown on the Nov. 1, 1999 Comprehensive Plan/Zoning Map as RB in that vicinity (just north of the convergence of I-5 and Chuckanut Drive) is P70105, which does not contain a commercial use. The Planning Commission recommends removing the RB designation from P70105 and

applying the RB designation to P70106. P70105 would revert to Rural Reserve which was the property's designation prior to the misapplication of the RB designation.

464. Several other individual property requests were received during the fall and spring comment letters addressing non-commercial issues. Some of the letters requested various changes to the Mineral Resource Overlay, specifically the removal of some properties or some large areas such as Day Creek from the MRO. The Comprehensive Plan/UDC proposal did not contemplate mapping changes to the MRO. The proposal does contain revisions to the policies by which properties could be added to or removed from the MRO in the future. Individual, property-specific changes will need to be proposed to the County through the annual Comprehensive Plan amendment process. The MRO in the Day Creek area has been included among the issues to be considered and addressed through the Day Creek Rural Study Area process. In addition, GMA now requires review of the County's mineral resource policies and designations as part of the 2002 update.

465. Other comment letters requested final action on Comprehensive Plan redesignation request originally submitted in 1997. Once again, property-specific amendment requests (other than identifying missed existing C/I uses and correcting mapping areas) were generally not considered as part of this proposal. The Board of County Commissioners, through Resolution No. 17874, adopted May 30, 2000, resolved that the Planning Commission shall resume review of certain pending 1997 Comprehensive Plan amendment requests, as remainded by Ordinance No. 17294, and including the 16-acre Heilman property as identified in Resolution No. 17722, as soon as legally possible.

17938

**MOTION:**

Dave Patterson moved and Bill Thramer seconded that the Skagit County Planning Commission recommends to the Board of County Commissioners pursuant to the authority of RCW 36.70 and RCW 36.70A, the following actions:

1) Adopt the proposed amendments to the County-wide Planning Policies (revision to 1.1 and a new 1.7) addressing rural and urban population and commercial/industrial land allocations and associated conditions regarding urban levels of service.
2) Adopt the proposed package of Comprehensive Plan Amendments, including the proposed land use designations.
3) Adopt the proposed Title 14, Unified Development Code to replace in its entirety the current Title 14 of Skagit County Code.
4) Adopt the proposed land use map as both the Comprehensive Plan map and zoning map for Skagit County and revised all applicable Comprehensive Plan map folio maps, to be consistent with any revisions to service areas, the Bayview Ridge UGA, and City limits since adoption of the 1997 Comprehensive Plan.
5) Amend Skagit County Code (SCC) 15.04.030(1)(f) to change exemptions (8) and (9) from the Unified Building Code Appendix 33, Section 3306.2 to establish zero threshold for filling or excavating if the activity is located within a critical area or its associated buffers, as governed by proposed SCC 14.24 Critical Areas Ordinance, thereby establishing a permit process for such activities when located within a critical area or its associated buffers and ensuring the opportunity for the County to review and assess critical areas issues.
6) Adopt the following sections of Ordinance No. 17804, an Interim Ordinance Establishing an Interim Urban Growth Area for Bayview Ridge and Establishing Use Restrictions, Requirements for Public Facilities and a Commitment to Complete a Subarea Plan:
   a) Limitation on Development in Bayview Ridge Interim UGA to 235 Acres of Buildable Area, and Establishment of Building Credit System;
   b) Development Restrictions on Interim Bayview Ridge Residential Area;
   c) Urban Standards for Port of Skagit County Property within the Bayview Ridge Interim UGA;
   d) Street Standards for Bayview Ridge Interim UGA;
   e) Water Service in the Bayview Ridge Interim UGA;
   f) Storm Drainage in the Bayview Ridge Interim UGA;
   g) Sanitary Sewer Service in Bayview Ridge Interim UGA;
   h) Credit for Prior Contributions and Infrastructure Improvements

   Repeal sections 1, 2, 4-6, 8-10 and 18 of Ordinance No. 17568.
8) Establish a procedure for public notice and comment and a 5-year amortization of existing, historic conditional use permits, special use permits, and contract rezones that have no expiration date and for which the use has never been established on the subject property.
9) Initiate the County's efforts to complete a community plan for the Big Lake Rural Village that specifically addresses the unique characteristics of public sewer in this Rural Village and addresses in a comprehensive, master-planned approach the larger land-holdings currently located within the sewer district on the east side of the Rural Village.
10) Instruct the Planning Staff and the Planning Commission to complete its review of proposed revisions to the forest lands designation criteria, especially the secondary forest designation

criteria with a report back to the Board of County Commissioners regarding a recommendation prior to the end of 2000, following all requirements of Resolution Nos. 16519 and 16852, the Skagit County GMA Public Participation Program. Funding shall be provided to map the different designation criteria alternatives, to assist in the Planning Commission's understanding of the alternatives.

11) Adopt the June 1999 Skagit County Coordinated Water System Plan Regional Supplement with the changes attached to this Recorded Motion, and revise the Skagit County Comprehensive Plan Map Folio Map 18 to be consistent with the maps in the Coordinated Water System Plan.

12) Adopt the attached amendment to the Skagit County Transportation System Plan.

13) Adopt UDC Section 14.24.400 (Geologically Hazardous Areas) as prepared, but also refer it to a Technical Advisory Committee consisting of engineers, geologists and other interested parties with knowledge in relationship between drainage design and geologically hazard areas for further consideration and possible proposed refinements.

14) Work should be commenced immediately on the creation of development regulations which implement the Master Planned Resort designation. As part of this effort, further consideration shall be given to the various "campground" definitions and whether "cabin" and "rustic cabin" should be included in them. At such time as either Clark's Skagit River Resort and Guemes Island Resort request a Comprehensive Plan redesignation to MPR, the application fees shall be waived.

15) As part of any future "clean-up" ordinance to address any refinements to this action, a review shall be performed which considers whether the various campgrounds throughout Skagit County (such as Camp Brotherhood, the Burlington KOA, the Grandy Creek Campground, and the Lake Tyee Campground) are more appropriately designated SRT. In addition, further consideration shall be given to the various lot coverages allowed in the zones and consideration given to "sliding scale" coverages.

16) As part of the transmittal of this action to the Board of County Commissioners, an evaluation of the relative merits of gravel base course versus crushed surfacing base course in terms of initial construction cost and ongoing maintenance costs shall be included.

17) Adopt the attached Concrete UGA boundary and the land use designations shown therein.

18) The long CaRD should be referred back to the Planning Commission for immediate reconsideration. Reconsideration should be oriented mainly around the Board of County Commissioners version proposed in the Spring Package and "Alternative B", distributed at the June 6, 2000 Planning Commission meeting. The Planning Commission should refine the long CaRD, which should then be sent out for public comment. After further Planning Commission review, the Planning Commission should send recommended long CaRD provisions to the Board of County Commissioners.

19) Prepare a definition of dock for inclusion in 14.04.

20) Revisit the definition of Bed and Breakfast to consider whether it should be modified to distinguish between a B&B use in an existing separate structure from the ability to construct a new separate structure for guest quarters.

21) Consider adding criteria for approval of shooting club special use permits to SCC 14.16.900, and revisit whether shooting clubs in IF-NRL should be permitted to have an associated structure to facilitate management and control of the shooting club activity.

22) Consider adding criteria for review and approval of impoundments to ensure adequate consideration of potential impacts from a failure.

23) Revisit 14.16.500, Public Open Space of Regional/Statewide Importance to be sure that the uses permitted on state or federal lands do not directly conflict with applicable state and federal laws.

24) Consider adding the unclassified use permit criteria from SCC 14.16.600(5)(d), (e) and (f), or similar criteria to the criteria for special use permit approvals in SCC 14.16.900(2)(b)(v), if determined appropriate to adequately address potential impacts from special uses on adjacent properties.

| Vote: | Support | Oppose | Abstain | Absent |
|---|---|---|---|---|
| Dave Hughes | X | | | |
| Bill Thramer | X | | | |
| Carol Ehlers | X | | | |
| Herb Goldston | | X | | |
| George McFadden | | | X | |
| Dave Patterson | X | | | |
| William Stiles III | | | | X |
| Bill Schmidt | | | | X |
| Louie Requa | X | | | |

Date: 6/14/00

Dave Hughes, Chair

Gary R. Christensen, AICP, Secretary



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# Attachment B

BK0094 PG3360

## ATTACHMENT B

## ADDITIONAL FINDINGS BASED ON INTERIM ORDINANCE PUBLIC COMMENTS

1) Through the process of preparing this policy and code package, extensive analysis has been performed addressing the acreage of existing commercial/industrial development, and what proportion of this acreage is vacant and available for new commercial/industrial development. This analysis is discussed at length in the SEPA Addendum of February 3, 2000. In summary, this analysis reviewed in detail each specific site that was zoned for commercial/industrial use and determined how much of the site was developed (taking into account all aspects of the site, including the building area, parking area, landscaping, septic fields, any wellhead protection areas, etc.) and of any remaining undeveloped land, how much of this would be developable (based on topographic constraints, critical areas, floodplain, parcel shape, accessibility of portions of the site, etc.). Based on this analysis, the acreage of the area available for new commercial/industrial development was determined. Taking into account the final changes to the land use/zoning map made by the Planning Commission, and the recalculation of the acreages related to those changes using GIS, a total of 621 acres of land is to be designated commercial/industrial. Of this, approximately 411 acres is developed or significantly constrained by critical areas, etc. so as to be undevelopable. Approximately 210 acres is vacant and available for development. This 210 acres will be subtracted from the 584 acre allocation found in CWPP 1.1, leaving 374 acres which may be redesignated in the future to commercial/industrial zoning.

2) Comments were received which suggest that commercial/industrial land in the County will be quite intensively developed, and that the resulting need for additional commercial/industrial acreage is non-existent. These comments assume that the average floor area ratio for new commercial development will be .5. This is unrealistic for a number of reasons:

   a) In actual practice, the typical development intensity of existing commercial/industrial development in the rural area is quite low. This is reflected in the Appendix E of the February 3 SEPA Addendum. However, most of the development occurred prior to 1990 and was permitted under the old C/LI zoning, which allowed more intensive development than the current proposed code. For example, the C/LI zone allowed 200% lot coverage, whereas the highest lot coverage allowed in the proposed code is 50% (for RVC and RC). Also, existing development would in many cases have been developed with no landscaping requirements, reduced septic requirements (such as no required reserve area), and no 200' NRL setback. The fact that under a more lenient regulatory climate commercial/industrial development still developed at a low intensity demonstrates the validity of the assumption that future commercial/industrial development will occur at a similar low intensity. Providing adequate land so that the commercial/industrial land supply is not severely limited ensures that higher development intensities will not result. Higher development intensities would result in development which does not reflect existing rural character, which is a low intensity development form. This low development intensity reflects the low employment densities assumed for the rural area by the Hovee report.



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b) The RFS zone limits lot coverage to .25, not .5.

c) A .5 FAR assumes development would occur with a two story building. This is not valid for a number of reasons. In general, market realities are such that retail does not work on upper floors. In RFS, typical freeway oriented uses will simply not have a second story, based on the characteristics of the typical uses (i.e., gas stations are never multi-storied). The existing pattern of development within rural Skagit County is ground floor commercial uses. In some limited cases where there are upper floors on commercial buildings, these floors are used as residences. There are potentially some very limited instances in Rural Villages where second floors are used for commercial, but this would involve a very minimal amount of space. There is little reason to believe that will now change. In the case of existing commercial uses, based on the 3,000 and 6,000 square foot size limitations, most uses are close enough to these limits that the addition of a second floor is not justified.

3) Comments were also received which suggest that within developed commercial/industrial areas, significant redevelopment may occur. While some minimal amount of additional development may occur, it will be significantly limited by the 3,000 and 6,000 square foot size limitations, because most uses are already fairly close to these limits. In those cases where expansion is feasible, additional square footage will trigger development standard requirements (landscaping, parking) which may require vacant commercial/industrial land to be used. This land, as discussed above, has been already counted against the Countywide 584 acre allocation.

4) General industrial growth within the rural area will occur through implementation of the CSB zone, albeit on a small scale. It is also reasonable to assume that the general industrial growth projected for the rural area in the OEDP will occur as natural resource related industry, since there is a strong effort by EDASC to further develop the natural resource related products industry, and since the size of this niche is relatively small.

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# Attachment C

BK0094 PG3363

## ATTACHMENT C

## SUPPLEMENTAL FINDINGS BY THE BOARD OF COUNTY COMMISSIONERS

Sunsetting of the BRB

1) The Countywide Planning Policy Committee met on June 15, 2000 and voted 8-6 to recommend adoption the Spring Proposal language for Policy 12.17. CWPP 12.17, as recommended by the CWPP Committee, is different from the Planning Commission recommendation, but matches the proposal included for public comment in the Spring Proposal. This CWPP 12.17 properly addresses GMA planning and coordination requirements with potential to discard the BRB when those planning tasks are completed.

Single Family residences in Industrial Forest Lands

2) The Planning Commission recommended changes to the provisions for single family residences in Industrial Forest lands. These provisions would allow single family residences outside of 200' from public roads, which is an expansion of the provisions in the current existing code. At the time the Planning Commission deliberated on the single family expansion, changes to the Industrial and Secondary Forest Comprehensive Plan criteria were under consideration, and some form of these changes were expected to be adopted.

3) The Board of County Commissioners is not changing the current forestry designation criteria, but is directing the Planning Commission to reconsider these criteria. It is possible that changes to these criteria will result in significant changes to the Industrial/Secondary Forest land use map boundary. Because of these possible boundary changes, the ramifications of the changed residential provisions which allow residences further than 200' from a public road are fluid and cannot be known at this time. Through past action, the Board reviewed and approved the current forestry designation criteria, as well as the existing code provisions for single family residences. Although the Board of County Commissioners, by Ordinance No. 16550, Section 5(d), identified several issues relating to Secondary Forest designation criteria, the Board believes that provisions relating to single family residences should only be re-evaluated in conjunction with any recommendations to revise the designation criteria. The Board is open to considering changes based on the Planning Commission's reconsideration. Until such time as the results of the Planning Commission's work on the designation criteria is known, it is inappropriate for the Industrial Forest residential provisions to be changed. It is, however, appropriate for the Planning Commission to reconsider those provisions in conjunction with their reconsideration of the forestry criteria.

Conservation and Reserve Development

4) The additional design requirements for long CaRD's are not necessary in short CaRD's because of the limited number of lots involved. Four or fewer lots will not create impacts on rural character which necessitate further regulation.

5.) The limited number of lots in short CaRDs, combined with the 5 year limitation on doing more than 2 contiguous short plats at one time, will ensure the short CaRD provisions are not used to create areas of low density sprawl.

6.) The required 200' setback from NRL in SCC 14.16.810, will help protect NRL lands from housing impacts associated with the short CaRD's.

7.) The RCWs have intended the short subdivision process to be an easier process with fewer restrictions. The process for short CaRDs should therefore be in keeping with RCW short subdivision process and be less rigorous and similarly more basic.

8.) The Board of County Commissioners' version of CaRD clearly requires the designation and protection of specific types of open space in all CaRDs. Open space is a critical component of CaRDs and in some ways, is their most defining element. Small lots combined with open space will allow for the preservation and protection of natural resource lands and critical areas where present. Providing specifics regarding the long term preservation and use of the open space will provide long term benefits to the County. Maintaining open space as an area free of housing will ensure that rural character is maintained which offsets the potential impact of the increased density. The four open space categories reflect the varying needs and constraints on land for both the present and the future.

   a. Open Space - Preservation Areas provide protection of critical areas by requiring the open space to be treated as a critical area, including existing activities will be required to cease, until a formal delineation is performed, available for use when critical areas are present. As long as an area is maintained in this open space category, no critical area delineation is needed. This will ensure that critical areas are preserved.

   b. Open Space - Natural Resource Lands must be used for open space in natural resource lands. This designation requires that the open space tract be used solely for those permitted activities under the specific NRL designation through a NRLE, which may only be extinguished by a court with a finding that it is no longer possible to commercially use the property for the production of food, agriculture products, timber, or extraction of minerals. This will ensure that open space in natural resource CaRDs provides a long term benefit not otherwise available to the County, short of purchase of the development rights or conservation easements.

   c. Open Space Reserve is to be used in rural residential zones if the intended purpose of open space is for a future development tract. This open space will be retained through a plat restriction, which will be kept in place until a Comprehensive Plan Amendment is adopted. This will ensure the Os-RSV area is retained for open space and not developed until on a policy level the County decides higher density development is appropriate on the parcel. In the future,



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this will provide for the organized and cohesive expansion of urban development adjacent to UGA's.

d. Open Space - Recreational/Amenities is to be used when the open space is intended for recreational purposes. This will allow open space to be held as part of the development for whatever recreational/amenity purposes fit in with the development - passive open space, horse riding facilities, trail, etc.. The OS-RA would remain on the property until both a Comprehensive Plan Amendment occurs and all the owners of the open space agree to the change. This will ensure that those who reside in the development will be assured that the property will be maintained for the desired use unless they decide otherwise.

9.) Lot size requirements will ensure that open space is preserved. A very small minimum lot size (3,000 square feet for attached units and 5,000 square feet for detached units) is allowed. This will provide developments with the ability to have a very tight clustering scheme, such as a cohousing development. In these cases, typically there will be a community septic system so that septic systems are not located on the lots. Community septic systems are more easily monitored and repaired relative to individual septic systems. The maximum lot size is limited to one acre, or an average of one acre with no lots larger than 1.5 acres. This maximum lot size will ensure large amount of open space are preserved. The amount preserved will vary depending on the zone, but it will range from 60% in the case of Rural Intermediate and Rural Village Residential, 80% in Rural Reserve, 90% in Rural Resource, to nearly 99% in Industrial Forest. The fact that this amount of open space will be preserved is a major benefit to Skagit County. A key aspect of rural character is open space and lack of development, and the fact that this amount of area will be limited from any sort of residential development will take major steps in the preservation of rural character.

10.) Lots within CaRDs are strategically to follow siting criteria to minimize potential impacts to natural resource land production on both the subject property and any adjacent resource lands. This broad provision, in addition to the required 200' setback from resource lands, will ensure that the factors which potentially affect the interplay between the lots and the resource use will be adequately addressed.

11.) Keeping infrastructure minimized is a key CaRD concept for two reasons, it preserves large contiguous pieces of open space thus retaining rural character and reduces costs associated with development. These concepts are provided for through the requirements to either cluster or place immediately adjacent to a road. In many areas of Skagit County, houses are located along the road with large areas of open area to the rear. Placing houses up on the road or in a cluster puts all of the human activity in one place rather than intruding into the natural open space area. In the case of long CaRD clusters, either existing vegetation and topography, or installed landscaping, will be required to ensure the clusters are compatible to the landscape. Requiring complete screening of the cluster by locating it far from the road is unnecessary and may lead to other issues, such as forcing the cluster to be closer to critical or natural resource areas. Screening the cluster with urban-style landscaping may also lead to a more urban-type of appearance

and it is more appropriate to have individually approved landscape plans. Skagit County finds that for the purposes of CaRD, natural environment values (gained from ensuring the open space is located in one place, maximizing the contiguous open space) have more priority than the aesthetic visual values. This is reflective of Skagit County's unique local values and priorities. Lengthy standards addressing aesthetic issues rather than ensuring open space are adequately protected, do not reflect the Board's priorities and the existing character and values of this County.

12.) The maximum number of lots allowed within a cluster is 14 in Rural Resource and the rural residential zones and 6 for the other natural resource zones. This will ensure that clusters do not get so large as to appear as large areas of development without accompanying open space. The Planning Commission believes these numbers are reflective of the existing rural character within Skagit County. Within Skagit County there are frequent clusters of buildings and houses interspersed between fields and forests. The 14 and 6 cluster maximums are reflective on the sizes of these small house clusters frequently found within the County.

Critical Areas Ordinance

13.) Sections 14.24.120 and .130 are currently adopted as interim provisions SCC 14.06.095 and .096 in Ordinance No. 17896 and are effective until December 6, 2000. These two subsections are the subject of a pending Growth Management Hearings Board appeal in WWGMHB Case No. 00-2-0025c. Because permanent adoption of those two sections could trigger a new and duplicative appeal, the Board finds that it is more appropriate to leave these two sections as interim ordinances, to be replaced with a permanent ordinance after decision by the Hearings Board on that appeal. For this reason, Section 14.24.120 and .130 have been reserved in the permanent code, Title 14, and the Board is merely revising the section numbering in the proposed revisions to Interim Ordinance No. 17896.

Maps and Acreage

14.) The Comprehensive Plan Map, Map Portfolio, and Official Zoning Map adopted with this Ordinance have been prepared in final form by the County GIS Department and have only been available in final published form as of the date of execution of this Ordinance. These final maps contain all of the individual mapping decisions made by the Planning Commission and the Board of County Commissioners throughout their deliberations. Now that GIS mapping is complete, there may be slight differences between the commercial and industrial (C/I) acreage figures reported in Table 4-1, Chapter 4, the Land Use Element, as recommended by the Planning Commission, and those figures in Table 4-1 as ultimately adopted by the Board of County Commissioners through this Ordinance. (The C/I acreage figures in Table 4-1 as recommended by the Planning Commission are also referenced in the Planning Commission's recorded motion.) Any difference results because the commercial and industrial map changes being approved by the Board of County Commissioners (BOCC) through this Ordinance have now been put into GIS format in preparation of the July 24, 2000 version of the



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Skagit County Comprehensive Plan/Zoning Map. The measurement of C/I-designated parcels using GIS may differ slightly from measurements generated by the Planning and Permit Center from Assessor's data or other data sources and used during the Planning Commission's consideration of property-specific C/I mapping changes. The Department considers the GIS-generated acreage numbers to be the most accurate and will use them as the official acreage numbers for documenting existing C/I acreage and tracking future changes. Conversion to GIS format is the only reason there may be changes in Table 4-1 of Chapter 4.

15.) The Board of County Commissioners concurs with the Planning Commission's recommendations on the proposed Comprehensive Plan/Zoning Map amendments as described and shown on the attached maps to a memorandum from Tom Karsh to the Board of County Commissioners transmitting the final Planning Commission package of Comprehensive Plan and Unified Development Code modifications. The November 8, 1999 memorandum regarding Skagit County Efforts Addressing Growth Management Act Compliance Issues discusses "Corrections and Revisions to Ordinance 16550 (Comprehensive Plan Map)" at page 33-34 and Appendix E, Map 1 reference therein. This discussion indicates that the "Viewcrest" land division is approved by Skagit County and fails to meet the Rural Resource-NRL designation criteria. The land division and adjacent parcels (P38662, P38683, P38689, P38689, P38688, P386882, P38735, and P38732) no longer meet the designation criteria requiring a block of contiguous parcels approximately 160 acres and larger. Furthermore, P38723 is less than 40 acres in size and fails to meet the Rural Resource-NRL designation criteria. The memo incorrectly indicates that the land division and adjacent properties are more appropriately designated as "Rural Resource." This discussion should have indicated that the parcels are more appropriately designated as "Rural Reserve."

16.) As described in the Planning Commission findings, the new lot of record provisions are not likely to result in a substantial change in the actual number of legal, developable lots in the rural and resource land areas. A further assessment of the lot aggregation/lot certification process over the past 5 years further supports this conclusion. The County reviews approximately 3,000 + land use permit requests per year, each of which under current Code requires a lot certification/lot aggregation determination. Of that total number per year, approximately 12-15 (1/2%) results in a finding that the lot was aggregated and, therefore, did not have a separate development right. Many of these then, in fact, resulted in a development right ultimately through processing a boundary line adjustment or through granting an innocent purchaser exception or a variance based on the inequities with similarly situated properties in the vicinity. The net result has been almost all such reviews have resulted in lot certification or development rights. Eliminating this cumbersome aggregation process and its associated due process concerns is not expected to change the outcome noticeably.

Non-Substantive Revisions to Comprehensive Plan Chapters

17.) In addition to the substantive amendments to Comprehensive Plan Chapters 4, 5, 6, 7, 9, 10, 11, & 15 shown in Attachment L, staff made several non-substantive spelling,

grammatical, and formatting corrections throughout the Comprehensive Plan. These changes include the application of a new policy numbering system, an updated Table of Contents and cover pages, and the revision of document names and dates, where appropriate to reflect actions taken since June 1, 1997.

Also, for clarity, or consistency with approved policy amendments, the following specific changes were made:

a. Re-structured and updated Figure 1, Planning Framework, for consistency with the text of Chapter 1, and to include references to the Unified Development Code, Comprehensive Plan amendment dates, and the relationship to the Comprehensive Plan of functional, subarea, and joint plans.
b. In Chapter 1, Introduction, deleted Figure 3, Community Planning Process. Chart did not help to clarify the community planning process, as outlined in Chapter 14, Community Development Plans Element.
c. Revised Chapter 3, Skagit County Profile, as follows:
    i. References to the 2000 Overall Economic Development Plan (OEDP) Update and the 2000 Update to the Skagit County Coordinated Water System Plan (CWSP) were added where appropriate in the chapter.
    ii. An incorrect reference to "OFM" was changed to "EES" on page 3-6 (1997 pagination).
    iii. Updated information on major economic development projects, job creation, and economic investments was added on page 3-9.
    iv. The projected demand for commercial/industrial acreage through the year 2015 was updated, on page 3-9, to be consistent with the 2000 OEDP Update.
    v. The paragraph on page 3-9 describing Table 5 on page 3-11 was updated to reflect analysis done through the 2000 OEDP Update and acreage allocations adopted through the 2000 revisions to Countywide Planning Policy 1.1.
    vi. Table 5 on page 3-11 was updated to reflect analysis done through the 2000 OEDP Update and acreage allocations adopted through the 2000 revisions to Countywide Planning Policy 1.1.
d. In Chapter 10, Utilities Element, deleted section "Work Program to amend CWSP after adoption of the County Comprehensive Plan" to reflect work completed on the Coordinated Water System Plan.
e. Updated Appendix C, Section B, Land Use and Development Regulations, to include reference to new SCC chapter numbers and descriptions.
f. In Appendix D, removed Ordinance No. 16550, and added a new section, "Adopting and Amending Ordinances" that incorporates, by reference, Ordinance No. 16550 and subsequent ordinances amending the Comprehensive Plan.



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# Attachment D

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# 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.



BK0094PG3373

## 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



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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.

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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.



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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.



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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.



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## 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



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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.



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## 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.



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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.



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## 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.



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## 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.



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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.



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## 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.



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## 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.



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## 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



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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.



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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.



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## 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



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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.



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## 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.



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## 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.



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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 transformance of governance or annexation of the service area consistent with the requirements of applicable RCWs.



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## 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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# Attachment E

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# CHAPTER 4
# LAND USE ELEMENT

## INTRODUCTION

The Land Use Element was developed to address future land use in Skagit County. It represents the County's policy plan for growth through the year 2015. The Land Use Element specifically considers the general distribution and location of land uses, the appropriate intensity and density of land uses given development trends; provides policy guidance for commercial and industrial land uses; addresses pre-existing, non-conforming uses; and, establishes land division policies for creating new lots in unincorporated Skagit County.

The development of this chapter was guided in particular by the following GMA Planning Goals:

- Encourage urban development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner
- Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development
- 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
- 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
- Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability
- Identify and encourage the preservation of lands, sites, and structures, that have historical or archeological significance



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- Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts

- 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.

- 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, and

- Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

These Goals, taken in the context of the totality of the thirteen GMA Planning Goals, led to the following Countywide Planning Policies (CWPP) that provide specific guidance to the analysis and policies developed in this chapter:

- 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 (CWPP 1.1)

- 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 (CWPP 1.8)

- Cities and towns and their urban growth areas shall include areas and densities sufficient to accommodate as a target 80% of the county's 20-year population projection (CWPP 1.2).

- 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 (CWPP 4.1)



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- 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 (CWPP 4.2).

- 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 (CWPP 4.3).

- 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 uses (CWPP 8.1)

- 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 (CWPP 8.3), and

- 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 (CWPP 9.1).

## PLAN CONCEPT

Skagit County's Comprehensive Plan focuses on a county-wide, regional land use approach and is derived from state goals, CWPPs factors affecting land use, assumptions about future trends, a community visioning process, and public opinion.

The plan concept is based on a vision of how Skagit County should grow and develop while protecting its high quality of life and equitably sharing the public and private costs and benefits of growth. The plan concept supports general land use patterns for natural resource lands, rural areas, urban growth areas, and open space areas that protect public health, safety and welfare, while enhancing Skagit County's community character, natural beauty and environmental quality.

## LAND USE DESIGNATIONS AND DENSITIES

Skagit County's efforts to manage growth are accomplished through comprehensive plan land use designations and densities. Land use designations indicate where new urban



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growth will be encouraged and where farmland, forests, and rural areas will be protected. Densities prescribe the total number of dwelling units per acre for land use designations.

Urban growth areas, rural areas and natural resource lands are distinguished from each other through land use designations. New growth in Skagit County will be encouraged to locate in urban growth areas where adequate public facilities and services can be provided in an efficient and economic manner. An adequate supply of land will ensure that immediate and future urban needs are met as well as provide for an orderly and efficient transition from low intensity land use to urban land use over time. Land use designations will protect forest and agriculture, and mining resource lands, retain open space areas, protect wildlife habitat and critical areas, provide efficient and safe transportation networks, maintain and improve the quality of air, water, and land resources, as well as preserve urban and rural landscape lifestyles, character, and features.

Land use designations retain or establish community character and lifestyles, create development patterns that protect health, safety, and welfare of the public, and preserve natural beauty and environmental quality. They attempt to share equitably the public and private costs of growth while assuring orderly and efficient development that addresses or resolves regional, countywide land use needs. For illustrative purposes a Generalized Land Use map has been created from pre-Plan zoning districts and a Land Cover map indicates satellite imagery of the Skagit County landscape. Both maps are located in the supplemental Map Portfolio (under separate cover). Also included in the supplemental Map Portfolio, a Comprehensive Plan Land Use Map illustrates the location of land use designations. Table 4-1 (page 4-5) lists the comprehensive plan land use designations and their acreage.

Comprehensive plan land use designations indicate how the land will be utilized within a geographical area. The land use designations represent the most appropriate uses of land in the unincorporated portion of Skagit County through the year 2015. Designation criteria provide an objective, descriptive standard or rationale, which are then applied to each land use designation for mapping purposes.

Four broad land use designations have been developed to allow for the necessary flexibility and specificity in applying land use regulations or standards: Natural Resource Lands, Urban Growth Areas, Rural areas, and Open Space. Lands designated Natural Resource Lands indicate areas where Skagit County will promote long-term, commercially significant agriculture, forest, and mineral resource use. Urban Growth Areas include incorporated areas and lands appropriate for urban growth through the year 2015. Rural areas provide for rural uses compatible with the primary use of the land for food, agriculture, fiber or minerals that are not of long term significance. Public Open



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Space designated areas are publicly owned lands that have been set aside, dedicated, designated or reserved for public use or enjoyment for either active or passive recreation, scenic amenities, or for the protection of environmentally sensitive areas.

Table 4-1 – Comprehensive Plan Land Use Designations and Acreage* (Source: Skagit County Mapping Services)

| LAND USE DESIGNATIONS | ACREAGE |
|---|---|
| Water Bodies | 176,869 |
| **PUBLIC OPEN SPACE OF REGIONAL/STATEWIDE IMPORTANCE (OSRSI)** | |
| National Forest | 282,898 |
| National Park & Recreation Areas | 130,853 |
| Wilderness | 83,539 |
| State Parks & Recreation Areas | 5,394 |
| Other | 15,884 |
| Subtotal | 518,568 |
| **NATURAL RESOURCE LANDS (NRL)** | |
| Secondary Forest (SF-NRL) | 41,190 |
| Industrial Forest (IF-NRL) | 319,391 |
| Rural Resource (RRc-NRL) | 25,950 |
| Agriculture (Ag-NRL) | 89,489 |
| Subtotal | 476,020 |
| Mineral Resource Overlay (MRO) | 23,620 |
| **RURAL LANDS** | |
| Rural Village Residential (RV) | 2,922 |
| Rural Intermediate (RI) | 8,297 |
| Rural Reserve (RRv) | 70,098 |
| Subtotal | 81,317 |
| **COMMERCIAL/INDUSTRIAL LANDS** | |
| Rural Business (RB) | 157 |
| Rural Freeway Service (RFS) | 40 |
| Rural Village Commercial (RVC) | 18 |
| Natural Resource Industrial (NRI) | 229 |
| Small-Scale Recreation & Tourism (SRT) | 67 |
| Rural Center (RC) | 19 |
| Rural Marine Industrial (RMI) | 62 |
| Cottage Industry/Small Scale Business (CSB) | 29 |
| Subtotal | 621 |
| **URBAN GROWTH AREAS (UGA)** | |
| Incorporated UGA Areas | 23,826 |
| Unincorporated UGA Areas | 11,594 |
| Subtotal | 35,420 |
| | |
| **TOTAL** | **1,111,946** |



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* Acreage figures are derived based on the best information and technology available. Accuracy may vary depending on the source of the information, changes in political boundaries or hydrological features, or the methodology used to map and calculate a particular land use.

| ~~LAND USE DESIGNATIONS~~ | ~~ACREAGE~~ |
|---|---|
| ~~*Natural Resource Lands*~~ | |
| ~~Agriculture~~ | ~~92475~~ |
| ~~Industrial Forest~~ | ~~335298~~ |
| ~~Secondary Forest~~ | ~~39662~~ |
| ~~Rural Resource~~ | ~~27480~~ |
| ~~Subtotal~~ | ~~494915~~ |
| ~~Mineral Overlay~~ | ~~23702~~ |
| ~~*Rural*~~ | |
| ~~Rural Reserve~~ | ~~63831~~ |
| ~~Rural Intermediate~~ | ~~7288~~ |
| ~~Rural Village~~ | ~~2086~~ |
| ~~Subtotal~~ | ~~78205~~ |
| ~~*Urban Growth Areas*~~ | |
| ~~Unincorporated~~ | ~~17178~~ |
| ~~Cities/Towns~~ | ~~22649~~ |
| ~~Subtotal~~ | ~~39827~~ |
| ~~*Public Open Space*~~ | |
| ~~County/State Parks & Recreation~~ | ~~5922~~ |
| ~~Federal Parks & Recreation~~ | ~~130449~~ |
| ~~Other~~ | |
| ~~Subtotal~~ | ~~136371~~ |
| ~~*Public Lands*~~ | |
| ~~National Forest~~ | ~~253057~~ |
| ~~Federal Wilderness~~ | ~~114602~~ |
| ~~Subtotal~~ | ~~367659~~ |
| ~~TOTAL~~ | ~~1111977~~ |



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Within each comprehensive plan land use designation, public uses (facilities and utilities) may be considered as "special uses" under Skagit County Code 14.16 ~~14.04~~, the zoning ordinance. Public uses are reviewed as site specific projects so that public benefits and land use impacts can be analyzed and, if necessary, appropriate mitigation applied.

In defining density, it is important to distinguish the difference between "gross" and "net". Gross density means the total number of dwelling units divided by the total land area of the site or area, excluding nothing. Net density means the total number of dwelling units divided by the net area of the lot or site. The net area excludes roads, public open spaces, community facilities, and critical areas.

# LAND USE ELEMENT POLICIES

## GOAL A:

*Support land use development patterns which protect public, health, safety and welfare;*

*Guide future development into concentrated urban growth areas where adequate public facilities, utilities and services can be provided;*

*Protect and conserve long-term, commercially-viable forest, agricultural, and mineral natural resource lands;*

*Retain rural landscape features and lifestyles;*

*Maintain open space, recreation, fish & wildlife habitat, scenic and significant historic archeological cultural lands ~~benefits~~;*

*Enhance Skagit County's community character, natural beauty, and environmental quality;*

*Help preserve rural economies;*

*Foster opportunities for rural-based employment, self-employment, and economic diversification; and*

*Permit the operation of rural commercial businesses, natural resource-related industries, recreation and tourism activities, cottage*



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*industries and small scale businesses, and home occupations that are consistent with existing and planned land use patterns and are of an appropriate size and scale to maintain rural character.*

# URBAN GROWTH AREAS

Designating UGAs recognizes both the historical and existing urbanizing development pattern in the county. The County recognizes that while these areas are characterized as "urban" for Skagit County, they are nonetheless to be distinguished from the type of "urban" development that is found in many cities in the Seattle metropolitan area. By designating UGAs, GMA requirements and countywide planning policies are being met. Expansion of urban services will be provided to encourage infill where logical and economical and discouraged where it is not.

Urban Growth Areas are areas where urban services are available or are planned to be provided. Development will address environmental constraints, concentrations of existing development and existing infrastructure and services. New development requiring urban facilities and services will be located in Urban Growth Areas. This portion of the Land Use Element describes general procedures for designation of UGAs. Additional detail is provided in Chapter 7, Urban Growth Areas.

Most of the new housing will locate within the Urban Growth Areas, and most of the public spending for facilities and services will be directed to UGAs to promote efficient use of public improvements and services, and to enhance community diversity and livability. In addition to a diversity of residential opportunities, commercial and industrial activity will be encouraged within UGAs. As growth occurs, most lands within UGAs will have local urban governmental services provided by the cities, either directly or by contract. Other service providers are appropriate within UGAs for regional or countywide services or for isolated unincorporated pockets characterized by urban growth. The UGA land use designations are applied to urban fringe and outlying areas where land use character warrants it, impacts to natural resource lands and critical areas are limited, and where commitments to urban densities exist.

Prior to the provision of public services, the UGA designation is intended to maintain a low land use density to discourage the establishment of interim uses and land division patterns that may foreclose significant future planning alternatives pertaining to urban densities and the efficient provision of services. Low land use densities will be maintained at a maximum density of 1 dwelling unit per five acres by requiring conditions, covenants, and/or restrictions on the majority of land area held in reserve for



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urban development until such time as urban services are provided. An alternative is to subdivide at the proposed urban density and use a combination of lots to provide the area needed to support on-site sewer and water until community or municipal sewer and water are available. Ideally, development in the UGAs will be phased during the planning period and be dependent on the availability of public services and capital facility programs. When services are available, development will occur at appropriate densities and uses, and with circulation networks that result in an orderly, economic and expeditious transition from rural to urban land use patterns.

## OBJECTIVE 1:

*Establish land use designation criteria and densities for urban growth areas.*

The following criteria shall be considered when designating urban growth areas.

**4A-1.1** Areas that are of sufficient size to adequately accommodate the allocated countywide urban growth area 20-year population projection.

**4A-1.2** Areas that are sufficient in size to meet economic development needs for the projected population.

**4A-1.3** Areas where compact urban development patterns can be accomplished through infill or expansion which minimize the fiscal and environmental impacts of growth while assuring opportunities for housing, jobs, and commerce.

**4A-1.4** Areas where a range of urban governmental services such as sewer, water, storm drainage, transportation improvements, fire and law enforcement protection, and parks and recreation presently exist or can be economically and efficiently provided.

**4A-1.5** Areas that are clearly defined, logical, have a physical identity or social connection to an existing urban environment, and contain existing land use densities that are capable of accommodating additional urban growth as the need arises.

**4A-1.6** Areas where natural features and land characteristics are capable of supporting urban development without significant environmental degradation.



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**4A-1.7** Areas that do not have a long-term, commercially significant value for agriculture, forestry, or mineral production and are able to accommodate additional development without having a detrimental impact on nearby natural resource lands.

**4A-1.8** Areas where broadly based community interest indicates a preference for inclusion within a Urban Growth Area.

**4A-1.9** Areas that include, at a minimum: lands useful for recreation; critical areas and open space corridors for connection of critical areas; greenbelts as urban separators and regional open space connectors; and view sheds.

Urban Growth Area Density Policy

**4A-1.10** Overall residential densities for land designated residential within Urban Growth Areas shall be a minimum of 4 or more residential dwelling units per 1 acre for, Anacortes, La Conner, Mount Vernon, Burlington, Sedro-Woolley, Concrete, Hamilton, Lyman, Big Lake, Swinomish and Bayview Ridge.

## OBJECTIVE 2:

*Establish land use designations for unincorporated lands within each urban growth area.*

Land use designations within each Urban Growth Area are established by the government with land use regulatory authority, and are intended to be consistent with the goals, policies, and directives of the GMA comprehensive plan adopted by the respective government. The following reflects existing UGA land use categories in Skagit County as of the adoption of this Comprehensive Plan.

~~The following land use designation descriptions are provided by each jurisdiction:~~

**4A-2.1** Anacortes

(a)~~2.1.1~~ *Heavy Manufacturing.* ~~The March Point Heavy Manufacturing (HM) designation is intended primarily for heaving manufacturing and closely related uses.~~

(b)~~2.1.2~~ *Light Manufacturing.* ~~The SR 20/March Point Light Manufacturing (LM) designation is intended primarily to accommodate industrial type uses that do not need water access or proximity to the Central Business District or to the Commercial Avenue corridor.~~

**4A-2.2** La Conner

(a)~~2.2.1~~ No unincorporated UGA land use designations

**4A-2.3** Mount Vernon

(a)~~2.3.1~~ *Residential.* ~~The intent of this designation is to provide for single-family residential housing in neighborhoods of varying densities.~~

(b)~~2.3.2~~ *Public.* ~~The intent of this designation is to provide areas within the community that are available for public uses and to have master plans prepared for those uses.~~

(c)~~2.3.3~~ *Commercial.* ~~The intent of this designation is to establish and preserve general commercial areas having a variety of uses and accessible primarily by automobile.~~

(d)~~2.3.4~~ *Commercial/Light Industrial.* ~~The intent of this designation to establish and preserve general commercial areas having a variety of uses and accessible primarily by automobile and to provide areas for commercial establishments which require a limited retail contact with the public as well as incidental shop work, storage or light manufacturing.~~

(e)~~2.3.5~~ *Planned Community/Mixed Use.* ~~The intent of this designation is to provide areas for shopping centers with integrated offices, support commercial and possibly higher density residential uses.~~

(f)~~2.3.6~~ *Planned Neighborhood/Mixed Use.* ~~The intent of this designation is to establish and preserve commercial areas that support adjacent residential neighborhoods or public uses while being compatible with their needs and activities.~~

(g)~~2.3.7~~ *Residential Agriculture.* ~~The intent of this designation is to provide for uses and activities more rural in character than those found in more concentrated, urban residential neighborhoods.~~



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4A-2.4 Burlington

(a)~~2.4.1~~ *Residential.* ~~The intent of this designation is to create a living environment of optimum standards for city residents.~~

(b)~~2.4.2~~ *Commercial.* ~~The intent of this designation is to provide for business, rendering of personal and professional services, commercial activities, in city living, and to encourage shopping and to provide amenities conducive to attracting pedestrians and shoppers.~~

(c)~~2.4.3~~ *Open Space, Parks, and Agriculture.* ~~The intent of this designation is to encourage desirable and appropriate land uses in areas of the City which by reason of location, soil, topography or flooding characteristics, public ownership, wetlands, wildlife habitat, or values to the community for scenic views, recreation, agriculture, forest, or open space, are not suited to intensive land use development patterns and which may be eligible for special assessment as open space under the provisions of Skagit County's open space program.~~

4A-2.5 Sedro-Woolley

(a)~~2.5.1~~ *Single-Family 1.* ~~Allows single lot developments to a maximum density of 7 units per acre, with a minimum lot size of 6,000 square feet. Allows attached "mother-in-law" suites and in-house rentals. Allows duplexes on appropriately sized lots (minimum duplex lot size of 9,000 square feet). Allows clustered residential development and PUDs with varying residential densities as a conditional use.~~

(b)~~2.5.2~~ *Single-Family 2.* ~~Allows single lot developments to a maximum density of 5 units per acre, with a minimum lot size of 8,400 square feet. Allows clustered residential development and PUDs with varying residential densities as a conditional use.~~

(c)~~2.5.3~~ *Open* Space. ~~Land that is not suitable for intensive development.~~

(d)~~2.5.4~~ *Heavy Industrial.* ~~Allows manufacturing, processing and industrial development that is not appropriate near residential areas. Multi-family residential uses may be allowed as a conditional use if compatible and with buffers, with the density not to exceed 15 dwelling units per acre.~~



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~~2.5.5 *Light Industrial.* Allows office parks, medical services, and light industrial activities such as wholesaling and light manufacturing. Multi-family residential uses may be allowed as a conditional use if compatible and with buffers, with the density not to exceed 15 dwelling units per acre.~~

(c)~~2.5.6~~ *Public.* ~~Allows parks, schools, public infrastructure, and other developments intended primarily for public use.~~

**4A-2.6** Lyman

(a)~~2.6.1~~ No unincorporated UGA land use designations.

**4A-2.7** Hamilton

(a)~~2.7.1~~ No unincorporated UGA land use designations. ~~*Residential.* The intent of this designation is to create a living environment of optimum standards for city residents absent of the floodplain.~~

**4A-2.8** Concrete

(a)~~2.8.1~~ ~~No unincorporated UGA land use designations.~~

(b) *Public.*

(c) *Open Space.*

(d) *Commercial.*

(e) *Industrial.*

**4A-2.9** Swinomish

(a)~~2.9.1~~ *Commercial.* ~~The intent of this designation is to provide for and designate land for the development of those business activities that serve regional and community trade areas.~~

(b)~~2.9.2~~ *Residential.* ~~The intent of this designation is to provide for and set aside land for development at a density designed to meet contemporary building and desirable residential living standards.~~

(c)~~2.9.3~~ *Village.* ~~The intent of this designation is to reflect all uses encompassed within the Tribal Village for a variety of urban uses.~~



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~~The Village currently contains mixed use activities, including the location of public housing, tribal administrative functions, a community cemetery, playgrounds facilities, and a variety of commercial business, serving the residential and employment needs of the Village community. The designation provides for Tribally determined uses pursuant to the Tribe's Village Plan, which identifies specific uses proposed for the Village land areas.~~

**(d)**~~2.9.4~~ *Tribal Economic.* ~~The intent of this designation is to identify areas that will provide opportunities for Tribal (public) economic development, which support the Tribal and federal Self-Determination Policy and Economic Self-Sufficiency Policy. Developments within these areas must be supported by the Tribal economic development plan and strategic economic policy.~~

**4A-2.10** Bayview Ridge

**(a)**~~2.10.1~~ *Bayview Ridge Industrial (BR-I).* ~~*Commercial/Industrial.* The purpose of this designation is to provide areas for the development of businesses, commercial and industrial, which are compatible and largely devoid of nuisance factors, hazards or exceptional demands upon public facilities or services.~~

**(b)**~~2.10.2~~ *Bayview Ridge Heavy Industrial (BR-HI).* ~~*Residential.* The purpose of this designation is to provide for and set aside land for development at a density designed to meet contemporary building and living standards for single/multi family dwellings and other related uses. Airport operation should be considered in reviewing development proposals to avoid future conflict and foreclosing opportunities for future airport expansion. The review and approval of any future residential land divisions within an airport runway approach and departure protection zone requires that a statement be recorded with the County auditor that provides affected property owner notice that such area is within an airport runway approach and departure protection zone.~~

**(c)** *Aviation Related (AVR)*

(d) Residential (R) [Reserved]

~~2.11 Big Lake~~



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~~2.11.1 Commercial/*Industrial*. The purpose of this designation is to provide areas for the development of businesses, commercial and industrial, which are compatible and largely devoid of nuisance factors, hazards or exceptional demands upon public facilities or services.~~

~~2.11.2 *Residential*. The purpose of this designation is to provide for and set aside land for development at a density designed to meet contemporary building and living standards for single/multi family dwellings and other related uses.~~

# NATURAL RESOURCE LANDS

The Natural Resource Lands designation indicates areas where Skagit County land-use plans, regulations, and incentives will promote long-term, commercially significant resource use. These natural resources provide valuable products and raw materials that support jobs, create tax revenues, and are an important component in regional and local economies and markets. Farmlands and forests also provide aesthetic, recreational, and environmental benefits to the public, while contributing to a diverse community lifestyle and character. More detailed goals and objectives are included in Chapter 5, the Natural Resource Element.

## AGRICULTURAL NATURAL RESOURCE LANDS

**OBJECTIVE 3:**

*Establish land use designation criteria and densities for agricultural natural resource lands.*

The following criteria shall be considered when designating Agricultural Lands:

**4A-3.1** Generally, all lands in unincorporated Skagit County which are parcels 5 acres or greater that contain one or both of the following soil types shall be identified:



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(a)~~3.1.1~~ "prime farmland soils" as determined by the USDA Natural Resource Conservation Service (Soil Conservation Service), Skagit County Resource Lands and Critical Areas Classification Program; and as identified below:

| SCS Map Unit # | Soil Description |
|---|---|
| Prime Alluvial Soils | |
| 21 | Briscot fine sandy loam |
| 87 | Larush fine sandy loam |
| 88 | Larush silt loam |
| 89 | Larush variant silt loam |
| 92 | Minkler silt loam |
| 123 | Skagit silt loam |
| 96 | Mt. Vernon very fine sandy loam |
| 130 | Snohomish silt loam |
| 136 | Sumas silt loam |
| 157 | Wickersham silt loam, 0-8% slopes |
| Prime Alluvial Soils (if artificially drained) | |
| 10 | Bellingham silt loam |
| 11 | Bellingham mucky silt loam |
| 34 | Cokedale silt loam |
| 97 | Mukilteo muck |
| 101 | Nookachamps silt loam |
| 102 | Norma silt loam |



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| | |
|---|---|
| 114 | Samish silt loam |
| 141 | Tacoma silt loam |
| 142 | Tacoma silt loam, drained |

Prime Alluvial Soils (if protected from flooding)

| | |
|---|---|
| 56 | Field silt loam |
| 57 | Field silt loam, protected |
| 98 | Mukilteo Variant muck |
| 118 | Sedro-Woolley silt loam |

**4A-3.2** Then those lands meeting the parcel size and soils shall be retained in Agricultural Resource designation provided that a majority of the area falls within the 100-year floodplain as adopted by the U.S. Federal Emergency Management Agency (FEMA).

**4A-3.3** Parcels remaining after steps 3.1 and 3.2 shall be further evaluated for inclusion or exclusion based on the following additional factors:

(a)~~3.3.1~~ A majority of the area contains a predominance of parcels or acreage participating in a current-use tax assessment derived from the Open Space Taxation Act, RCW 84.34 as it pertains to agriculture.

(b)~~3.3.2~~ The land is currently in agricultural use or has been in agricultural use within the preceding ten years.

(c)~~3.3.3~~ Existing land uses are primarily agriculture in nature and minimal financial commitment to non-farm uses has been made.

(d)~~3.3.4~~ The area includes special purpose districts (such as diking and drainage districts) that are oriented to enhancing agricultural operations, including drainage improvement and flood control.

(e)~~3.3.5~~ The majority of adjacent lands are primarily in agricultural use.

(f)~~3.3.6~~ The majority of the area demonstrates a pattern of landowner capital investment in agricultural operation improvements such as



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irrigation, drainage, manure storage, barn refurbishing, enhanced livestock feeding techniques, agricultural worker housing, etc.

**4A-3.4** Parcels that may not meet the criteria described in 4A-3.1 – 4A-3.3 above may, nonetheless, be included to provide logical boundaries to the Agricultural resource lands designation and to avoid small "islands" or "peninsulas" of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet the criteria described in 4A-3.1 – 4A-3.3 above may be excluded to provide logical boundaries to the Agricultural lands designation and to avoid conflict with existing land uses.

Agriculture Land Density Policy:

**4A-3.5** Residential gross densities for land designated as Agriculture shall be 1 residential dwelling unit per 40 acres or 1/16 of a section.

## FOREST NATURAL RESOURCE LANDS

### OBJECTIVE 4:

*Establish land use designation criteria and densities for forest natural resource lands.*

The following criteria shall be considered when classifying Industrial Forest lands:

**4A-4.1** All lands in unincorporated Skagit County shall be screened for possible Industrial Forest designation as described in this section. First, the majority of the area contains land where the average parcel size is 40 or larger acres (the number of parcels contained in a 1/4 subdivision of a Section divided into 160 acres) and contains one or more of the following characteristics:

**(a)**~~4.1.1~~ The majority of the area contains WA State Department of Revenue – Private Forest Land Grade (PFLG) soils 1-5.

**(b)**~~4.1.2~~ The majority of the area includes "lands which are primarily devoted to and used for growing and harvesting timber" (84.33.020).

**4A-4.2** Then, those lands located in blocks of contiguous parcels approximately 160 acres and larger shall be retained in Industrial Forest designation.



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**4A-4.3** Parcels remaining after steps 4A-4.1 and 4A-4.2 shall be further evaluated for inclusion or exclusion based on the following additional factors:

**(a)**~~4.3.1~~ The majority of the area contains a predominance of parcels or acreage participating in a current-use tax assessment program under the provisions of RCW 84.33 and 84.34 as it pertains to forestry. Such current-use tax assessment status is, not by itself, a sufficient determining factor for inclusion or exclusion, but is only part of the relevant characteristics to be considered.

**(b)**~~4.3.2~~ The majority of the area has limited public services and facilities (although the area may be located within a public water district).

**4A-4.4** Parcels that may not meet the criteria described in 4A-4.1 and 4A-4.2 above may, nonetheless, be included to provide logical boundaries to the Industrial Forest lands designation and to avoid small "islands" or "peninsulas" of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet the criteria described in 4A-4.1 and 4A-4.2 above may be excluded to provide logical boundaries to the Industrial Forest lands designation and to avoid conflict with existing land uses. Isolated, pre-existing residences shall not preclude the adjacent forest land areas from being classified Industrial Forest.

**4A-4.5** Areas with pre-existing conditions such as vested subdivisions and rural development, other than isolated pre-existing single-family homes, where the predominant activity is clearly not that of commercial forestry, shall not be classified as Industrial Forest lands. Isolated, pre-existing single-family homes shall not preclude the surrounding undeveloped forest land areas from being designated Industrial Forest as long as most of the other criteria in this section can be met.

Industrial Forest Land Parcel Density Policy

**4A-4.6** The minimum parcel size for land designated as Industrial Forest shall be 80 acres or 1/8 of a section. The practice of Forestry shall be the preferred use on Industrial Forest land. Residential development shall be limited to those areas located within an existing fire protection district.

**(a)**~~4.6.1~~ Residential development is a permitted use on parcels within an existing fire protection district that are within 200 feet of an existing county road or state highway.



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(b)~~4.6.2~~ Residential development may be permitted as a hearing examiner special use if the parcel is located within and existing fire protection district, but not within 200 feet of an existing county road or state highway if the applicant can demonstrate to the hearing examiner that:

(i)~~(a)~~ all uniform fire code requirements for construction of that residential structure can be met, and

(ii)~~(b)~~ fire prevention and suppression requirements for construction of that residential structure can be met as follows:

(1)~~(i)~~ ingress and egress for fire vehicles meets the standards of the Uniform Fire Code Section 902, as amended;

(2)~~(ii)~~ there is a 200 foot slash abatement maintained around the exterior portion of the dwelling;

(3)~~(iii)~~ there is a safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of any structure on level ground and 100 feet downhill on loped ground;

(4)~~(iv)~~ the dwelling or any accessory structure is constructed of a non-combustible roofing material; and

(5)~~(v)~~ there is availability of 300 gallons of water onsite, 400 feet of 1 inch fire hose with foam applicator, and an internal combustion engine powered pump.

Secondary Forest Land Designation Criteria Policies

The following criteria shall be considered when designating Secondary Forest lands:

**4A-4.7** The majority of Secondary Forest lands shall be located within a 1/4 mile band adjacent to lands designated as Industrial Forest lands and have an average parcel density of 20 acres. This band shall be derived from land primarily devoted to forestry and contain one or more of the following characteristics:



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(a)~~4.7.1~~ The majority of the area contains WA State Department of Revenue – Private Forest Land Grade (PFLG) soils 1-5.

(b)~~4.7.2~~ The majority of the area includes "lands which are primarily devoted to and used for growing and harvesting timber" (84.33.020).

**4A-4.8** Parcels remaining after step 4A-4.7 shall be further evaluated for inclusion or exclusion based on the following additional factors:

(a)~~4.8.1~~ The majority of the area contains a predominance of parcels or acreage participating in a current-use tax assessment program under the provisions of RCW 84.33 and 84.34 as it pertains to forestry. Such current-use tax assessment status is not by itself a sufficient determining factor for inclusion or exclusion, but is only part of the relevant characteristics to be considered.

(b)~~4.8.2~~ The majority of the area has limited public services and facilities (although the area may be located within a public water district).

**4A-4.9** Parcels that do not meet the criteria described in 4A-4.7 and 4A-4.8 above may, nonetheless, be included to provide logical boundaries to the Secondary Forest lands designation and to avoid small "islands" or "peninsulas" of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet the criteria described in 4A-4.7 and 4A-4.8 above may be excluded to provide logical boundaries to the Secondary Forest lands designation and to avoid conflict with existing land uses. Isolated, pre-existing residences shall not preclude the adjacent forest land areas from being classified Secondary Forest.

**4A-4.10** In addition to these land use designation criteria the Swinomish Indian Reservation should be designated Secondary Forest-NRL. While these lands are not located within a ¼ mile buffer of the Industrial Forest-NRL much of these lands are in forest production and management and are designated as such in the draft Swinomish Comprehensive Plan (September 19, 1990).

**4A-4.11** When the adjacent property is designated as Agricultural natural resource land, no Secondary Forest band is required. Generally, the band was still used if adjacent to Rural Resource designated lands.



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Secondary Forest Parcel Density Policy

**4A-4.12** Residential gross densities for land designated as Secondary Forest shall be 1 dwelling unit per 20 acres.

# RURAL RESOURCE NATURAL RESOURCE LANDS

## OBJECTIVE 5:

*Establish land use designation criteria and densities for rural resource natural resource lands.*

Rural Resource Lands Classification Criteria for Designation

**4A-5.1** All lands in unincorporated Skagit County not otherwise already designated Agriculture, Industrial Forest or Secondary Forest shall be screened for possible Rural Resource Lands designation as described in this section. First, all parcels approximately 40 acres or greater that contain one or both of the following soil types shall be identified:

(a)~~5.1.1~~ "Prime upland farmland soils" as determined by USDA Soil Conservation Service and the Skagit County Resource Lands and Critical Area Classification Program; and as identified below:

| **SCS Map Unit #** | **Soil Description** |
|---|---|
| Prime Upland Soils | |
| 59 | Giles silt loam |
| 60 | Giles Variant silt loam |
| 61 | Gilligan silt loam |
| 100 | Nargar loam, 0-8% slopes |
| 116 | Sauk silt loam |
| 119 | Sehome loam, 0-8% slopes |
| 146 | Tokul gravelly loam, 0-8% slopes |



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(b)~~5.1.2~~ Washington State Department of Revenue - Private Forest Land Grades (PFLG) 1-3.

**4A-5.2** Then, those lands located in blocks of contiguous parcels approximately 160 acres and larger shall be retained in Rural Resource designation, provided however, that any parcel 40 acres or larger that is located contiguous to any land designated Agriculture, Industrial Forest or Secondary Forest generally should be designated Rural Resource regardless of whether it is contained within an approximately 160 acre block.

**4A-5.3** Parcels remaining after steps 5.1 and 5.2 shall be further evaluated for inclusion or exclusion based on the following additional factors:

(a)~~5.3.1~~ Participation in a current-use tax assessment program derived from the Open Space Taxation Act, RCW 84.33 and 84.34. Such current-use tax assessment status is not, by itself, a determining factor for inclusion or exclusion, but is only part of the relevant characteristics to be considered.

(b)~~5.3.2~~ A majority of the area is currently in small scale agriculture or forestry use or has been in agricultural or forestry use within the preceding ten years and minimal improvements or financial expenditures have been made to non-resource related uses in the area as a whole. Construction of a single-family residence on any parcel of land shall not be deemed a sufficient non-resource related expenditure for purposes of this subsection.

(c)~~5.3.3~~ The majority of the area has limited availability of public services and facilities (although the area may be located within a public water district).

**4A-5.4** Parcels that do not meet the criteria described in Policies 4A-5.1 and 4A-5.3 above may, nonetheless, be included to provide logical boundaries to the Rural Resource lands designation and to avoid small "islands" or "peninsulas" of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet the criteria described in Policies 4A-5.1 and 5.3 above may be excluded to provide logical boundaries to the Rural Resource lands designation and to avoid conflict with existing land uses.



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Rural Resource Land Parcel Density Policy

**4A-5.5** A maximum residential gross density of 1 dwelling unit per 10 acres or 1/64 of a section for a conservation and reserve development (CaRD) land division or a 40 acre minimum lot size or 1/16 of a section for standard land divisions shall be allowed.

# MINERAL RESOURCE OVERLAY

## OBJECTIVE 6:

*Establish land use designation criteria and densities for mineral resource lands.*

The purpose of these policies is to protect and conserve mineral resource lands of long-term commercial significance so that mineral extraction from these lands are not precluded by conflicting land uses. Such lands are designated as a Mineral Resource Overlay to other designated Natural Resource Lands on the Comprehensive Plan Land Use Map. It would not be sufficient to designate only those lands that have current permits.

~~The following criteria shall be considered when designating mineral resource areas:~~

~~Lands designated as Mineral Resource Areas shall be indicated on an overlay map to the Comprehensive Plan Land Use Map. Before Mineral Resource Areas can be designated they must first be classified.~~

~~The following criteria shall be used to classify and designate mineral resource areas:~~

Criteria

**4A-6.1** In designating new areas within the Mineral Resource Overlay, adequate information shall be provided demonstrating the following:

(a)~~6.1~~ Marketability. Mineral resource lands containing minerals that are minable, recoverable, and marketable in the present or foreseeable future (50 years).



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(b)~~6.2~~ Minimum Threshold Value. The following values in 1990 equivalent dollars shall be met or exceeded. Threshold value is the projected value (gross selling price) of the first marketable product from an individual mineral deposit, upon completion of the extraction and any required mineral separation and processing. The threshold values are intended to indicate in a general way the approximate minimum size of a mineral deposit that will be considered significant for designation. The values are not intended, nor in practice could they be, for use as precise threshold values.

(i)~~6.2.1~~ Construction materials: Minimum Value $5,000,000. Sand, gravel, and pit run rock, capable of being used in construction, that normally receive minimal processing (commonly washing and grading).

(ii)~~6.2.2~~ Quarry rock: Minimum Value $1,000,000. Quarry rock products, such as shot rock, meeting all strength and durability specifications of the Washington State Department of Transportation's 1988 Standard Specifications for Road, Bridge and Municipal Construction (or later editions).

(iii)~~6.2.3~~ Industrial and Chemical Mineral Materials: Minimum Value $1,000.000. Non-metallic mineral materials, such as building and dimension stone, or specialty sands, which normally receive extensive processing.

(iv)~~6.2.4~~ Metallic and Rare Minerals: Minimum Value $500,000. Metallic elements and minerals, gemstones, and minerals that possess special properties valuable to science or industry.

(v)~~6.2.5~~ Non-fluid Mineral Fuels: Minimum Value $1,000,000. Non-hydrothermal mineral fuels occurring in sedimentary rocks such as coal bed methane, lignite, peat, organic shale, tar sand, uranium and thorium.

4A-6.2 Adequate information for the purpose of designating areas within the Mineral Resource Overlay shall consist of, but not be limited to, site-specific information prepared by a qualified geologist, U.S. geological survey maps, and/or information on file with the WA Department of Natural Resources.



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(a) A qualified geologist shall be defined as a person who earns his or her livelihood from the field of geology and has received a degree from an accredited four-year institution of higher education.

~~Mineral Resource Areas Classification Category Policies~~

~~6.3 MRA-1. Areas where adequate information indicates that the above criteria have been met, required permits have been issued, and designation process has been completed. The preferred use in this category shall be mining.~~

~~6.4 MRA-2. Areas where adequate information indicates that the above criteria have been met, a Department of Natural Resources Surface Mining permit has been issued, and designation has been requested.~~

~~Or:~~

~~Areas where adequate information indicates that the above criteria have been met, no required permits have been issued, and designation has been requested.~~

~~6.5 MRA-3. Areas where adequate information indicates that the above criteria have the potential to be met, no required permits have been issued, and designation as any other MRA has not been issued.~~

~~6.5.1 Adequate information for the purpose of designating Mineral Resource Lands shall consist of, but not be limited to, site-specific information prepared by a qualified geologist, U.S. Geological Survey maps, or information on file with the State Department of Natural Resources mining permit data.~~

~~6.5.2 A qualified geologist shall be defined as a person who earns his or her livelihood from the field of geology and has received a degree from an accredited four-year institution of higher education.~~

Policies

**4A-6.3** To be considered significant for the purpose of the designation, a mineral deposit or a group of deposits that can be mined as a unit must meet the criteria for marketability and threshold values. Mineral extraction operators shall be encouraged to participate in the designation of mineral resource lands of long-term commercial significance needed for the projected growth of at least the next twenty (20) years and preferably the next fifty (50) years, provided that this policy is not intended to limit or prevent



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designation of potential mineral resource lands just because the total supply of mineral resources might exceed a 20- or 50-year projection of need. Areas shall be designated as mineral resource lands based on geologic, environmental and economic factors, existing land uses, and surrounding parcel sizes and additional criteria specified in this element. In designating the Mineral Resource Overlay, consideration shall focus on:

(a) General land use patterns in the area;

(i) Residential gross densities for land designated as Mineral Resource Areas shall be no greater than 1 residential dwelling unit per 10 acres.

(ii) The preferred land uses adjacent to designated mining sites are open space, forestry, or industrial uses.

(b) Availability of utilities;

(c) Availability and adequacy of water supply;

(d) Surrounding parcel sizes and surrounding land uses;

(e) Availability of public roads and other public services;

(f) Division or zoning for urban or small lots;

(g) Accessibility and/or distance from point of use;

(h) Physical and topographic characteristics of the mineral resource site;

(i) Depth of the resource;

(j) Depth of the overburden;

(k) Physical properties of the resource;

(l) Life of the resource; and

(m) Resource availability in the region.

(n) Potential effects on public drinking water, sediments, and pollutants.

4A-6.4 New residential development adjacent to a designated Mineral Resource Overlay should be sited to help minimize potential conflicts between residences and mining operations.

4A-6.5 Updates to the Mineral Resource Overlay shall be undertaken at a maximum of five-year intervals to identify additional potential mineral resource areas and remove those areas that no longer can be used for mineral resources, or that have been demonstrated to not meet the criteria for mineral resource designation in this chapter of the Comprehensive Plan.

4A-6.6 Designation or removal of the Mineral Resource Overlay shall be processed as a Comprehensive Plan amendment pursuant to all of the procedures required for the same, including petition, notice, and public hearing.

4A-6.7 Petitions for removal of a Mineral Resource Overlay designation shall include information from a qualified geologist providing adequate evidence that the site specified does not meet the criteria of long-term commercially significant mineral resources.

Mineral Resource Area Density Policies

4A-6.8~~6.6~~ Residential gross densities for lands that are designated or within ¼ mile of a ~~as~~ Mineral Resource Overlay ~~Areas (MRAs) or are within ¼ mile of designated MRAs,~~ shall be no greater than 1 residential dwelling unit per 10 acres provided that if the underlying land use designation density of land within ¼ mile of the Mineral Resource Overlay ~~MRA lands~~ is greater than 1 dwelling unit per 10 acres, the development rights associated with that density may be transferred to and clustered on that portion of the property located outside of ¼ mile from the Mineral Resource Overlay ~~MRA lands,~~ consistent with the Conservation and Reserve Development (CaRD) policies in this chapter.



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# RURAL AREA

The Rural Area designation is intended to provide for a variety of rural residential land use densities while maintaining overall lower than urban densities at rural service levels, encourage rural activities such as farming, forestry, mining, and aquatic resources, and retain rural character and open space. Designating Rural Areas minimizes service demands and costs on county government, preserves historic and cultural structures and rural landscapes, and protects designated natural resource lands and identified critical areas. Rural Areas also provide a choice in living environments, through a mix of large lots, conservation and reserve development (CaRD) land divisions, and existing smaller lots in rural community centers or "rural villages". Rural Villages historically have provided an activity center where rural residents and others can gather, work, shop, entertain, and reside. Commercial and compatible industrial development may continue to locate in rural villages under limited conditions. Additional goals and objectives are included in Chapter 6, the Rural Element.

## OBJECTIVE 7:

*Establish land use designation criteria and densities for rural areas.*

The following criteria shall be considered when designating Rural Areas:

**4A-7.1** Those areas not designated as urban growth areas or as natural resource lands, where a possibility exists for less intensive agriculture, forestry and mineral resource management and utilization.

**4A-7.2** Those areas which serve as a buffer between natural resource lands and urban growth.

**4A-7.3** Those areas where the open-space character of the land is to be protected for scenic qualities, recreational pursuits, and ecological functions.

**4A-7.4** Those areas where features of the natural environment generally make the land less suitable for intensive urban development.

**4A-7.5** Those areas where existing and future uses do not typically require urban-type services and facilities (public sewers or urban level water systems, curbs, sidewalks, parking lanes, street lights, public transit) and services are not as readily available (fire, law enforcement, and emergency medical response, or social services).



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**4A-7.6** Those areas that are adjacent to designated urban growth areas which may be needed for future urban expansion beyond the current planning period.

Rural Density Policies

**4A-7.7** Although some growth in the Rural Area is expected, a low growth rate is more desirable than a high growth rate for the Rural Area, including Rural Villages. Therefore, the total number of residential building permits for all land outside of a designated urban growth area should be no greater than required to provide for the allocated population growth for the non-urban growth areas through 2015. This target provides a basis for annual monitoring, 5-year plan reviews, and revisions of development in non-urban growth areas as a whole. Development trends will be analyzed to determine if changes in land use designations are necessary or additional regulatory techniques or measures are needed to assure compliance with targeted urban/non-urban population distribution goals.

**4A-7.8** Changes to Rural Area designations ~~residential densities~~ should occur through the community development planning process (subarea and joint planning) by evaluating the following: existing lots of record and zoning; geological characteristics; environmental constraints; unique land forms; proximity to designated natural resource lands, identified critical areas, and urban growth areas; adequate capacity to maintain existing rural level of service facilities, and utilities to support development as established in relevant capital facility plans; and compatibility with adjoining land uses.

A variety of densities ranging from 1 dwelling unit per 2.5 acres or 1/256 of a section to 1 dwelling unit per 10 acres or 1/64 of a section shall be allowed for new residential development and be categorized as follows:

(a)~~7.8.1~~ *Rural Reserve*. The Rural Reserve designation only applies to all rural areas not designated as Natural Resource Lands or Rural Intermediate that are not included within an Urban Growth Area or Rural Village. A maximum residential gross density of 1 dwelling unit per 5 acres or 1/128 of a section for conservation and reserve development land divisions or a 10 acre minimum lot size or 1/64 of a section for standard land divisions shall be allowed.

(b)~~7.8.2~~ Rural Intermediate. The Rural Intermediate (RI) designation applies to rural areas where the average existing and/or surrounding parcel density is predominantly more than or equal to 1 parcel per



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2.5 acres or 1/256th of a section, not including any lands within a UGA. If rural lands proposed to be added to the RI designation have a density of less than 1 parcel per 2.5 acres, these lands must be included in any calculation of "average existing and/or surrounding parcel density." These RI designations are intended to balance property rights in the legally vested lots and the built environment that is reflected in certain rural areas of the County with the GMA requirements to minimize sprawl and concentrate growth in urban areas. Areas may be considered for designation as RI by identifying clearly-contained logical boundaries that are delineated predominately by the built environment. Under the requirements of RCW 36.70A.070(5), this built environment should exist on or before July 1, 1990. However, in some cases, where lots were legally created since that time, but prior to adoption of the Comprehensive Plan and have either been developed, or have vested rights to develop at those densities, RI designation may be appropriate on those lots as well. Finally, as described in more detail under the Rural Study Areas policies below, some RI density may be appropriate in one or more of those study areas, but only after completion of the necessary community plan.

(i) Undeveloped lands may be included in a RI designation, but only if the undeveloped land is included through an assessment of logical outer boundaries delineated primarily by the built environment; if the undeveloped lands are for infill development or redevelopment; if there are necessary public facilities and services to serve the area; and if a new pattern of low-density sprawl is not created by including such undeveloped lands.

(ii) The RI designation does not necessarily apply to every existing lot smaller than 2.5 acres in the County since, to do so, could result in a pattern of scattered and unconsolidated areas of more intense rural development.

(iii) For purposes of drawing logical outer boundaries and avoiding irregular ones for limited areas of more intensive rural development, the County shall consider existing rural neighborhoods and communities; physical boundaries such as salt water bays, lakes, rivers, creeks, drainage ditches, and public roads; natural boundaries such as watersheds, land



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forms and topography; and, the availability of public services and facilities provided that such outer boundaries do not lead to low-density sprawl.

~~The Rural Intermediate designation shown on the comprehensive plan map at the time of adoption of this Comprehensive Plan applies only to rural areas where existing and/or surrounding parcel density is predominantly greater than or equal to 1 dwelling unit per 2.5 acres or 1/256 of a section. A maximum residential gross density of 1 dwelling unit per 2.5 acres or 1/256 of a section shall be allowed in new development within this designation.~~A maximum residential gross density of 1 dwelling unit per 2.5 acres or 1/256 of a section shall be allowed in new development within this designation.

~~Additional areas may be considered for designation as Rural Intermediate, through a future subarea planning process, provided that, in addition to the criteria in 7.8, above, the following factors are considered:~~

~~(a) The area proposed for Rural Intermediate designation is not designated as a natural resource land and is not within 200 feet of land designated natural resource lands.~~

~~(b) The area proposed for Rural Intermediate designation either has public sewer designed to serve the Rural Intermediate density already installed or has paid the public sewer provider for sewer service appropriate for the Rural Intermediate density. The presence of such sewer is not a requirement for Rural Intermediate designation; but if such public sewer has already been provided, this factor provides additional support for a new Rural Intermediate designation.~~

~~(c) The area proposed for Rural Intermediate designation either has public water installed, or has paid the public water provider for water service appropriate for the Rural Intermediate density. The presence of such water is not necessarily a requirement for Rural Intermediate designation, but if such public water has already been provided, this factor provides additional support for a new Rural Intermediate designation.~~

~~(d) None of these factors are intended to be exclusive factors for or against a proposed Rural Intermediate designation, but rather are to be considered in conjunction with the other criteria in 7.8 in evaluating any particular subarea plan proposal for additional Rural Intermediate designation.~~

Rural Village Designation Criteria Policies

**4A-7.9** Rural Villages shall be located only in designated Rural areas. Rural Village designation and densities shall be based on existing development patterns and uses, environmental constraints, presence of critical areas, proximity to designated natural resource lands, and adequate capacity to maintain existing rural level of service. It is the intent that Rural Villages will represent historical communities throughout the County with future development limited to infill within designated boundaries.

**4A-7.10** Through the community development planning process (subarea and joint planning), local knowledge, experience, and preferences of community residents shall be used; provided that such is consistent with the Growth Management Act, Countywide Planning Policies, and the Comprehensive Plan, when determining the following: ~~utilized in designating Rural Villages and when establishing the size of Rural Villages, deciding appropriate land uses, determining community infrastructure requirements, and establishing standards and design guidelines to protect and retain important features the community values.~~

(a) the size of Rural Villages, provided that the boundaries of the historic Rural Villages shall be defined predominately by the built environment that existed on or before July 1, 1990;

(b) appropriate land uses, including, but not limited to where additional Rural Village Commercial uses should be located, the circumstances under which natural resource or cottage scale industries should be permitted and whether mixes of uses should be permitted;

(c) community infrastructure requirements;

(d) standards and design guidelines to protect and retain important features valued by the community.

**4A-7.11** The following existing communities are designated as Rural Villages on the comprehensive plan map: Big Lake, Conway, Bay View, Edison, Alger, Clear Lake, Lake McMurray, Lake Cavanaugh, Rockport and Marblemount. The areas designated Rural Village on the comprehensive plan map are intended to reflect primarily historic, existing developed parcels and uses at Rural Village density.

Rural Village Density Policies



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**4A-7.12** Single-family residential densities for land designated as a Rural Village shall be determined as follows: ~~not exceed 1 residential dwelling unit per 1 acre with public water and an approved on-site septic system.~~

**(a)** with public water and an approved on-site septic system, 1 residential dwelling unit per acre; or

**(b)** with public water and public sewer, a Rural Village Community Plan may recommend smaller lot sizes if consistent with existing rural village development patterns and/or appropriate to better protect critical areas, open spaces or public health and safety concerns.

**4A-7.13** Single-family residential densities for land designated as a Rural Village shall not exceed 1 residential dwelling unit per 2.5 acre or 1/256 of a section with private water and an approved on-site septic system.

4A-7.14 The Big Lake Rural Village has a public sewer system intended to serve the Big Lake watershed to protect water quality in the lake. As a result, the Big Lake Rural Village contains larger undeveloped parcels on the east side of the lake . These larger, undeveloped parcels, within the Rural Village boundary, shall be designed as a conservation and reserve development, where the development rights from the property are clustered on that portion of the parcel located adjacent to other existing one acre or smaller lots, recreational facilities or commercial development, with the remaining acreage set-aside in permanent open space designation and where the lots created are required to connect to the public sewer system.

Study Areas: Rural Areas of More Detailed Planning

4A-7.15 In addition to the community plans for each of the Rural Village designations described below in Policy 4A-10.1, Rural Village Commercial (RVC), and the community planning policies of Chapter 14, Community Planning Element, Skagit County shall prepare a community plan for each of the following areas that addresses logical outer boundaries for Rural Centers, if applicable, and, at a minimum, the issues indicated:

**(a)** Big Lake Rural Village. The community plan for the Big Lake Rural Village shall include consideration and recommendations on logical Rural Village boundaries that preserve the character of the neighborhood and the community based on: existing development,



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land use patterns, and parcel density; natural land forms, contours, and topography; and, infrastructure capital improvement plans that are intended to serve the community, including roads, sewer and water lines. The Big Lake Rural Village is unique in that it is the only Rural Village in Skagit County served by both public water and sanitary sewer. The community plan for the Big Lake Rural Village is to consider Sewer District No. 2's comprehensive plan and capital improvement plan and its service area as a way to allow for additional infill and more intensive rural residential development while protecting the Lake's fragile watershed, water quality and recreational activities. The Big Lake Rural Village Community Plan should develop residential densities that reflect these unique features of the Big Lake community. Clustering requirements for larger undeveloped properties shall be considered that create compatible rural densities and a non-expanding Rural Village boundary.

**(b)** Birdsview. The community plan for Birdsview shall include consideration of: appropriate land use designations for the existing camping resort properties and travel trailer parks; whether additional Rural commercial or industrial land use designations are appropriate and necessary to serve not only the rural residents in this area, but the traveling public; and whether additional rural density is appropriate to minimize large-lot sprawl in this area and to create more logical boundaries incorporating the existing RI designations.

**(c)** Fidalgo Island. The community plan for Fidalgo Island shall include the following: provisions for maintaining the existing rural character and lifestyles of the island; an assessment of the natural and built environment such as, but not limited to: shoreline environs, geologically hazardous areas, drainage, marine and upland water quality, suitability of soils and geology for development, fish and wildlife habitat, open space areas/corridors, transportation networks, and availability and cost of public facilities and services. The Fidalgo Island Community Plan shall also consider previous land use studies and reports in determining whether additional rural density is appropriate to minimize large-lot sprawl and to create more logical boundaries incorporating the existing RI designations.

**(d)** Day Creek. The community plan for Day Creek shall consider possible expansion of the Rural Center designation beyond the



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existing Day Creek Store to include other adjacent parcels with existing non-resource development. This community plan shall recognize the relative isolation of this area and this Rural Center from any other retail or service uses. In addition, to help ensure long-term vitality of this Day Creek Rural Center, and to minimize the impetus for new, more scattered rural commercial or industrial development in this area of the County, this community plan shall also evaluate whether additional rural density is appropriate adjacent to this Rural Center, thereby minimizing the potential for large-lot sprawl in this resource area of the County. If not completed before this Community Plan, the MRO designations in this Day Creek area shall be reevaluated to be sure they match the actual locations of the mineral resource and take into account existing critical area characteristics including ancient landslides.

(e) Guemes Island. The community plan for Guemes Island shall address rural commercial uses and locations, sole-source aquifer issues, shoreline environs, ferry service, open space and natural resource lands, and provisions for maintaining rural character and lifestyles. Consideration should be given to the community's previously drafted sub-area plan for the island.

(f) Upper Samish Valley. The community plan for the Upper Samish Valley shall include consideration of whether an area along Highway 9 north of Sedro-Woolley should be designated as a new Rural Center. This is one of the few populated areas of the County that is not included within a 2.5 mile radius service area of an existing Rural Village Commercial District or Rural Center. There are several existing public uses, including a school, fire station, and grange hall, that could serve as the core of a new Rural Center.

(g) Alger. The community plan for the Alger area shall include an assessment of logical boundaries for more intensive rural development based on existing parcel densities and the built environment. Provisions for maintaining rural character and lifestyles shall also be addressed. Consideration should be given to the community's previously drafted sub-area plan.



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## OPEN SPACE AREAS

The Open Space Areas are intended to provide for a variety of open space types. Open space areas include greenbelt corridors within and around urban growth areas, green belts which connect critical areas, lands receiving open space tax incentives, resource lands, conservation easements, rural open space areas, park lands, and significant historic, archaeological, scenic and cultural lands. The Potential Greenbelts and Public Open Space Areas overlay found on the Urban Growth Area Maps, Maps 3A - 3K, are general in nature and will be more thoroughly designated through the project review process. More detailed mapping together with specific protection techniques including a revenue plan are included ~~will be developed~~ as a part of the Parks, Recreation and Open Space Plan and Conservation Futures Plan ~~during 1997~~. Potential greenbelts and open space areas will be a mix of the three categories of open space: (1) Public, (2) Private and (3) Open Space Taxation.

Public Open Space

Public Open Space areas include publicly owned lands that are dedicated or reserved for public use or enjoyment for recreation, scenic amenities, natural resource land management, or for the protection of environmentally sensitive areas. Where identified below to be of regional or statewide importance, such lands are designated on the Comprehensive Plan Map. Other publicly held lands, such as local neighborhood parks, scenic roads and highways, shorelines, rivers and streams, and utility corridors, although not designated as open space on the Comprehensive Plan Map, nevertheless offer similar open space functions and benefits. However, certain areas may not be open to the public, such as utility corridors, road easements, etc., where ownership or public safety reasons may preclude public access, even though these areas may provide open space benefits to wildlife.

Private Open Space

There are several private organizations in Skagit County that in some way set aside lands for conservation purposes, such as for their ecological, scenic, or natural resource values. Private land trusts, such as the Skagit Land Trust, the San Juan Preservation Trust, and the Nature Conservancy, among others, own or in some way administer a significant amount of land in Skagit County.

These private organizations contribute to the preservation of wildlife habitat, biodiversity, natural and scenic greenbelts and open-space corridors. Through the use of such techniques as conservation easements, purchase of development rights, or the outright purchase of land, development of these lands is limited or precluded



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altogether. Such lands, where known, are identified on a separate map, for informational, non-regulatory purposes, and may change over time.

Open Space Taxation

Lands enrolled in a taxation program as defined in RCW 84.34 are identified in the Current Use Open Space Taxation Program map. This map also may change over time according to participation.

## OBJECTIVE 8:

*Establish criteria to identify public, private and open space taxation open space areas and to designate open space corridors within and around urban growth areas.*

The following shall be considered when designating open space areas:

**4A-8.1** Public Open Space areas are those lands in public ownership that are dedicated or reserved for public use or enjoyment for recreation, scenic amenities, natural resource land management, or for the protection of environmentally sensitive areas such as the following:

(a)~~8.1.1~~ Neighborhood and community parks should be linked by open space networks whenever possible.

(b)~~8.1.2~~ Land that offers special natural resource-based and recreational opportunities, such as: federal, state and local regionally important parks and recreation areas; islands; federal wilderness areas; wildlife refuges; lakes; reservoirs; creeks; streams; river corridors; shorelines and areas with prominent views.

(c) Public Open Space areas of Regional/Statewide Importance are as follows: Deception Pass State Park; Saddlebag Island; Hope Island; Ika Island; Huckleberry Island; Skagit Island; Larrabee, Rasar, and Bayview State Parks; PUD #1 Judy Reservoir; Skagit Wildlife Refuge; North Cascades National Park; Noisy Diobsud Wilderness; Glacier Peak Wilderness; Ross Lake National Recreation Area; Mount Baker National Forest; Seattle City Light Wildlife Mitigation Lands; Rockport State Park; WA Department of Natural



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Resources Natural Resource Conservation Areas and Natural Area Preserves; and portions of the Northern State Recreation Area.

(d)~~8.1.3~~ Lands which include a significant historic, archaeological, scenic, cultural or unique natural feature.

(e)~~8.1.4~~ Areas that take advantage of natural processes, wetlands, tidal actions and unusual landscape features such as cliffs and bluffs.

**4A-8.2** Private Open Space is privately owned land that has been or will be set aside by the operation of the Critical Areas Ordinance, by voluntary conservation or by land reserve easements such as the following:

**(a)**~~8.2.1~~ Critical areas as defined in the Critical Areas Ordinance.

**(b)**~~8.2.2~~ Lands with conservation and land reserve easements in place.

**(c)**~~8.2.3~~ Lands within urban growth areas that are wooded and serve a functional purpose in climate, noise, light or pollution control, or provide wildlife habitat or greenbelts.

**(d)**~~8.2.4~~ Lands that can provide for a separation between communities, minimize or prevent sprawl, provide a buffer between urban and rural areas, or between natural resource lands and rural areas.

**(e)**~~8.2.5~~ Potential private open space can be identified by an overlay on the land use designation.

**(f)**~~8.2.6~~ Property owners should be encouraged to enroll in the Current Use Open Space Taxation Program.

**(g)**~~8.2.7~~ Skagit County should consider implementation of the Conservation Futures Program that would provide revenue for the acquisition of important critical areas.

**(h)**~~8.2.8~~ The use of conservation easements or other measures should be considered for the protection of critical areas.

**4A-8.3** The Current Use Open Space Taxation Program includes properties utilized for agricultural, timber and open space uses as provided in RCW 84.34.

**(a)**~~8.3.1~~ Property owners should be encouraged to enroll in the Current Use Open Space Taxation Program.



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# COMMERCIAL AND INDUSTRIAL USES OUTSIDE OF URBAN GROWTH AREAS

Commercial and industrial uses throughout unincorporated Skagit County are guided by the goals, objectives and policies articulated below. Existing and new commercial and industrial land uses are subject to this plan's land use policies. Implementing development regulations adopted pursuant to this plan more specifically identify commercial and industrial development opportunities and limitations and explain, through code language, how the Comprehensive Plan policies are put into practice. Those regulations would expand upon the policies describing how existing uses can continue, under what circumstances they can expand, and how rural character, resource lands, and critical areas are to be protected when new uses are permitted.

Commercial and industrial land use designations and uses in unincorporated Skagit County are designated by symbols and/or color-coding on the combined Skagit County Comprehensive Plan and Zoning Map.

In developing this plan, Skagit County undertook an extensive review of existing commercial and industrial uses and zoning in the unincorporated areas. Additionally, the County commissioned research to analyze commercial and industrial land needs through the year 2015, with a particular emphasis on those needs in rural unincorporated areas. Also, the County developed new rural and natural resource-related commercial and industrial land use designations, policies, and criteria. Development of these designations and policies closely followed the opportunities and responsibilities set out in the 1997 amendments to the Growth Management Act addressing rural development. Citizens advisory committees were involved in various stages of this work program.

Based on this work, the County has designated within the Comprehensive Plan specific locations or areas for rural and natural resource-related commercial and industrial development. Generally, these designations identify and acknowledge existing areas or uses of commercial or industrial development. Where there were existing areas or uses as of July 1, 1990, these areas may include limited amounts of undeveloped land contained within a logical outer boundary. Activities within these existing areas of more intensive rural development may include infill, development, or redevelopment within the existing area, subject to the relevant Comprehensive Plan policies.

Beyond designation of existing activities and infill development within logical outer boundaries, the County generally has not tried to anticipate or direct where new



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commercial and industrial development will locate through the year 2015. Instead, the County has held in reserve the remaining commercial and industrial acreage identified in its needs analysis for allocation to future rural and natural-resource-related commercial and industrial land uses. Proposals for new commercial and industrial development require a Comprehensive Plan map amendment, a showing of consistency with Comprehensive Plan land use designation policies, and a rezone. Following a successful Comprehensive Plan amendment and rezone, the appropriate commercial or industrial acreage will be allocated to that use and subtracted from the amount being held in reserve by the County.

The process for Comprehensive Plan amendments, including map amendments, is discussed in Chapter 2, Plan Implementation and Monitoring.

## RURAL COMMERCIAL AND INDUSTRIAL USES

### OBJECTIVE 9:

*Provide for rural and natural-resource-related commercial and industrial uses commonly accepted in the rural area, within a range of rural commercial and industrial land use designations. These designations and the permitted commercial and industrial uses within them will provide daily goods and services to rural residents, to natural resource industries, and to visitors to the rural area; preserve rural and natural resource-based economies and traditional rural and natural resource lifestyles; sustain the economic utilization of Skagit County's natural resources; provide family wage jobs and economic opportunities in areas experiencing insufficient economic growth; and contain rural commercial activities within logical outer boundaries in a manner that does not permit low-density sprawl.*

General Policies:

**4A-9.1** New rural commercial uses will be located within designated commercial areas to avoid incompatible land uses and the proliferation of commercial businesses throughout the rural area. To encourage revitalization of existing developed areas and the more efficient use of already developed land, priority consideration should be given to the 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 remaining rural area, and only lastly to wholly



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undeveloped sites in the rural area which shall be contained within logical outer boundaries in a manner that does not permit low density sprawl. Designations permitting commercial and industrial uses in the unincorporated portions of the county are the following:

(a) Rural Village Commercial

(b) Rural Center

(c) Rural Freeway Service

(d) Small Scale Recreation and Tourism

(e) Natural Resource Industrial

(f) Rural Marine Industrial

(g) Major Industrial Developments

(h) Master Planned Resorts

(i) Cottage Industry/Small Scale Business

(j) Rural Business

The Home-Based Business special use also permits certain rural commercial activities, as discussed in greater detail under Objective 19.

4A-9.2 New rural commercial uses are limited to those typically located in and intended to serve the rural community, with certain exceptions as provided for through Comprehensive Plan policies consistent with RCW 36.70A.070(5)(d)(i), (ii), and (iii). This law permits the following activities that are not principally designed to serve the rural population but that provide job opportunities for rural residents: the infill, development, or redevelopment of existing rural industrial areas, and the intensification of development or new development of small-scale recreational or tourist uses, and small-scale businesses or cottage industries.

4A-9.3 Rural commercial uses are limited in size to serve the communities in which they are located, or the additional uses allowed under RCW 36.70A.070(5)(d)(i), (ii), and (iii). Uses are limited to development that can be supported by services typically delivered at rural levels of service.



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These services may include domestic water, septic systems, and transportation facilities. Uses may utilize additional governmental services that are historically already available to the site.

4A-9.4 Existing commercial and industrial development immediately adjacent to an Urban Growth Area should be evaluated to determine if that development should be included within the Urban Growth Area boundaries. Inclusion is warranted if the commercial or industrial development is of an urban size and nature, if the development requires or is best served by urban services, and/or if the impacts of the development can be better controlled under the regulatory authority of the urban jurisdiction. This policy should not be construed to imply that newly proposed or permitted commercial or industrial development adjacent to an Urban Growth Area should be used to justify the expansion of that Urban Growth Area.

4A-9.5 Strip development is not allowed and is controlled by establishing logical outer boundaries around areas of more intensive rural development that existed on July 1, 1990, beyond which such development is not allowed.

The following Objectives and Policies describe the various rural commercial and industrial designations, and provide guidance on the types and scale of permitted uses within them.

## RURAL VILLAGE COMMERCIAL (RVC)

### OBJECTIVE 10:

*Rural Villages are areas that historically have provided an activity center where rural residents and others can gather, work, shop, entertain, and reside. The Rural Village Commercial district is intended to provide for a range of commercial uses and services to meet the everyday needs of rural residents and natural resource industries, to provide employment opportunities for residents of the rural area, and to provide goods, services, and lodging for travelers and tourists to the rural area. Rural Villages may provide locations for natural resource-related industrial activity.*



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General Policies

**4A-10.1** The following Rural Villages are designated in the Comprehensive Plan: Alger, Bayview, Big Lake, Clear Lake, Conway, Edison, Lake Cavanaugh, Lake McMurray, Marblemount, and Rockport, as shown in the Comprehensive Plan Map Portfolio. A Rural Village Commercial district is allowed within a Rural Village designation in the Comprehensive Plan.

**4A-10.2** Rural Village Commercial districts serve as the major centers of rural and natural resource-related commercial activity in the County unincorporated area. They are intended to help meet existing and projected future rural and natural resource-related commercial and service needs within existing areas of commercial development, rather than allowing a more dispersed pattern of low density rural commercial sprawl.

**4A-10.3** A Rural Village Commercial district should be designated for each Rural Village identified in the Comprehensive Plan through a community planning process. The Rural Village Commercial district should include clustered commercial uses consistent with the list of typical uses in policy 4A-10.7 below. Generally, there should be only one contiguous area of Rural Village Commercial district in each Rural Village.

**4A-10.4** Rural Village Commercial districts are existing "limited areas of more intensive rural development" that are "clearly identifiable and contained" and that fall within "a logical boundary delineated predominantly by the built environment" per RCW 36.70A.070(5)(d)(i) and (iv). Commercial and industrial development within Rural Village Commercial districts may include infill, development, or redevelopment of existing uses.

**4A-10.5** The Rural Village Commercial district and Rural Village Commercial uses may not be located beyond the boundary of a Rural Village. The Rural Village boundary is not necessarily the same as the Rural Village Commercial district, however (see policies 4A-10.3 and 4A-10.6). The logical outer boundaries of the Rural Villages are generally consistent with GMA requirements per RCW 36.70A.070(5)(d)(iv), even though those provisions were not in effect when the Rural Village boundaries were established. Generally, those GMA requirements hold that:

**(a)** The County shall adopt measures to minimize and contain existing areas or uses of more intensive rural development;



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(b) Lands included in such existing areas or uses shall not extend beyond a logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl;

(c) Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominantly by the built environment as of July 1, 1990, but that may also include limited undeveloped lands;

(d) In establishing the logical outer boundary of an area of more intensive rural development, the County shall address:

(i) The need to preserve the character of existing natural neighborhoods and communities;

(ii) Physical boundaries such as bodies of water, streets and highways, and land forms and contours;

(iii) The prevention of abnormally irregular boundaries, and

(iv) The ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

**4A-10.6** Property owners may apply for Comprehensive Plan amendments and rezones to add additional property to the Rural Village Commercial district if:

(a) The property falls within the Rural Village boundary as shown in the Skagit County Comprehensive Plan Map Portfolio;

(b) The proposed use(s) for the property are consistent with those described in Policy 4A-10.7 below;

(c) There is a demonstrated need, as indicated by the County's rural commercial and industrial needs analysis, and by analysis of local conditions, for additional rural commercial land to meet projected needs through the year 2015, and

(d) The property owner presents a development project compatible with surrounding rural uses and character that will commence and may be phased within a specified amount of time following the property's designation/rezone to RVC. The time lines for



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commencement and phasing will be specified in the development regulations. The regulations shall also describe procedures by which a development project that has not commenced according to the specified timelines, or those portions of a phased project that have not proceeded according to an approved phasing schedule, would lose their RVC designation/zoning and the property or subject portions thereof would return to their prior designation/zoning.

(e) The proposed Comprehensive Plan amendment/rezone is consistent with the appropriate Rural Village Community Development Plan, if one has been adopted.

**4A-10.7** Typical uses in the Rural Village Commercial district include:

**(a)** Small retail and service businesses that primarily serve the needs of the surrounding population. Examples include retail food, drug, feed, nursery, and hardware stores, retail specialty shops, restaurants, service stations, laundry, barbershop, beauty shop, shoe repair, child and adult day care services, and nursery schools.

**(b)** Small office uses, including professional offices, business offices, and public utility offices.

**(c)** Art and performance galleries and studios.

**(d)** Natural resource support services (limited to office uses and wholesale, retail and service businesses serving local natural resource industries and meeting the size limitations for the Rural Village Commercial district).

**(e)** Overnight lodging and related services for visitors to the rural area.

(f) Minor public uses.

**4A-10.8** Other commercial and industrial uses permitted in the Rural Village, under separate Comprehensive Plan designations and zoning districts and their associated policies and regulations, are the following:

**(a)** Cottage Industry/Small Scale Business (CSB)

**(b)** Small Scale Recreation and Tourism (SRT)



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(c) Natural Resource Industrial (NRI)

(d) Rural Marine Industrial (RMI)

(e) Rural Business (RB)

(f) Master Planned Resort (MPR)

**4A-10.9** Generally, new uses allowed in the Rural Villages under 4A-10.8 should be clustered around or adjacent to existing development in the Rural Village Commercial district, unless the particular nature of the new use justifies an alternative location within the Rural Village.

**4A-10.10** Maximum size limits for uses within the Rural Village Commercial district are intended to retain the rural character of the Rural Villages and are based on the size of existing uses within the Rural Villages.

**4A-10.11** Rural commercial development within the Rural Village Commercial district is designed to encourage pedestrian activity. Development regulations for the Rural Village Commercial district will address potable water, buffers, screening, lighting, noise, drainage, traffic impacts, lot coverage, land use intensities, and non-urban levels of service to maintain the existing character of the rural area in which the commercial use is proposed.

## RURAL CENTER (RC)

### OBJECTIVE 11:

Recognize centers or clusters of small retail and service businesses which serve a limited area and rural population outside established Urban Growth Areas and Rural Villages. These Rural Centers are also intended to serve, to a more limited extent, the traveling public at existing crossroads.

General Policies

**4A-11.1** Rural Centers are small-scale commercial clusters or individual uses at selected locations in the unincorporated portion of the County. They are smaller in size and intensity than Rural Villages.



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4A-11.2 Rural Centers are intended to help meet existing and projected future rural commercial needs within existing clusters of commercial development, and at a limited number of new locations, rather than allowing a more dispersed pattern of low density rural commercial sprawl.

(a) Rural Centers where commercial development existed as of July 1, 1990, may consist of clusters of uses around which logical outer boundaries may be drawn, limited areas of undeveloped land may be included, and infill, development, or redevelopment is allowed.

(b) Rural Centers where no commercial development existed as of July 1, 1990 may not expand beyond the property or properties included within the Rural Center upon its initial designation.

4A-11.3 Typical uses in Rural Centers are small retail and service businesses that primarily serve the needs of the surrounding rural population and visitors to the rural area. Examples include retail food, drug, feed, nursery, and hardware stores, retail specialty shops, restaurants, bed and breakfasts, service stations, laundry, barbershop, beauty shop, shoe repair, day care services, and minor public uses.

4A-11.4 Rural Centers shall not include new residential uses other than business-owner or operator residences and loft living quarters over store fronts unless such residential uses are specifically authorized through the Community Planning Process outlined in Policy 4A-11.13 below.

4A-11.5 New development within Rural Centers will follow standards contained in the development regulations that address, at a minimum: potable water, buffers, screening, lighting, noise, drainage, traffic impacts, lot coverage, land use intensities, and non-urban levels of service in an effort to maintain the existing character of the rural area in which the commercial use is proposed. Uses may utilize additional governmental services if such services are historically already available to the site.

4A-11.6 The locations initially designated as Rural Centers, based on the designation criteria in Policies 4A-11.8 and 4A-11.9 below are: East Edison, Birdsview, Allen, Day Creek, Guemes Island, and Dewey Beach. Rural Centers are identified in the Comprehensive Plan Map Portfolio, and on the Skagit County Zoning Map.

4A-11.7 The Rural Centers designated in Policy 4A-11.6 generally serve residents



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in rural and natural resource lands within a 2½ mile radius of the Rural Center.

Designation Criteria

**4A-11.8** The following criteria governed the designation of Rural Centers identified in Policy 4A-11.6. These same criteria shall be followed in considering any new proposed Rural Center designations under Policies 4A-11.11 and 4A-11.12 below.

**(a)** The commercial area is located within a Rural designation in the Comprehensive Plan (specifically, the Rural Intermediate and Rural Reserve designations). Rural Centers shall not be wholly or partially located on designated Natural Resource Lands.

**(b)** The commercial area should have existed predominantly as an area or use of more intensive commercial development on July 1, 1990. Limited exceptions may be provided where:

**(i)** uses or areas developed after July 1, 1990 serve substantially the same function as other Rural Centers that were existing commercial areas as of July 1, 1990; and,

**(ii)** new Rural Centers are designated, subject to the requirements of and identified in Policy 4A-11.13 below.

**(c)** Rural Centers should be located at crossroads of county roads, state routes, or major arterials.

**(d)** The designation of a Rural Center shall not jeopardize the protection of designated critical areas, frequently flooded areas, and surface water and ground water resources, including sole source aquifers, or the conservation and productive use of designated natural resource lands.

**(e)** Rural Centers of sufficient number and size will be designated to meet existing and projected rural commercial needs for small retail and service businesses serving the surrounding rural population and visitors to the rural area. This determination shall be based on analysis of:

**(i)** existing rural commercial uses in Skagit County, and



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(ii) current and projected future rural commercial needs.

**4A-11.9** All properties given a Rural Center designation on the Comprehensive Plan map are also rezoned to the Rural Center Zoning District.

**4A-11.10** It is Skagit County's intention that substantial infill, development, and redevelopment will occur at or within existing Rural Centers and Rural Village Commercial Districts before any new Rural Centers will be considered for designation.

**4A-11.11** Before additional acreage can be added to an existing Rural Center, the County shall conduct a Community Planning Process for that Rural Center. The Community Planning Process shall delineate logical outer boundaries that may provide additional acreage for rural commercial activity while containing the area of more intensive rural development and preventing commercial sprawl. Logical outer boundaries shall be determined following the criteria contained in Policy 4A-11.12 below.

Logical Outer Boundaries Around Existing Rural Centers

**4A-11.12** The GMA requirements found at RCW 36.70A.070(5)(d)(iv) shall govern the drawing of logical outer boundaries around existing areas of more intensive rural development that were in existence as of July 1, 1990 and that are designated as Rural Centers. Generally, these requirements hold that:

(a) The county shall adopt measures to minimize and contain existing areas or uses of more intensive rural development;

(b) Lands included in such existing areas or uses shall not extend beyond a logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl;

(c) Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominantly by the built commercial environment as of July 1, 1990, but that may also include limited undeveloped lands;

(d) In establishing the logical outer boundary of an area of more intensive rural development, the County shall address:



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(i) The need to preserve the character of existing natural neighborhoods and communities;

(ii) Physical boundaries such as bodies of water, streets and highways, and land forms and contours;

(iii) The prevention of abnormally irregular boundaries, and

(iv) The ability to provide appropriate public facilities and public services in a manner that does not permit low-density sprawl; and

(v) Road and intersection hazards.

Limited Number of New Rural Centers

**4A-11.13** A limited number of new Rural Centers may be designated in the future, to meet future needs for rural commercial goods and services in areas of the County that are not otherwise served by an existing Rural Village or Rural Center. The limited areas where new Rural Centers may be allowed are the Samish Valley north of Sedro-Woolley, which has been identified as a Rural Study Area under Policy 4A-7.15, and certain islands likely to experience future residential development, such as Vendovi and Sinclair Islands. In addition, as described in more detail in the Rural Study Areas under Policy 4A-7.15, the existing Day Creek Rural Center and the Birdsview Rural Center may be considered for possible expansion, change, or additional more intensive rural uses, but only after completion of the community planning effort described in those policies.

(a) If a new Rural Center is designated where no commercial use existed as of July 1, 1990, that Rural Center may not expand beyond the property or properties included within it upon its designation, pursuant to Policy 4A-11.2(b).

**4A-11.14** New Rural Centers may be designated only after satisfying the following polices and criteria governing their creation. The designation of new Rural Centers must also follow the policies and criteria for Rural Centers in this section.

(a) In the designation of new Rural Centers, preference should be given



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to the designation of commercial areas or uses that were in existence as of July 1, 1990.

**(b)** The travel distance required between a new Rural Center and existing rural commercial designations (specifically, other Rural Centers, Rural Village Commercial Districts, Rural Freeway Service areas, and Urban Growth Areas) shall generally be a minimum of 5 miles, measured center to center. This is generally the minimum distance that existing Rural Centers are located from other rural commercial designations.

**(c)** The minimum required rural population to be served by a new Rural Center shall be generally consistent with the populations surrounding existing Rural Centers. There currently is substantial variation of population surrounding these Rural Centers, based on their location, their proximity to more densely populated areas or their isolation, and other factors. Proponents of new Rural Centers shall bear the burden of demonstrating that there is sufficient surrounding population to support the need for the Rural Center, and that the surrounding population density is similar to other similarly situated Rural Centers.

**(d)** If a property owner requests the designation of a new Rural Center, the property owner must present a development project compatible with surrounding rural uses and character that will commence and may be phased within a specified amount of time following the property's designation/rezone to Rural Center. The time lines for commencement and phasing will be specified in the development regulations. The regulations shall also describe procedures by which a development project that has not commenced according to the specified timelines, or those portions of a phased project that have not proceeded according to an approved phasing schedule, would lose their RC designation/zoning and the property or subject portions thereof would return to their prior designation/zoning.

**(e)** New Rural Centers shall be designated only after the conduct of community planning processes involving local area residents, pursuant to Comprehensive Plan Chapter 14. Such community planning will at a minimum address the following issues:

**(i)** The size and logical outer boundaries of the new Rural



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Center;

(ii) The mix of commercial, residential, and other uses permitted within the Rural Center;

(iii) Design guidelines for development within the Rural Center;

(iv) Compliance of the Rural Center policies and regulations with the Growth Management Act and the Skagit County Comprehensive Plan.

## RURAL FREEWAY SERVICE (RFS)

### OBJECTIVE 12:

*Provide for small-scale commercial uses at certain Interstate 5 freeway interchanges outside of Urban Growth Areas to serve local rural populations and the traveling public with necessary goods and services.*

General Policies

**4A-12.1** Rural Freeway Service areas are characterized by small scale commercial development, located at Interstate 5 (I-5) freeway interchanges outside of Urban Growth Areas, that serves the surrounding rural population and the traveling public.

**4A-12.2** Rural Freeway Service areas serve existing needs, and projected future needs, for rural freeway-oriented goods and services, as demonstrated by existing development at those interchanges, and projections for additional rural commercial service needs in unincorporated Skagit County through the year 2015. They are intended to help meet these needs within existing clusters of commercial development, rather than allowing a more dispersed pattern of low density rural commercial sprawl.

**4A-12.3** Rural Freeway Service development is limited to development that can be supported by services typically delivered at rural levels of service, unless additional services historically are already available at these locations. These services may include domestic water, septic systems, and



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transportation facilities.

4A-12.4 Site conditions such as topography, soils, existing vegetation, critical areas, frequently flooded areas, proximity to agricultural natural resource lands, vehicular traffic sight lines and capacity for water, fire protection and septic systems shall be appropriate to support Rural Freeway Service development without adverse impacts to adjacent sites, agricultural practices, the natural environment, or water resources, including sole source aquifers.

4A-12.5 New development (including infill, development, redevelopment, or intensification of development) at Rural Freeway Service areas is subject to development regulations and design guidelines intended to maintain the rural character of the area, and to minimize impacts to rural residential areas, resource lands, critical areas, and other sensitive natural features of the environment. These development regulations include standards addressing potable water, buffers, screening, lighting, noise, drainage, traffic impacts, lot coverage, land use intensities, and non-urban levels of service in an effort to maintain the existing character of the rural area in which the commercial use is proposed.

Designation Policies

4A-12.6 Rural Freeway Service areas are designated at I-5 interchanges where there is existing freeway-oriented development located generally within 1,000 feet of the interchange. The I-5 interchanges meeting this requirement are the following: SR 534 (Conway), Cook Road, Bow Hill Road, and Lake Samish Road (Alger).

4A-12.7 Rural Freeway Service areas shall not expand into designated natural resource lands.

4A-12.8 Because of the presence of commercial development as of July 1, 1990, at the Conway Rural Freeway Service area, this is an existing area "of more intensive rural development" that is clearly identifiable and contained and where there is a logical boundary delineated predominantly by the built environment per RCW 36.70A.070(5)(d)(i) and (iv). Commercial development within this "limited area of more intensive rural development" may include infill, development, or redevelopment of the area within a logical outer boundary established under Policies 4A-12.11 and 4A-12.12 below.



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4A-12.9 The commercial situations at the Bow Hill, Alger, and Cook Road interchanges are considerably more complex than the pre/post July 1, 1990 option presented by the Growth Management Act. Various parcels or quadrants at these interchanges have one or more of the following characteristics: commercial structures or activities in existence prior to July 1, 1990; other aspects of the built environment in existence prior to July 1, 1990 (e.g. infrastructure installation or commitments); existing freeway-oriented commercial activity that was legally approved and constructed after July 1, 1990; permits for commercial activity that were legally issued after July 1, 1990 but that have not yet been constructed; substantial post-1990 legally permitted site improvements preparing the property for commercial activity; and post-1990 vested development rights that have not yet been exercised. Based on detailed analysis of the histories of these properties, and as further described in the SEPA addendum to the Comprehensive Plan, the County designates the following quadrants of these freeway interchanges as RFS:

(a) Bow Hill: the parcel in the northwest quadrant that contains an existing fish market; the 11.86 acre parcel in the southeast quadrant that is the subject of Binding Site Plan No. PL 98-0001, with the condition that the remainder of the approximately 70 acres of property under the same ownership is permanently restricted to limited-use open space; and the approximately 10 acres in the southwest quadrant that has existing urban sewer service (pre-1990) and water service.

(b) Alger: the four parcels located in the southeast quadrant of the interchange totaling approximately 5 acres, including the parcel containing an existing gas station/mini-mart, the adjacent parcel to the east on which there is a permitted but currently unbuilt commercial sales operation, and two approximately .5 acre parcels to the south which have been legally filled and graded for commercial development, all four of which parcels are served or are prepared to be served by water, sewer and power, and are bounded by elements of the built or natural environment which create logical boundaries to any future commercial sprawl.

(c) Cook Road: That portion of the northeast quadrant of the interchange, totaling approximately nine acres, that contains an existing gas station/mini-mart as well as a vacant parcel, which is surrounded by logical boundaries consisting of the built or natural



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environment, including a drainage swale to the north, I-5 and Old Highway 99 to the west and east, and Cook Road to the south, and which have paid sewer commitments dating back to the late 1970s; and, that portion of the southeast quadrant of the interchange between I-5 and Highway 99 consisting of four parcels totaling approximately six acres. The northern-most parcel in this southeast quadrant has a pre-1990 history of service station use, the two northern-most parcels have existing service stations, all four parcels are served by public sewer and public water and have paid sewer agreements dating back to the late 1970s, and the quadrant as a whole is surrounded on all sides by pre-1990 aspects of the built environment, including Cook Road to the north, I-5 to the west, Old Highway 99 to the east, and the convergence of I-5 and Old Highway 99 to the south.

Logical Outer Boundaries

**4A-12.10** The GMA requirements found at RCW 36.70A.070(5)(d)(iv) generally shall govern the drawing of logical outer boundaries around existing areas of more intensive rural development and areas that are designated as Rural Freeway Service areas. Generally, these requirements hold that:

**(a)** The county shall adopt measures to minimize and contain existing areas or uses of more intensive rural development;

**(b)** Lands included in such existing areas or uses shall not extend beyond a logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl;

**(c)** Existing areas are generally those that are clearly identifiable and contained and where there is a logical boundary delineated predominantly by the built environment as of July 1, 1990, but that may also include limited undeveloped lands. For the purposes of drawing logical outer boundaries around Rural Freeway Service areas, "the built environment" is interpreted to mean the built commercial environment, including commercial structures, commercial activities, and/or infrastructure investments or commitments intended to serve commercial activities, including roads, sewer and water lines, and filling and grading conducted in preparing a site for commercial activity;



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(d) Given the unique development history in Skagit County, the County also includes within the definition of "existing areas" for Rural Freeway Service designations a limited number of areas where freeway-oriented commercial activity was legally constructed, vested, and/or approved, or where substantial site improvements for commercial development were legally made, between July 1, 1990 and January 23, 1998, and where there are logical outer boundaries formed by the natural or built environment that form barriers to future commercial sprawl. These unique property-specific histories and vested rights are not intended to set a precedent for future designation of other rural freeway service designations that did not possess similar vested rights or existing development characteristics as of January 23, 1998;

(e) In establishing the logical outer boundary of an area of more intensive rural development, the County shall address:

(i) The need to preserve the character of existing natural neighborhoods and communities;

(ii) Physical boundaries such as bodies of water, streets and highways, and land forms and contours;

(iii) The prevention of abnormally irregular boundaries, and

(iv) The ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

**4A-12.11** Logical boundaries are not required to fall within 1,000 feet of the I-5 interchange, as used for designation purposes in Policy 4A-12.7, provided that they meet the requirements for delineating logical outer boundaries found in Policy 4A-12.11.

## SMALL-SCALE RECREATION AND TOURISM (SRT)



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**OBJECTIVE 13:**

*Provide for small-scale recreational and tourist uses that provide opportunities to diversify the economy of rural Skagit County by utilizing, in an environmentally sensitive manner, the County's abundant recreational opportunities and scenic and natural amenities.*

General Policies

**4A-13.1** The Small-Scale Recreation and Tourism designation is intended to foster economic development and diversification in rural areas that is recreational or tourist-related, that relies on a rural location and setting, and that incorporates the scenic and natural features of the land.

**4A-13.2** Uses permitted within Small-Scale Recreational and Tourism designations are not required to be principally designed to serve the existing and projected rural population but may provide job opportunities for rural residents.

**4A-13.3** Two existing recreation and tourism uses are designated as Small Scale Recreation and Tourism areas in the Comprehensive Plan Map Portfolio and on the Zoning Map, based on their consistency with the policies contained in this section. They are Clark's Skagit River Resort and the Guemes Island Resort. This policy shall not be construed to limit the ability of these uses to apply for another commercial or Master Planned Resort designation.

**4A-13.4** Due to the site-specific nature of recreation and tourism uses, the Comprehensive Plan does not designate locations on the Comprehensive Plan map for future Small Scale Recreation and Tourism areas. Instead, property owners may apply for a Comprehensive Plan amendment and rezone to the SRT designation and zone.

**4A-13.5** Comprehensive Plan amendments will be reviewed and either approved or denied based on:

**(a)** their consistency with the policies contained in this section;

**(b)** demonstration by the property owner of a development project compatible with surrounding rural uses and character that will commence and may be phased within a specified amount of time following the property's designation/rezone to SRT. The time lines



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for commencement and phasing will be specified in the development regulations. The regulations shall also describe procedures by which a development project that has not commenced according to the specified timelines, or those portions of a phased project that have not proceeded according to an approved phasing schedule, would lose their SRT designation/zoning and the property or subject portions thereof would return to their prior designation/zoning; and

(c) the availability of unallocated rural commercial acreage as identified by the County's rural commercial needs analysis.

**4A-13.6** Only those commercial uses anticipated to develop in conjunction with a Small Scale Recreation and Tourism designation (as identified through the site plan required under Policy 4A-13.15) shall be counted against the County's allocation of "new" commercial acreage under Countywide Planning Policy 1.1. This includes any planned commercial uses permitted under the regulations, such as overnight accommodations, restaurant, or convenience store, and the land needed to directly support that commercial use, including setbacks, parking, landscaping, water, and septic requirements.

**4A-13.7** New small-scale recreational or tourist designations and uses must demonstrate that the proposed wholly new location or use is reliant upon a particular rural location and setting, and would be inappropriate or infeasible in a Rural Village, Rural Center, or Urban Growth Area.

**4A-13.8** Typical uses within small-scale recreational or tourist areas are those that rely upon the rural setting, and incorporate the scenic and natural features of the land. They may include uses similar to: campgrounds, recreational vehicle (RV) parks, U-fish ponds, hot springs, trails, boat launches and docks, outdoor recreational equipment rental, private parks, recreational, cultural or religious retreats (non-residential), historic sites, gardens open to the public, animal viewing farms or wild game farms, horse arenas and stables, shooting clubs, music festivals/festival sites, marinas, golf course pro-shop and snack bar, and cabins, cottages, and other forms of overnight lodging that are rural in scale.

(a) Uses may also include commercial facilities, such as restaurants and small retail shops, if they serve the recreational or tourist use.

**4A-13.9** Small-scale recreation or tourist uses may not include new residential



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development. However, rental cabins, cottages, or other forms of overnight lodging that are rural in scale and serve recreation and tourism-related uses are allowed. Owner or caretaker housing is also permitted.

**4A-13.10** The Small-Scale Recreation and Tourism designation shall not be interpreted to permit a Master Planned Resort pursuant to RCW 36.70A.360. Master Planned Resorts are generally larger in scale and are subject to separate Comprehensive Plan policies and development regulations.

**4A-13.11** Public services and public facilities for small-scale recreation and tourism uses shall be: a) limited to those necessary to serve the recreational or tourist use, b) provided in a manner that does not permit low-density sprawl, and c) provided at an intensity usually found in rural areas unless other services are historically already available to the site. Public services and facilities may include domestic water, individual or community septic systems, and transportation facilities.

**4A-13.12** Small-Scale Recreation and Tourism designations shall not occur on designated Ag-NRL and IF-NRL Lands.

**4A-13.13** The designation and development of a Small-Scale Recreation and Tourism use shall not result in the conversion of undeveloped land into sprawling, commercial development in the rural area. SRT areas and uses are limited in size and scale so as to be rural in nature and compatible with the surrounding rural area as follows:

(a) The maximum number of acres that may be devoted to the built environment within a SRT designation is 20 acres of contiguous developable land. Additional land may be associated with a SRT-designated area provided it remains substantially undeveloped and used for passive recreation purposes only.

(b) The maximum number of units of overnight lodging permitted within a SRT area is 35 units of built lodging, including fixed or mobile structures. This limit does not apply to the number of camping sites or recreational vehicle hook-ups within a campground or resort.

**4A-13.14** Small-Scale Recreation and Tourism areas and uses are subject to



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development regulations to ensure the conservation of natural resource lands and the compatibility of the uses with the rural character of adjacent lands, including forestry, agriculture and rural residential uses. These regulations govern the impacts of permitted uses on prime soils, drainage, critical areas, traffic generation, visual impact, noise and other relevant criteria.

**4A-13.15** Proposed amendments to the Comprehensive Plan for new SRT designations shall include a site plan of the wholly new or expanding recreational or tourist use that shall:

**(a)** Designate the location of all uses.

**(b)** Demonstrate that the location of the Small-Scale Recreational or Tourist uses is based upon the scenic and/or natural features of the land that support the need for a rural location and setting.

**(c)** Demonstrate that the proposed expansion of an existing recreational or tourist use is a logical expansion and is compatible with existing uses on the site.

**(d)** Include measures to protect or minimize adverse impacts on prime soils, drainage, traffic generation, visual impact, noise, and other relevant criteria, and to preserve the existing rural character of the area.

**(e)** Include measures to insure the protection of critical areas, as provided in RCW 36.70A.060, frequently flooded areas, and surface water and ground water resources including sole source aquifers.

**(f)** Include measures to ensure protection from conflicts with the use of agriculture, forest, and mineral resource lands of long-term commercial significance designated under RCW 36.70A.170.

**(g)** Include measures to protect or mitigate adverse impacts on Rural Intermediate, Urban Growth Areas, or Rural Village Residential-designated lands.

## NATURAL RESOURCE INDUSTRIAL (NRI)



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## OBJECTIVE 14:

*Facilitate the production of agricultural, forest, and aquatic products by allowing related processing facilities, limited direct resource sales, and limited natural resource support services that support local natural resource activities, and which are not harmful to the long term natural resource.*

General Policies

**4A-14.1** The Natural Resource Industrial (NRI) designation is intended to facilitate the production of agricultural, forest, and aquatic products by allowing related processing facilities, limited direct resource sales, and limited natural resource support services that support local natural resource activities and are not harmful to the natural resource over the long term.

**(a)** Mineral processing activities are generally guided by separate policies found in the Land Use Element and the Natural Resources Element of the Skagit County Comprehensive Plan.

**4A-14.2** Under the Skagit County Comprehensive Plan and the Growth Management Act (RCW 36.70A.070(5)(d)(i)), a Natural Resource Industrial area is not required to be principally designed to serve the existing and projected rural population. Natural Resource Industrial activities are permitted in the rural area provided they:

**(a)** are resource-based and located proximate to natural resource activity;

**(b)** do not require urban services, and

**(c)** are compatible with the surrounding rural area and rural character.

**4A-14.3** Typical uses in the Natural Resource Industrial designation include a) extraction and processing of forest, agricultural, and aquatic products; b) wholesaling and storage of products associated with natural resources; c) limited direct resource sales; and d) limited natural resource support services that support natural resource activities.

**4A-14.4** NRI areas are designated in the Comprehensive Plan based on the



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following policies:

(a) Existing Natural Resource Industrial uses consistent with the policies in this section have been designated as NRI uses on the Comprehensive Plan Map Portfolio and Zoning Map, whether those activities are located on designated natural resource lands (NRL) or on rural lands.

(b) Proposed new Natural Resource Industrial designations and uses must be approved through a Comprehensive Plan amendment and rezone. Comprehensive Plan amendments will be evaluated, and either approved or denied, based on their consistency with the policies in this section.

(c) Property with existing industrial uses not consistent with the Natural Resource Industrial policies in this section have been designated as Cottage Industry/Small-Scale Business (CSB), Rural Marine Industry (RMI), Rural Business (RB) or as Pre-Existing Non-Conforming Uses, as discussed under separate goals, objectives, and policies elsewhere in this chapter.

4A-14.5 New Natural Resource Industrial designations and activities are generally permitted on Rural lands, and under some conditions on NRLs, subject to the following provisions, as well as the industry-specific provisions contained in Policies 4A-14.6 through 4A-14.12 below:

(a) Natural Resource Industrial activities directly involved in the extraction, sorting, and primary processing of natural resources may generally locate on designated natural resource lands.

(b) Natural Resource Industrial activities not directly involved in the extraction, sorting, and primary processing of natural resources should generally locate on rural lands, including Rural Villages. These activities include support services, such as the sale and service of equipment and supplies, office and management services, and certain storage and processing activities, that serve natural resource industries but are not directly involved in the on-site extraction or primary processing of natural resources.

(c) Natural Resource Industrial activities may be located in more densely populated rural areas, including Rural Villages, provided their operations do not present an unreasonable threat to the health



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and safety of rural residents due to the hazardous nature of the Natural Resource Industrial activity.

Policies Specific to Agriculture

**4A-14.6** Certain limited agricultural activities related to wholesale sorting, storage and processing, on-farm value added processing, and on-farm sales of agricultural products grown predominantly on site are allowed as permitted, special, or accessory uses on designated agricultural lands through the Ag-NRL Zoning District. These uses are further defined in the development regulations for that district.

**4A-14.7** Natural Resource Industrial activities that are not permitted through the Ag-NRL Zoning District are not permitted on designated Ag-NRL lands through an NRI designation, except as may be permitted through 4A-14.9 below.

**4A-14.8** Agriculture-related industrial uses and agricultural support services not permitted on Ag-NRL lands may locate in the rural area under a NRI designation by obtaining a Comprehensive Plan amendment and rezone.

**4A-14.9** Skagit County should designate an area (or areas) in which to concentrate agriculture-related industrial uses and agricultural support services. Such an "agricultural industrial park" would allow for these services and their impacts to be concentrated, rather than dispersed throughout the rural area.

**(a)** Characteristics of an agricultural industrial park site should include close access to services, transportation (including rail and highway), and the agricultural industry to be served by the industrial area. The land on which the site is located should be poorly suited for cultivation.

**(b)** Possible locations could include the Bayview Ridge Urban Growth Area, adjacent to an Urban Growth Area or a Rural Village, or on substandard lots within the Agricultural-NRL designation, if the benefits of such a location to the agricultural industry would outweigh any adverse impacts on agricultural production.

**(c)** Selection of such a site should include a County-wide review of possible locations and should ensure substantial involvement from the County's Agricultural Advisory Board.



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Policies Specific to Forestry

**4A-14.10** Certain forest-industry industrial activities, including scaling stations, log dumps and sorting areas, and other similar activities, are permitted outright through the Industrial Forest-NRL, Secondary Forest-NRL, and Rural Resource-NRL zoning districts, provided that if the use is located within 1,000 feet of a residential area the use is temporary and is located on the property for no more than 12 months in duration.

**4A-14.11** Other forestry uses such as sawmills, chippers, shake and shingle mills may be allowed as a temporary use, limited to 12 months duration on the natural resource lands, but may only be permitted as a permanent use in the Rural Area or on Industrial Forest-NRL, Secondary Forest-NRL, and Rural Resource-NRL lands through a Comprehensive Plan designation and rezone to NRI.

Policies Specific to Aquatic Industries

**4A-14.12** Aquatic and marine industries that are shoreline dependent shall only be located on non-NRL designated lands.

New NRI Designations

**4A-14.13** Property owners may request to have their property designated NRI by following the Comprehensive Plan amendment procedures in Chapter 2. To be considered for NRI designation, an application must meet the following minimum conditions:

**(a)** The County's rural industrial needs analysis demonstrates a need for additional rural Natural Resource Industrial acreage.

**(b)** The proposed use(s) for the property are consistent with those uses described in Policies 4A-14.1 through 4A-14.3 of this section.

**(c)** The property owner presents a development project that will commence and may be phased within a specified amount of time following the property's designation/rezone to Natural Resource Industrial. The time lines for commencement and phasing will be specified in the development regulations. The regulations shall also describe procedures by which a development project that has not commenced according to the specified timelines, or those portions of a phased project that have not proceeded according to an



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approved phasing schedule, would lose their NRI designation/zoning and the property or subject portions thereof would return to their prior designation/zoning. .

**(d)** Resource-related development on the site would have minimal adverse impacts on nearby primary natural resource activities.

**4A-14.14** Additionally, the proposed site should provide close access to:

**(a)** the natural resource or natural resource activities it intends to serve;

**(b)** major transportation facilities associated with the proposed use (highway, rail, water, or air); and

**(c)** non-urban or existing urban services necessary for the proposed resource-related industrial use.

**4A-14.15** Priority will be given to properties that had prior industrial activity and where some site improvements have been made, but that may now be vacant or under-utilized and where natural resource production potential is limited, rather than to entirely undeveloped sites.

Use Policies

**4A-14.16** The following policies shall govern uses within Natural Resource Industrial designations:

**(a)** The use shall follow performance standards and mitigation measures to conserve Natural Resource Lands and maintain the rural character of the area. These standards and measures govern the intensity, siting, and design of any proposed on-site enterprise and support business to conserve Natural Resource Lands and protect existing rural character. Performance standards shall govern the impacts of permitted uses on prime soils, drainage, critical areas, traffic generation, visual impact, noise and any other relevant criteria.

**(b)** Uses are designed in such a manner that the natural landscape and vegetation predominate over the built landscape with a visual landscape that is traditionally found in the rural areas and communities.



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(c) Uses shall not require the extension of urban governmental services, except under the limited circumstances allowed under the Growth Management Act and CWPP 1.8. If particular urban services are necessary under those limited circumstances, conditions shall be established to ensure that urban growth will not occur on non-UGA lands and that potential land use impacts are mitigated. Uses may utilize additional governmental services that are historically already available to the site.

(d) The use does not substantially detract from the natural resource production on-site or in the area. Unavoidable impacts to natural resource production shall be mitigated.

(e) The use satisfies development regulations that specify size, use and other threshold criteria, above and beyond which Natural Resource Industrial uses shall be required to follow the major industrial development siting policies (Objective 16, Policy 4A-16.1(a) &(b)).

# RURAL MARINE INDUSTRIAL (RMI)

## OBJECTIVE 15:

*Provide a land use designation that recognizes existing and new rural marine industrial activities, that are directly linked to an existing rural marine location and that serve the County's rural marine industrial needs.*

General Policies

**4A-15.1** The Rural Marine Industrial (RMI) designation is intended to recognize existing rural marine industrial facilities and to permit water and shoreline dependent or related marine industrial activities in Skagit County. The term "rural marine industrial facilities" includes harbors, marinas, docks, moorages, and other existing or permitted facilities that support and enable



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marine industry and commerce.

4A-15.2 Because Skagit County has significant navigable waters, and a long and continuing history of marine related commerce and industry, a rural marine industrial designation is an essential component of Skagit County's comprehensive land use plan and its rural and natural resource-based economy.

4A-15.3 Marine industrial facilities are essential for the moorage, repair, fabrication, and maintenance of vessels and equipment used in marine and aquatic industries; for the repair, fabrication, and maintenance of marine structures and facilities such as docks, harbors and marinas; for the economical transportation of marine-related and raw natural resource materials; and for the development, conduct and enhancement of marine-related recreational opportunities.

4A-15.4 Despite the abundance of navigable waters in Skagit County, marine access is very limited, particularly outside of Urban Growth Areas. Due to the state's Shoreline Management Act, the siting of new marine industrial facilities would be difficult. The Rural Marine Industrial designation seeks to utilize to best advantage those existing locations in the rural area with a history of marine industrial activity or regulatory approval, and with continuing use of the property for marine industrial purposes.

4A-15.5 Marine industrial facilities are designated as RMI based on the following criteria:

**(a)** Those areas or facilities with a history of marine industrial use pre-dating July 1, 1990; or

**(b)** Those areas or facilities with a history of regulatory approval and related site improvements for marine industrial use pre-dating July 1, 1990.

For the purposes of this policy, "marine industrial uses" and "marine industrial facilities" are defined in policies 4A-15.1 and 4A-15.3 above, and policy 4A-15.8 below.

4A-15.6 The existing areas and facilities identified as Rural Marine Industrial areas, all of which are located outside of Urban Growth Areas, are:

**(a)** The Twin Bridge Marine Park, an approximately 15 acre parcel on



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the east side of the Swinomish Channel north of State Route 20 and Josh Green Lane, which includes an existing artificial moorage facility and shoreline and building permits for a marine dredging and construction business. An additional approximately 12 acres of property just south of the Twin Bridge Marine Park is also identified as RMI, bordered by Josh Green Lane to the north, the SR 20 west-bound bridge to the south, and the Swinomish Channel to the west. Although this property does not contain an existing RMI use, the property is fully contained within the above-mentioned logical outer boundaries and there is no other reasonable designation;

(b) The former "Western Lime" property, currently occupied by Ace Rock. This approximately 13 acre parcel, which includes a barge dock and unloading facility, is located on the Swinomish Channel directly north of the Twin Bridge Marine Park;

(c) Approximately 31 acres of property on Turner's Bay at the north end of Similk Bay, owned by Culbertson Marine Construction, Inc.. The property has a long history of marine industrial use since the early 1900s, serving primarily but not exclusively as a marine terminal for logs and other natural resource materials, and as a log storage site.

(d) Rozema Boat Works, an approximately .37 acre parcel located in the Bay View Rural Village, on the eastern shore of Padilla Bay, which houses a boat manufacturing business.

**4A-15.7** Because these existing marine facilities and areas are located outside of Urban Growth Areas, they are inherently dependent upon a rural location, which is one condition under which the Growth Management Hearings Boards have allowed industrial activities in the rural area. All four sites have a history of marine industrial use or regulatory approval and related site improvements pre-dating July 1, 1990, establishing them as industrial areas of more intensive development under the Growth Management Act, RCW 36.70A.070(5)(d)(i).

**4A-15.8** Permitted uses within the Rural Marine Industrial designation are those that are "water and shoreline dependent or related," as consistent with the County's Shoreline Master Program. They include fabrication, maintenance, repair, storage, and outfitting of marine-related equipment,



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vessels, and structures; retail sales and rental of marine-related and water-dependent products; loading and off-loading of products between land and water; water-storage of vessels and upland storage of vehicles associated recreation and tourist-related boating activities; testing of marine and aquatic products and vessels; and activities for sea-plane storage, moorage, testing, repair, fabrication, loading, and offloading.

**4A-15.9** Public services and public facilities necessary for RMI uses shall be rural in nature, limited to those necessary to serve the Rural Marine Industrial uses, and provided in a manner that does not permit low-density sprawl. Rural services should not include public storm and public sanitary sewers, except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment. Uses may utilize public facilities and services that are historically already available to the site.

**4A-15.10** Site conditions such as topography, soils, existing vegetation, flood hazards, proximity to Ag-NRL designated lands, proximity to aquatic resource production activities, critical areas, vehicular traffic, and capacity for water, fire protection and septic systems shall be appropriate to support Rural Marine Industrial activities without adverse impacts to adjacent sites, the natural environment, agricultural practices, or water resources, including sole source aquifers.

**4A-15.11** Development regulations shall ensure the compatibility of the Rural Marine Industrial uses with the rural character of adjacent lands, including forestry, agriculture, aquatic resource production activities, and rural residential uses.

**4A-15.12** Where applicable, properties within the Rural Marine Industrial designation shall also be subject to land use regulations and permit requirements of the Skagit County Shoreline Management Master Program, as may be amended. Uses with an existing valid Shoreline permit may continue to operate under that permit, but uses that do not have an existing Shoreline permit are required to obtain one.

## MAJOR INDUSTRIAL DEVELOPMENTS (MID)



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**OBJECTIVE 16:**

*Provide for the siting of major industrial developments that have land needs not found within the Urban Growth Areas, pursuant to the development of additional Comprehensive Plan policies and development regulations consistent with the requirements of the Growth Management Act.*

Policies

**4A-16.1** "Major industrial development" means a master planned location for a specific manufacturing, industrial, or commercial business that a) requires a parcel of land so large that no suitable parcels are available within an urban growth area; or b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent, and which does not meet the criteria for the Natural Resource Industrial designation or special use due to the size, nature, and related impacts associated with the major industrial development.

**(a)** The siting of major industrial developments outside of an urban growth area shall comply with the criteria contained in RCW 36.70A.365 and CWPP 2.6 and shall require the development of additional Comprehensive Plan policies and development regulations pursuant to those criteria.

**(b)** The process for coordinating the siting of major industrial developments with the cities and towns shall follow the process included in the Memorandum of Understanding between the County and the cities for adoption of countywide planning policies.

## MASTER PLANNED RESORTS (MPR)

The Master Planned Resort designation provides an opportunity to encourage economic development that takes advantage of the significant rural and scenic resources of the County, particularly in those areas of the County where other opportunities are more limited, or where the local economy's dependence on the natural resource-based industries has dwindled. For example, in the eastern portions of the County, many of the existing towns and rural residential areas have experienced a downturn in Natural Resource Industrial activity.



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With the designation of the North Cascades National Park and the Scenic North Cascades Highway, the eastern portions of the County have experienced an evolution from primarily a natural resource local economy to one that is also dependent on the tourist industry. In the summer months, it is estimated that approximately 300,000 tourist visitors travel through this part of the County. However, once the North Cascades Highway is closed for the winter, that tourist travel drops substantially and the local economy suffers accordingly. Development of a destination Master Planned Resort in this part of the County could help smooth the steep seasonal economic cycles currently experienced in these communities. One existing resort in this area that has expressed strong interest in a Master Planned Resort designation to facilitate its planned expansion into a year-round destination resort is the Skagit River Resort, currently designated Small Scale Recreation and Tourism (SRT). The Skagit River Resort currently is near the upper limits for acreage and number of lodging units allowed under the SRT designation. The MRP designation would enable the Skagit River Resort to more effectively serve tourist needs in this part of the County.

The Interstate 5 corridor between Seattle and Vancouver, B.C. is a busy year-round thoroughfare for domestic and international travelers. Skagit County sits strategically between the two cities, and also serves as the Highway 20 crossroads between the San Juan Islands and North Cascades National Park. Given the area's strategic location, the Upper Skagit Indian Tribe has purchased a substantial amount of property at the Bow Hill Road / I-5 interchange which it sees as the core of the Tribe's economic self-sufficiency efforts and the primary source of current and future employment opportunities for its members. The Upper Skagit Indian Tribe's existing casino at Bow Hill Road already generates 550 jobs with an annual payroll of $12,000,000. Over 70 jobs are currently held by Tribal members. The Casino serves as the cornerstone of a master planning process for additional commercial and economic development that will draw heavily on the Tribe's culture, history, and its relationship with the land. This is another area for consideration as a Master Planned Resort.

The economic reasons for siting of a Master Planned Resort, however, must also be carefully balanced against the potential for significant adverse environmental effects from such a development. Any proposal must be carefully planned and regulated to prevent any type of sprawl development outside of the master planned development that would destroy the scenic and often environmentally sensitive setting. The following policies should guide adoption of development regulations for siting and individual permit review of Master Planned Resorts.

**OBJECTIVE 17:**



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Provide for the siting of Master Planned Resorts, pursuant to the adoption of development regulations consistent with the requirements of the Growth Management Act, in locations that are appropriate from both an economic and environmental perspective.

**4A-17.1** Master planned resorts are self-contained and fully integrated planned unit developments, in a setting of significant natural amenities, with a primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities and visitor services.

**(a)** Master planned resorts are generally larger in scale, and involve greater potential impacts on the surrounding area, than uses permitted under the Small Scale Recreation and Tourism designation. Master planned resorts may constitute urban growth outside of urban growth areas as limited by RCW 36.70A.360 and RCW 36.70A.362.

**(b)** Owners of sites where Master Planned Resorts are proposed to be located must obtain an amendment to the Comprehensive Plan and Zoning Map, giving the site a Master Planned Resort designation prior to, or concurrent with an application for master plan review. The comprehensive plan amendment process should evaluate all of the probable significant adverse environmental impacts from the entire proposal, even if the proposal is to be developed in phases, and these impacts shall be considered in determining whether any particular location is suitable for a Master Planned Resort.

**(c)** Master Planned Resorts may include existing or new Development Agreements, as authorized by RCW 36.70B.170, to implement these policies.

**(d)** Master Planned Resorts should be of sufficient size to mitigate the potential impacts from the development on site. Where located in a rural location, the Master Planned Resort should also be of sufficient size to screen the development and its impacts from the adjacent rural areas outside of the Master Planned Resort designation.

**(e)** Master Planned Resorts should never be located on designated Ag-NRL lands and generally should not be located on other designated Natural Resource Lands, unless the County specifically makes the



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finding that the land proposed for a Master Planned Resort is better suited and has more long-term importance for the Master Planned Resort than for the commercial harvesting of timber or production of agricultural products, and also makes the finding that the Master Planned Resort will not adversely affect adjacent Natural Resource Land production.

(f) The Master Planned Resort must be developed consistent with the County's development regulations established for critical areas and consistent with lawfully established vested rights, and approved development permits.

(g) The Master Planned Resort shall consist of predominantly short-term visitor accommodations and associated activities, but may include some other permanent residential uses, including caretakers' or employees' residences and some vacation home properties, provided they must be integrated into the resort and consistent with the on-site recreational nature of the resort. Master Planned Resorts may propose clustering construction, setbacks, and lot sizes that vary from those normally found in the Rural or Natural Resource Land designations.

(h) The Master Planned Resort may include indoor and outdoor recreational facilities, conference facilities and commercial and professional activities that support and are integrated with the resort. These facilities shall be primarily designed to serve the resort visitors, either day visitors or overnight visitors, but may also provide some goods and services for the surrounding permanent residential population.

(i) The Master Planned Resort commercial facilities may be larger than those otherwise permitted in rural commercial areas.

(ii) Where supported by historic use of the property and where such historic uses are intended to be integrated into the overall Master Planned Resort concept, Master Planned Resorts may include some commercial or industrial uses not typically associated with resort or recreational activities, such as ongoing Natural Resource Industrial activities.



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(i) The capital facilities, utilities and services, including those related to sewer, water, storm water, security, fire suppression, and emergency medical provided on-site shall be limited to meeting the needs of the resort. These facilities, utilities, and services may be provided by outside service providers, such as the County or special purpose districts, provided that the resort pays all costs associated with service extension capacity increases, or new services that are directly attributable to the resort, and provided that the nature of the facilities and services provided are adequate to meet the increased needs of the resort, based on the planned concentration of guests, structures and other facility, utility and service demands. Normal strategies for funding service, facility and utility extension costs may be considered to pay for costs attributed to the resort.

(j) The siting of a Master Planned Resort should not cause the need to construct additional traffic lanes on State routes through the Rural or Natural Resource designated areas, except in the immediate vicinity of or within the boundaries of the Master Planned Resort where necessary to accommodate increased traffic and turning movements to various venues within the resort.

(k) The Master Planned Resort shall contain sufficient portions of the site in undeveloped open space for buffering and recreational amenities to help preserve the natural and rural character of the area.

(l) The process for siting a Master Planned Resort and obtaining the necessary Comprehensive Plan designation shall include all property proposed to be included within the Master Planned Resort and shall further include a review of the adjacent Comprehensive Plan and Zoning land use designations/districts to be sure that the designation of a Master Planned Resort does not allow new urban or suburban land uses in the vicinity of the Master Planned Resort. This policy should not be interpreted, however, to prohibit locating a Master Planned Resort within or adjacent to an existing Urban Growth Area or within or adjacent to an existing area of more intense rural development, such as an existing Rural Village or an existing Rural Intermediate designation.

(m) The County shall prepare development regulations to guide the review and designation of Master Planned Resorts that include, at a



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minimum, compliance with these policies.

# COTTAGE INDUSTRY/SMALL SCALE BUSINESS (CSB)

## OBJECTIVE 18:

*Provide a land use designation to recognize existing and new small scale businesses and cottage industries, in order to enhance rural economic opportunities and provide job opportunities for rural residents. The Cottage Industry/Small-Scale Business designation is intended for businesses that are beyond the size and scale appropriate for home*-based businesses.

General Policies

**4A-18.1** The Cottage Industry/Small Scale Business (CSB) designation is intended to provide for small-scale commercial or industrial activities involving the provision of services or fabrication or production of goods, primarily for clients and markets outside of the immediate rural area. The CSB designation may be applied to existing or new businesses, whereas the Rural Business designation applies only to businesses that were established as of June 1, 1997.

**4A-18.2** The CSB designation is consistent with the Growth Management Act's allowance for the "intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and non-residential uses, but do provide job opportunities for rural residents." (RCW 36.70A.070(5)(d)(iii))

**(a)** In the context of Skagit County's historic development patterns, the County views "isolated" as a relative term that does not necessarily mean a single use or business. For example, an "isolated" cottage industry or small scale business may be located in an existing Rural Village or existing Rural Center, where it can take advantage of existing more intense rural uses and be consistent with existing



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more intense rural character. Alternatively, it may be located as a single use in the rural area. This interpretation is consistent with Comprehensive Plan Policy 4A-9.1 of this chapter, which seeks to give priority consideration to the siting of new commercial and industrial uses in areas of existing development, and only lastly to entirely undeveloped sites. CSB uses are therefore considered "isolated" as long as they are consistent with the balance of the rural policies in the Comprehensive Plan and are not of such a nature, number, or intensity that they constitute urban development or urban or rural sprawl, or require the extension of urban services to the rural area.

**4A-18.3** Typical uses within the CSB designation include the small-scale production or manufacture of goods, including furniture, apparel, artwork, metal products, and wood products; the production, repair and servicing of specialized tools and equipment; and the provision of services, including professional, management, consulting, construction, and repair services. The business may have customers visit the site, but retail sales are limited to products produced on site.

**4A-18.4** One purpose for the CSB designation is to provide locations for home-based businesses that are providing job opportunities for rural residents but have outgrown their residential locations. Permitted uses within the CSB designation include those permitted under the Home Based Business special use, provided that the primary markets and customers are outside of the immediate rural area. However, the scale of activities within a CSB designation is typically greater than can be accommodated through a Home Based Business.

**(a)** Nothing in these policies is intended to create a presumption that the property on which a Home Based Business is located should be re-designated to CSB if that business outgrows its home-based status. There is no automatic progression from Home Based Business to Cottage Industry/Small Scale Business. Decisions about whether to designate a property as CSB shall be based entirely on the public interest tests identified in designation Policies 4A-18.7 through 4A-18.15, not on the needs of an individual property owner.

**4A-18.5** The primary use of property designated CSB is for commercial or industrial purposes, rather than residential use, although caretaker quarters

may be located on site.

**4A-18.6** A Cottage Industry/Small Scale Business may have up to 20 full-time equivalent (FTE) employees, meaning an employee that visits the business site more than two times per week, including solely for purposes of vehicle transfer.

Designation Policies

**4A-18.7** Businesses designated CSB are shown in the combined Comprehensive Plan Map and Zoning Map. New CSB uses will require a Comprehensive Plan amendment and rezone to the CSB designation and zoning district.

**4A-18.8** New CSB designations may be approved if:

**(a)** the proposed use is consistent with the policies in this section;

**(b)** the property owner presents a development project that will commence and may be phased within a specified amount of time following the property's designation/rezone to CSB. The time lines for commencement and phasing will be specified in the development regulations. The regulations shall also describe procedures by which a development project that has not commenced according to the specified timelines, or those portions of a phased project that have not proceeded according to an approved phasing schedule, would lose their CSB designation/zoning and the property or subject portions thereof would return to their prior designation/zoning;

**(c)** the County's rural commercial and industrial needs analysis demonstrates a need for additional cottage industry/small scale business activity. The appropriate acreage shall be deducted from the County's rural C/I allocation upon designation of a property as CSB; and

**(d)** the proposed designation is consistent with an applicable Community Development Plan, if one has been adopted.

**4A-18.9** In considering new CSB designations, the County should give priority consideration to siting of new uses in areas of existing development, including existing Rural Villages and existing Rural Centers, followed by already developed sites in the remaining rural area, and only lastly to



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wholly undeveloped sites in the rural area, consistent with Policy 4A-9.1 of this chapter. The presence of a home based business shall not be considered as an already developed site for the purposes of this policy.

**4A-18.10** Undeveloped sites may be designated for CSB use if:

**(a)** the applicant can demonstrate that:

**(i)** the proposed new use is appropriate in a particular rural location; and

**(ii)** the location provides needed job opportunities to a particular rural area or population; and

**(b)** the County gives adequate consideration to Policy 4A-18.10 and Policy 4A-9.1 of this chapter, encouraging priority consideration of siting of new uses in areas of existing development, but nonetheless finds that the proposed undeveloped site is a preferable location.

**4A-18.11** CSB designations should not be located on designated natural resource lands.

**4A-18.12** In approving new CSB designations, the County shall consider and apply measures to ensure:

**(a)** the protection of critical areas, frequently flooded areas, and surface water and ground water resources, including sole source aquifers; and

**(b)** the protection against conflicts with the use of agricultural, forest, and mineral resource lands.

**4A-18.13** A Cottage Industry/Small Scale Business shall not adversely affect surrounding residential uses, the natural environment, or the conduct of natural resource activities in the vicinity. It shall not create a level of vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to the surrounding area.

**4A-18.14** Public services and public facilities necessary for CSB uses shall be rural in nature, limited to those necessary to serve the isolated nonresidential use, and provided in a manner that does not permit low-density sprawl. Rural services should not include storm and sanitary sewers except in those

limited circumstances shown to be necessary to protect basic public health and safety and the environment. Uses may utilize urban services that are historically already available to the site.

**4A-18.15** Development regulations shall further establish standards to address potable water, buffers, screening, lighting, noise, drainage, traffic impacts, lot coverage, land use intensities, visual compatibility with the surrounding rural area, and non-urban levels of service in an effort to maintain the existing character of the rural area in which the commercial use is proposed.

## HOME-BASED BUSINESS (HBB1 & HBB2)

### OBJECTIVE 19:

*To provide opportunities for rural entrepreneurs to establish small scale service or fabrication businesses within their homes that provide economic and limited employment opportunities in the rural area and are compatible with surrounding uses.*

General Policies

**4A-19.1** Home-Based Businesses (HBB) are intended to provide increased rural economic opportunities by providing the ability to supplement a family income, start up a business, or establish a work place at home.

**4A-19.2** HBB1 and HBB2 are located entirely within a single family structure or permitted accessory outbuilding and remain clearly incidental and secondary to the primary use of the premises as a residence. Because they take place on residential property, they do not require a commercial or industrial acreage allocation.

**4A-19.3** Home-Based Business 1 (HBB1) consists of limited-scale services or fabrication activities. They are carried on exclusively by a member or members of a family residing in the residential dwelling unit. HBB1 does not have clients or customers come to the site. HBB1 should not have any on-premises or off-premises signs. They are permitted outright and do not require a special use permit from the County.



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4A-19.4 Home-Based Business 2 (HBB2) consists of limited small-scale commercial or industrial activities involving the provision of services or fabrication or production of goods. HBB2 may have clients or customers come to the site. Examples include dressmaking, upholstering, weaving, baking, limited metal working activities, and computer software development. HBB2 may have a small, on-premises sign identifying the HBB2 activity.

4A-19.5 HBB2 involves the owner or lessee of the property residing within the dwelling unit and no more than three (3) non-resident full-time equivalent employees. HBB2 requires a special use permit from the County.

4A-19.6 HBB1 and HBB2 may locate wherever residential dwelling units are permitted, provided they meet all other applicable Comprehensive Plan and Zoning Code requirements.

4A-19.7 The provisions for HBB1 and HBB2 are consistent with the Growth Management Act's allowance for the "intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and non-residential uses, but do provide job opportunities for rural residents." (RCW 36.70A.070(5)(d)(iii))

4A-19.8 Public services and public facilities necessary for HBB1 and HBB2 uses are limited to those necessary to serve those uses and shall be provided in a manner that does not permit low-density sprawl.

4A-19.9 Development regulations for HBB2 further establish standards which address potable water, buffers, screening, lighting, noise, drainage, traffic impacts, lot coverage, land use intensities, visual compatibility with the surrounding rural area, and non-urban levels of service in an effort to maintain the existing character of the rural area in which the commercial use is proposed.

4A-19.10 There shall be no off-premises signs or other indications of a commercial or industrial enterprise visible off-premises, and auto and truck traffic, noise, and pollutant emissions shall not exceed that normally associated with a residential property.



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# RURAL BUSINESS (RB)

## OBJECTIVE 20:

*Recognize and provide* reasonable *expansion* and change of use *opportunities for existing isolated nonresidential uses in the rural area that provide job opportunities for rural residents.*

General Policies

**4A-20.1** The Rural Business designation is intended to acknowledge certain significant existing uses in the unincorporated areas that are not consistent with the other commercial and industrial Comprehensive Plan designations and zoning districts but are consistent with GMA provisions for existing rural commercial and industrial use.

**4A-20.2** The Rural Business (RB) designation provides reasonable expansion and change of use opportunities to these pre-existing rural uses. The designation is consistent with the Growth Management Act's allowance for "the intensification of development on lots containing isolated nonresidential uses." (RCW 36.70A.070(5)(d)(iii))

Expansion of Use

**4A-20.3** Uses designated RB may expand by up to 50 percent of the existing building footprint and/or up to 50 percent of the existing outdoor working area. The expansion is permitted provided that the total expansion does not exceed a total of 1,500 square feet of gross floor area, and that the expansion occurs on the same lot upon which the existing use is located. The total square footage of allowable expansion is determined on a one-time basis, based on the area of use as of June 1, 1997.

**4A-20.4** Uses designated RB that were established as of July1, 1990 may expand by up to 50 percent of the existing building footprint and/or up to 50 percent of the existing outdoor working area, provided that the expansion does not



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result in greater than 50 percent lot coverage by buildings, and subject further to the requirements of Policy 4A-20.5, but not subject to the 1,500 sq. ft. limitation in Policy 4A-20.3. The total square footage of allowable expansion is determined on a one-time basis, based on the area of use as of June 1, 1997.

**4A-20.5** A use designated Rural Business that was established as of July 1, 1990 must obtain an approved Hearing Examiner Special Use Permit in order to take advantage of the expansion opportunity described in Policy 4A-20.4. The Hearing Examiner shall approve, deny, or condition a use's expansion, and may limit it to less than the maximum expansion allowed in Policy 4A-20.4, based on evaluation of the following criteria:

**(a)** The expansion will occur on the same lot upon which the existing use is located;

**(b)** The expansion is visually compatible with the immediate neighborhood and the surrounding rural area;

**(c)** Detrimental impacts to adjacent properties will not be increased or intensified;

**(d)** The expansion does not result in a formerly small operation dominating the vicinity;

**(e)** The expansion will not constitute new urban development in the rural area and will not require extension or expansion or urban services; however, urban services historically already available to the site may be utilized;

**(f)** Public services and facilities are limited to those necessary to serve the isolated nonresidential use and are provided in a manner that does not permit low-density sprawl.

Change of Use

**4A-20.6** Properties with a Rural Business designation may change uses provided that the new use is rural in nature and does not result in a substantial change to rural character or create substantially greater impacts on surrounding properties, critical areas, natural resource lands, and other factors as further identified in the development regulations.



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**4A-20.7** Changes from one use to an identical or "substantially similar" use are subject to Administrative Review only. The Administrative Official will determine if the new use is an identical or substantially similar use based on a definition contained in the development regulations.

**4A-20.8** A Hearing Examiner special use permit is required to change from one use to another use that is not determined to be identical or substantially similar to the prior use.. The Hearing Examiner shall not grant a special use permit for change of use if he determines, based on criteria contained in the development regulations, that the change of use would:

**(a)** result in a substantially increased impact on any one of the change of use criteria contained in the development regulations; or

**(b)** result in smaller impacts across a number of criteria that, combined, result in a substantially increased overall impact; or

**(c)** be inconsistent with an applicable community development plan, if one has been adopted.

**4A-20.9** Any use requiring the installation or extension of urban services, including storm or sanitary sewers, shall be considered an urban use rather than a rural use and shall be disqualified. Uses may utilize urban services that are historically already available to the site.

**4A-20.10** A new use may take advantage of the one-time expansion opportunity provided to existing RB uses, as identified in Policies 4A-20.3 through 4A-20.5 However, a change to a new use does not create any new expansion opportunity.

**4A-20.11** Commercial or industrial uses not designated Rural Business or one of the other commercial or industrial designations will, by default, be considered Pre-Existing Non-Conforming Uses subject to the policies described below. Through the annual Comprehensive Plan amendment process, Pre-Existing Non-Conforming Uses may apply for designation as a Rural Business (provided they were established as of June 1, 1997) or other commercial/industrial designation, based on their consistency with the policies and criteria for those various designations.



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# PRE EXISTING, NON-CONFORMING USES AND DEVELOPMENT APPROVALS

## GOAL B:

*Address pre-existing, non-conforming uses and development approvals.*

### OBJECTIVE 1:

*Recognize existing development approvals that have been granted but may not yet have been constructed or acted upon, such as subdivisions, short plats, PUDs, special use permits, conditional use permits, and contract rezones that are non-conforming with Comprehensive Plan land use map designations and policies when they do not threaten the health and safety of residents.*

Policies

**4B-1.1** Legal lots of record with residential development rights that exist on June 1, 1997 shall retain their development rights unless public health and safety is threatened or the parcel is located within an Industrial Forest land use designation and subject to the residential restrictions within such designation.

**4B-1.2** Substandard (not meeting dimensional standards for the zoning district) lots of record existing on June 1, 1997 which have residential development rights shall retain their development right unless public health and safety is threatened. Development of substandard lots requiring on-site sewage systems must demonstrate compliance with the minimum land area density requirements pursuant to the Skagit County Sewage Code – Rules and Regulations Chapter 12.05.210(2)(d) and not reduce levels of service standards for public services/facilities.

**4B-1.3** Historic land use approvals such as conditional use permits, special use permits, and contract rezones that already have been exercised may continue to operate under the conditions of their original permit or land use approval. Any expansion or change beyond the conditions of the original



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permit or land use approval shall require a revised permit or land use approval or appropriate Comprehensive Plan designation and zoning.

**4B-1.4** Historic subdivisions shall be subject to the provisions of RCW 58.17.170. Other historic land use approvals with vested development rights that have not yet been exercised will remain valid for five years from the date property owners are given notice of adoption of this policy. Property owners will be notified within two years of adoption of this policy. Land use approvals not exercised within this five-year period shall expire.

## OBJECTIVE 2:

*Prohibit expansions of pre-existing non-conforming uses that are not in conformance with the Comprehensive Plan or development regulations.*

General Policies

**4B-2.1** A nonconforming use is any use established in conformance with Skagit County rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site's current zone or to the current development standards of the Code due to changes in the Code or its application to the subject property.

**4B-2.2** Nonconforming uses will be allowed to continue operation subject to County regulations governing nonconforming uses and general municipal police powers regarding health and safety. Expansion of such uses, however, shall only be permitted when pursuant to development rights vested prior to the adoption of this policy or in the event that the building, as existing when this policy is adopted, was designed to accommodate an expansion of the nonconforming use.

**4C-2.3** The owner of a property containing a pre-existing, non-conforming uses may apply to the County for a Comprehensive Plan land use designation/rezone, or a special use permit, as appropriate, to modify the status of their use under the Comprehensive Plan and development regulations, subject to the provisions of those documents.



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# PUBLIC USES

Public Uses, generally, are government or quasi-government owned and operated facilities such as, but not limited to, primary and secondary schools, libraries, postal services, offices, training facilities, fire and police stations, courts. Public Uses under this section do not necessarily include Essential Public Facilities as provided for in Chapter 15 of this Comprehensive Plan.

## GOAL C:

*Address public land uses as site specific related developments not requiring comprehensive plan amendments.*

### OBJECTIVE 1:

*Provide site specific project review for land uses which are defined as a public use within any comprehensive plan land use designation.*

Policies

**4C-1.1** Within each comprehensive plan land use designation, except as provided below, public uses should be considered as "special uses" under Skagit County Code 14.16, the zoning ordinance. Public uses should be reviewed as site-specific projects so that public benefits and land use impacts can be analyzed and, if necessary, appropriate mitigation applied.

(a) Except as provided in subsection (i) below, an Administrative Special Use Permit shall be required for new minor public uses and for the expansion of existing major pubic uses up to 3000 square feet.

(i) Minor public uses may be authorized as a Permitted Use in Rural Centers (RC) and Rural Village Commercial (RVC), subject to the limitations of those respective districts.

(b) A Hearing Examiner Special Use Permit shall be required for new major public uses and for the expansion of major public uses 3,000 square feet or greater.



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**GOAL B: To address public land uses as site specific related developments not requiring comprehensive plan amendments; and to help preserve rural economies and traditional rural lifestyles; foster opportunities for small-scale rural-based employment and self-employment; permit the operation of rural-based commercial, recreational and tourist businesses that are consistent with existing and planned land use patterns; foster the private stewardship of the land and preservation of open space; and enhance the rural sense of community and quality of life.**

# PUBLIC USES

**OBJECTIVE 1: Provide site specific project review for land uses which are defined as a public use within any comprehensive plan land use designation.**

Policies

1.1 Within each comprehensive plan land use designation, public uses (facilities and utilities) should be considered as "special uses" under Skagit County 14.04, the zoning ordinance. Public uses should be reviewed as site specific projects so that public benefits and land use impacts can be analyzed and, if necessary, appropriate mitigation applied.

COMMERCIAL AND INDUSTRIAL USES OUTSIDE OF URBAN GROWTH AREAS

Commercial and industrial uses throughout unincorporated Skagit County will be guided by the goals, objectives and policies articulated below. All such uses do not require a commercial or industrial comprehensive plan land use designation under this Plan. Existing and new commercial and industrial land uses will be subject to this Plan's land use policies. Implementing development regulations will more specifically identify commercial and industrial development opportunities and limitations and through code language will explain how the comprehensive plan policies will be put into practice. Those regulations would expand upon the policies describing how existing uses can continue, under what circumstances they can expand, and under what circumstances they can change from one commercial or industrial use to another. The zoning map to be adopted with the implementing development regulations will illustrated where such commercial and industrial zoning districts will be located throughout the county. In general, it is expected that existing commercial and industrial zones outside the UGA will retain commercial and/or industrial zoning,



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but with the rural and resource related restrictions described in these policies. In the future, new commercial and industrial development proposals if consistent with the comprehensive plan will only require a rezone and not a comprehensive plan map amendment.

**OBJECTIVE 2: Provide for increased rural economic opportunities with home-based occupations and cottage industries compatible with the designation in which the business is located.**

Policies

2.1 Home based occupations and cottage industries shall be allowed provided they are adequately buffered or distanced from roads and adjacent properties to assure that they do not adversely affect the surrounding area and the designation in which they are to be located. Site specific standards shall be considered through the permitting process.

2.2 Home based occupations and cottage industries shall only be a secondary use of the property with the primary use in compliance with the policies provided for the designation in which they are to be located. Said businesses shall not require urban services.

**OBJECTIVE 3: Provide for limited rural commercial uses commonly accepted in the rural area, that will help preserve rural economies and traditional rural lifestyles.**

Policies

3.1 New rural commercial should be located within Rural Villages to avoid incompatible land uses and the proliferation of commercial businesses throughout the rural area. Such uses may be located in other rural areas if it can be demonstrated that the use is located beyond the service area of a Rural Village, such as on an island that does not contain a Rural Village or an incorporated area. New rural commercial uses should be limited to those typically located in and intended to serve the rural community.

3.2 Rural commercial uses shall be limited in size to serve the communities in which they are located. Strip development shall not be allowed.

3.3 Rural commercial developments within the Rural Villages should be designed to encourage pedestrian activity. Standards should be developed which, at a minimum, address: potable water, buffers, screening, lighting, noise, drainage,

traffic impacts, lot coverage, land use intensities, and non-urban levels of service in an effort to maintain the existing character of the rural area in which the commercial use is proposed.

**OBJECTIVE 4: Facilitate the production of agricultural, mineral and forest products by allowing related processing facilities, limited direct resource sales and limited natural resource support services that support natural resource activities, which are not harmful to the long term natural resource.**

4.1 Natural resource support services to be located within the Rural designation shall maintain the rural character of the area and be permitted only through the special use permit process. Such proposed uses shall, at a minimum, meet the following criteria:

4.1.1 Uses shall be designed in a manner that the natural landscape and vegetation predominate over the built landscape with a visual landscape that is traditionally found in the rural areas and communities.

4.1.2 Uses shall be directly related to natural resource enhancement, production, or utilization.

4.1.3 Uses should generally not require the extension of urban governmental services. If particular urban services are necessary, conditions shall be established to ensure that urban growth will not occur in adjacent rural lands. Performance standards and mitigation measures shall be developed in order to govern the intensity, siting, and design of any proposed on-site enterprise and support business to conserve natural resource lands and protect existing rural character. Performance standards shall govern permitted uses regarding their impacts on prime soils, drainage, critical areas, traffic generation, visual impact, noise and any other relevant criteria.

4.2 Processing facilities, limited direct resource sales and limited natural resource support services proposed within a natural resource designation shall, at a minimum, address the following:

4.2.1 The use does not substantially detract from the natural resource production on-site or in the area.

4.2.2 The use is directly related to natural resource enhancement or production.



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4.2.3 Satisfy development regulations that specify size, use and other threshold criteria for which natural resource industrial uses shall be required to follow the major industrial development siting policies of 4.2.4 below.

4.2.4 Meet performance standards and mitigation measures that shall govern the intensity, siting, and design of any proposed on-site enterprise and support business to conserve natural resource lands and protect existing rural character. Performance standards shall govern permitted uses regarding their impact on prime soils, drainage, critical areas, traffic generation, visual impact, noise and any other relevant criteria.

4.3 Existing undeveloped commercial and industrial zoned areas outside of UGAs may retain said zoning designations with the limitations provided by the policies including in this sub-section.

**OBJECTIVE 5: Provide for the siting of major industrial developments that has land needs not found within the urban growth areas or is a natural resource based industry that requires a location near a resource land upon which it is dependent.**

Policies

5.1 Major industrial developments are those that do not meet the criteria outlined in Objective 4.

5.2 The siting of major industrial developments outside of an urban growth area shall comply with the criteria contained in RCW 36.70A.365 and CWPP 2.6.

5.3 The process for coordinating the siting of major industrial developments with the cities and towns shall follow the process included in the Memorandum of Understanding between the County and the cities for the adoption of Countywide Planning Policies.

**OBJECTIVE 6: Provide for recreational, tourist and highway oriented economic opportunities that are necessary to continue the diversification of the economy within Skagit County.**

Policies



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6.1 Recreational/tourist commercial facilities may be located within a natural resource designation and the rural designation if, at a minimum, the following criteria are met:

6.1.1 The location of the facility would not adversely impact the natural resource production in the area.

6.1.2 All proposed recreational and community facilities are of appropriate size and scale for their intended use and the surrounding area.

6.1.3 Uses generally do not require the extension of urban governmental services. If particular urban services are necessary, conditions shall be established to ensure that urban growth will not occur in adjacent lands.

6.1.4 Performance standards and mitigation measures shall be developed in order to govern the intensity, siting and design of any proposed facility and assure conservation of natural resource lands and protection of the existing rural character of the area. Performance standards shall govern permitted uses regarding their impacts on prime soils, drainage, critical areas, traffic generation, visual impact, noise and other relevant criteria.

6.1.5 Within natural resource land designations a special use must be obtained with a provision that the use is compatible with resource management and does not adversely affect the intent of the natural resource conservation policies.

6.2 Highway oriented commercial uses outside the UGAs shall be limited to the Alger, Cook Road, Bow Hill, and Starbird interchanges within the designated Rural Areas along Interstate 5 to serve the needs of the traveling public.

6.3 Activities such as public festivals which are centered on natural resource or wildlife viewing activities that may substantially impact a natural resource shall be promoted in ways that reduce those impacts resulting from the activity. Those impacts include but are not limited to traffic, litter, trespass, sanitation.

**GOAL C: To address pre-existing, non-conforming land uses.**

## PRE-EXISTING, NON-CONFORMING USES

OBJECTIVE 1: Recognize existing development approvals that have been granted but may not have yet been constructed or acted upon, such as subdivisions, short plats, PUDs, special use permits,



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conditional use permits, and contract rezones that are nonconforming with Comprehensive Plan land use map designations and policies when they do not threaten the health and safety of residents.

Policies

1.1 Legal lots of record with residential development rights that exist on the effective date of this Comprehensive Plan should retain their development rights unless public health and safety is threatened or the parcel is located within an Industrial Forest land use designation and subject to the residential restrictions within such designation.

1.2 Substandard rural parcels acquired by an adjoining property owner after the effective date of this Comprehensive Plan shall be exempt from the requirement that contiguous substandard parcels must be aggregated.

1.3 Existing land uses within a Public Use District (SCC 14.04.130) at the effective date of this Comprehensive Plan shall be allowed to continue and expand such use when a special use permit is obtained.

1.3.1 Countywide, legislative action should be taken to grant special use permits for pre-existing public land uses.

1.4 The continuing validity of Variances, Special Uses, Planned Unit Developments (PUDs), and Conditional Uses that were approved prior to the effective date of this Comprehensive Plan should be evaluated on an individual project basis.

**OBJECTIVE 2: Recognize existing commercial and industrial uses that are nonconforming with the adoption of the Comprehensive Plan and associated development regulations.**

Policies

2.1 Pre-existing commercial and industrial uses that do not meet the policies contained in Objectives 2 through 6 of Goal B should not be expanded beyond the limits of the existing zoning of the subject parcel(s) on which it is currently located.

2.1.1 Performance standards shall be developed that allow for on-site expansion and improvements which, at a minimum, address buffers, screening, lighting, noise, drainage, traffic impacts, lot coverage, visual impacts, land use intensity and non-urban level of service requirements

~~and assure conservation of natural resource lands and protection of the existing rural character of the area.~~

~~**GOAL D: To develop innovative techniques that create land use patterns that provide for greater efficiency and flexibility of land use, housing diversity, natural resource land conservation, critical area protection, maintenance of rural character and lifestyles and the retention of open space benefits.**~~

# LAND DIVISION

## GOAL D:

*To develop innovative techniques that create land use patterns that provide for greater efficiency and flexibility of land use, housing diversity, natural resource land conservation, critical area protection, maintenance of rural character and lifestyles and the retention of open space benefits.*

Within each comprehensive plan land use designation innovative techniques for land division are encouraged (e.g., Planned Unit Developments and Conservation and Reserve Developments (CaRD)) as an alternative to traditional and conventional planning and land division regulations. The CaRD land division concept is attractive because it provides future land use options and protects and conserves natural resource lands, rural lifestyles and critical areas. It also allows landowners to maintain some equity and development potential on the land while retaining open spaces and minimizing infrastructure costs. If CaRD land division is not required, sufficient incentives should be provided to encourage voluntarily participation in this approach to land division.

A technique related to CaRD land division is the Planned Unit Development (PUD). PUDs are similar in that they involve variations in controls related to density and other design elements. PUDs and CaRDs are different from standard land divisions, because they routinely involve density bonus beyond what is normally permitted in a given land use designation or zone in exchange for meeting certain land use management objectives such as setting aside land for open space, natural resource land and critical area conservation or to reserve lands for potential future development. PUDs differ from



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CaRDs in that PUDs normally involve permitting of mixed uses (commercial/residential). Under these comprehensive plan policies, PUDs will also involve higher urban densities than the rural densities found in CaRDs. PUDs are more appropriately located in urban growth areas where urban services and utilities are provided.

~~When considering policies for CaRD the following objectives are to be considered:~~

**OBJECTIVE 1:**

*To buffer and protect natural resource lands.*

**4D-1.1** Lands near designated natural resource lands are locations where CaRD land divisions are encouraged. The duration of any conservation easement or conditions, covenants and restrictions (CCRs) provided in a CaRD land division should not be less than the duration of the natural resource lands designation.

**OBJECTIVE 2:**

*To reserve lands that may be appropriate for future urban growth areas.*

**4D-2.1** When land divisions are proposed on lands near designated urban growth areas, those proposals should incorporate CaRD lands. ~~The duration of the CaRD designation shall continue until the balance of the property is needed for future urban growth, as determined through the comprehensive plan amendment process.~~

**OBJECTIVE 3:**

*To help retain the rural landscape, character, and lifestyle.*

*To protect critical areas by transferring development potential from the critical area portion of a site to a non-critical area portion of a site.*

*To create development patterns that provide for greater efficiency and flexibility for current and future land use; housing diversity; natural resource land and critical area conservation and protection; retention of open space; and provide incentives for utilizing CaRD land divisions.*

~~**Objective 4:**~~

~~*To protect critical areas by transferring development potential from the critical area portion of a site to a non-critical area portion of a site.*~~

~~**Objective 5:**~~

~~*To create development patterns that provide for greater efficiency and flexibility for current and future land use; housing diversity; natural resource land and critical area conservation and protection; retention of open space; and provide incentives for utilizing CaRD land divisions.*~~

Policies

**4D-~~3~~1.1** Planned Unit Developments shall be allowed only in Urban Growth Areas where public services and utilities are available or will be provided concurrent with development.

**4D-~~3~~1.2** The intent of a CaRD land division is to achieve some or all of the following benefits:

(a)~~1.2.1~~ Flexibility in site development which may result in more compact clustered lots or environmentally sound use of the land, while assuring compatible development and maintaining the county's rural character.

(b)~~1.2.2~~ Buffer areas to reduce land use conflicts and minimize the loss of designated natural resource lands.

(c)~~1.2.3~~ Provides for more very low, low and moderate cost housing encouraged by reducing site development costs and allowing more intense use of buildable areas.

(d)~~1.2.4~~ Greater opportunity for property owners to derive reasonable economic use of the land by maintaining larger parcel sizes that will enhance the production of food, fiber, or minerals.

(e)~~1.2.5~~ More flexible land development options within areas with potential to be designated urban growth areas in the future.

(f)~~1.2.6~~ Large tracts of open space land held for recreation, natural resource management, and protection of significant cultural resources and critical areas.



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**4D-31.3** A CaRD land division ordinance, development standards and permitting procedures shall be established. These development standards and procedures will include incentives which include, but are not limited to, the following:

(a)~~1.3.1~~ Reductions of infrastructure engineering and construction costs.

(b)~~1.3.2~~ Creation of a permitting process which expedites the review and decision-making timeline in comparison to traditional, conventional land division proposals.

(c)~~1.3.3~~ Adoption of application fees which are less than those for traditional, conventional land division proposals.

(d)~~1.3.4~~ Allowance of bonus development lots when a landowner meets the various requirements of the CaRD provisions.~~:~~

~~(a) provides community recreational facilities~~

~~(b) establishes conservation easements or conditions/covenants/restrictions on Rural Resource designated natural resource lands, or~~

~~(c) establishes conservation easements, conditions/covenants/restrictions or land reserve areas on designated Rural Reserve lands.~~

(e) CaRD standards should have differing requirements for short CaRDs (four or fewer lots) and long CaRDs (five or more lots), recognizing that short CaRDs will have less impact on infrastructure and rural character.

**4D-31.4** CaRD land divisions shall be designed to minimize impacts on neighbors, infrastructure systems, and the surrounding environment.

**4D-31.5** CaRD land divisions should be encouraged where any of the following criteria exist:

(a)~~1.5.1~~ existing lots, tracts, or parcels of land exceeding 10 acres in size;

(b)~~1.5.2~~ the land to be developed, or any part of it, is within 500~~200~~ feet of designated natural resource land or identified critical areas;

(c)~~1.5.3~~ the land to be developed is within 1 mile of a designated urban



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growth area.

(d)~~1.5.4~~ development will not require extension of urban services.

**4D-3~~1~~.6** CaRD land divisions and development design guidelines and standards should address the following issues:

(a)~~1.6.1~~ flexible dimensional requirements for establishing lots, setbacks and road frontages;

(b)~~1.6.2~~ minimum and maximum lot sizes;

(c)~~1.6.3~~ determine the allowable number of dwellings (overall density) so projects support viable open spaces but are small enough to prevent the residential development from changing the overall character and appearance of the surrounding rural and natural resource land area;

(d)~~1.6.4~~ specific criteria addressing the location and amount of conservation and reserve land on the parcel;

(e)~~1.6.5~~ CaRD maintenance responsibility, covenants, restrictions and conditions;

(f)~~1.6.6~~ ownership of CaRD land which may be through, but not limited to, land trusts, conservation organizations, homeowners associations, or landowner(s);

(g)~~1.6.7~~ permitted types of dwellings and design standards, if any;

(h)~~1.6.8~~ infrastructure requirements for rural fire, water, and sanitary systems, roads, utilities, drainage and other development related regulations.

**4D-3~~1~~.7** Innovative land use techniques should be utilized to off-set landowner financial burdens and to retain current and future land development and conservation options such as, but not limited to:

(a)~~1.7.1~~ transfer of development rights,

(b)~~1.7.2~~ current use taxation,

(c)~~1.7.3~~ public acquisition or donation, private land trusts, conservation



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easements, and land banking,

(d)~~1.7.4~~ conservation and protection of natural resource lands critical areas, open space and wildlife habitat/corridors, and

(e)~~1.7.5~~ future urban growth and recreational facilities.

**4D-3~~1~~.8** When CaRD land divisions are approved for Long CaRDs their conservation easements or conditions/covenants/restrictions (CCRs) shall be in place for a specified period of time.

(a)~~1.8.1~~ Certain identified critical areas shall be set-aside as a Protected Critical Areas (PCAs) ~~Native Growth Protection Area in perpetuity~~ and others may be placed into Open Space Preservation Areas (OS-Pas). Designated natural resource, urban growth areas and rural lands shall be set-aside as a conservation easement in perpetuity when such lands are part of a transfer of development rights, purchase of development rights, conservation futures, or similar type of financial compensation or acquisition program.

(b)~~1.8.2~~ A long CaRD land division which has designated Natural Resource Lands (NRL) not satisfying 4D-3.8(a)~~1.8.1~~ above shall have the remaining NRL set-aside as a condition/covenant/restriction (CCR), which removes the development right on such lands until such time as the land no longer has long-term commercial significance for the production of food, agricultural products, timber, or extraction of minerals.

(c)~~1.8.3~~ A long CaRD land division that has designated Rural lands not satisfying 4D-3.8(a)~~1.8.1~~ above shall have the undeveloped lands set-aside as a land reserve until the land is reclassified as part of a comprehensive plan amendment or is included within an Urban Growth Area.

~~1.8.4 A CaRD land division which has designated Urban Growth Area lands not satisfying 1.8.1 above shall have the undeveloped lands set aside as a land reserve until urban facilities and services are available concurrent with proposed development.~~



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# CHAPTER 5

# NATURAL RESOURCE CONSERVATION ELEMENT

## INTRODUCTION

The Natural Resource Conservation Element of the County Comprehensive Plan addresses three primary types of land based natural resources: agriculture, forest and mineral. This element complements the Land Use Designation Element by defining the purpose and intent of land use policies for each resource land designation. These policies are also intended to guide long-range planning and the development of land use programs and regulations, and to conserve natural resource lands. Within each of these designations the primary and preferred uses will be the growing, harvesting or extracting, and processing of natural resources. In cases where residential activity is allowed on natural resource lands, development will occur in a manner that minimizes both the amount of land converted to non-resource uses, and the disincentives faced by landowners wishing to continue to manage their land for natural resource purposes. Map #4 in the supplemental *Map Portfolio* illustrates each Natural Resource Land designation.

Development of this chapter was guided in particular by the following GMA Planning Goal: "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," (RCW 36.70A.020 (8)).

This Goal, taken in the context of the totality of the thirteen GMA Planning Goals, led to the following CWPPs that provide specific guidance to the analysis and policies developed in this section:

- 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 (CWPP 5.4)

- The primary land use within designated forest resource lands shall be commercial forestry; residential development shall be strongly discouraged within designated forest resource lands (CWPP 5.9)
- Lands within designated agricultural resource areas should remain in large parcels and ownership patterns conducive to commercial agricultural operations and production (CWPP 5.10) and
- Skagit County shall conserve agriculture, aquaculture, forest and mineral resources for productive use by designating natural resources lands and aquatic resources areas, where the principle and preferred land uses will be long term commercial resources management (CWPP 5.11).

## AGRICULTURAL LANDS

The Agricultural Lands chapter establishes policies that insure the stability and productivity of the County's agricultural lands and industries. This chapter is intended to provide clear guidelines for land use planning and implementation in agricultural areas. It is also intended to express policies, programs, and measures that promote and protect the current and future needs of agriculture within the county.

## FOREST RESOURCE LANDS

The intent of the Forest Resource Lands chapter is to ensure that forest lands of "long-term commercial significance" are conserved and managed to provide for sustainable forest yields, job stability, ecological values and the continuation of a viable commercial forest industry in Skagit County. Conservation of forest land will maintain the land base needed to produce the timber for future economies of the county. Conservation of these resources must be assured through measures designed to prevent incompatible development on or adjacent to resource lands.

## RURAL RESOURCE LANDS

Rural Resource Lands are a mixture of natural resource lands that include agriculture and forest resource and as such, the goals, objectives and policies for each of those designations are applicable to the Rural Resource designation. Conservation of these lands is an important component in the long-term economic viability of countywide natural resource lands.



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## MINERAL LANDS

Skagit County supports environmentally responsible and safe mineral resource extraction and processing activities. Mineral lands of long-term commercial significance are to be ~~classified and~~ designated to conserve the mineral resource. These designations apply to areas where mining and processing activities are economically and environmentally feasible and where conflicts with other land uses can be minimized.

# AGRICULTURAL RESOURCE POLICIES

## GOAL A:

*Develop efficient, effective local agricultural policies, ordinances, and programs.*

*Develop an Agricultural Lands Database.*

*Stabilize the loss of prime farmland and limit the intrusion of non-agricultural uses into agricultural designated areas.*

*Maintain a healthy, diverse and competitive agricultural industry whose products are recognized as being produced in Skagit County.*

*Mitigate conflicts between agricultural and nonagricultural uses in designated agricultural resource lands.*

*Mitigate conflicts between tourism and agricultural uses in designated agricultural resource lands.*

*Seek additional sources for agricultural capital.*

*Educate the public on agricultural issues, policies and programs regarding agriculture in Skagit County.*

*Minimize drainage and runoff impacts on agriculture.*

*Monitor and evaluate local, state and federal transportation plans and mitigate any conflicts relating to agriculture.*

*Establish local farmland protection program options.*



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**OBJECTIVE 1:**

*Establish an Agricultural Advisory Board.*

Policy

**5A-1.1** An Agricultural Advisory Board shall be appointed and shall consist of a majority of agricultural producers. This board should reflect the diversity of agriculture and advocate sound agricultural polices and programs for Skagit County.

**5A-1.2** An integrated approach that encourages economic opportunities in the agricultural sector shall be developed by the Agricultural Advisory Board. Major categories are agricultural: (a) production, (b) marketing, (c) processing, and (d) labor opportunities.

~~Goal B: Develop an Agricultural Lands Database.~~

**OBJECTIVE 2:**

*To gather all information on agricultural lands into one location and format.*

Policy

**5A-2.1** An Agricultural Lands Database shall be created and be made available in an understandable format to the public.

~~GOAL C: Stabilize the loss of prime farmland and limit the intrusion of non-agricultural uses into agricultural designated areas.~~

**OBJECTIVE 3:**

*To maintain agricultural production on designated agricultural resource lands at the edges of urban areas and throughout the county, to reduce economic pressure for conversion of agricultural land, to minimize the influence of speculative land transactions on the price of farmland and to provide incentives for long term agricultural use.*



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Policies

**5A-3.1** Prime agricultural lands shall be protected and preserved as a nonrenewable agricultural production resource to benefit present and future generations.

**5A-3.2** Efficient agricultural operations and production that are based on sustainable agricultural and best management practices shall be encouraged.

**5A-3.3** Skagit County shall prohibit spot rezoning which is not agriculturally related, on agricultural designated lands.

**5A-3.4** In areas designated as agricultural where development of legally subdivided land would promote incompatible residential development, encourage the voluntary donation of conservation easements or other development restrictions to the County or to a qualified private nonprofit organization for the purpose of preserving the perpetual agricultural use of the land.

**5A-3.5** Clustering of residential development shall be encouraged in areas designated agricultural without increasing the underlying density.

**5A-3.6** The County shall work in cooperation with the cities/towns or other interested parties to pursue the concept for a Transfer of Development Rights program between Urban Growth Areas and agricultural designated lands.

**5A-3.7** Substandard agricultural parcels acquired by an adjoining property owner after September 11, 1996 (Ordinance No. 16287) ~~the date of the adoption of this plan~~ shall be exempt from the requirement that contiguous substandard parcels must be aggregated.

~~GOAL D: Maintain a healthy, diverse and competitive agricultural industry whose products are recognized as being produced in Skagit County.~~

**OBJECTIVE 4:**

*Facilitate agricultural production by allowing agricultural processing facilities, limited direct farm sales, and limited agricultural support services that support local agricultural activities, which are not harmful to the long term agricultural use in all agricultural land use categories.*



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Policies

**5A-4.1** Zoning designation(s) shall be created for agricultural support services. Performance requirements and siting criteria for such operations shall be developed.

**5A-4.2** Agriculture is dependent on having support services locally; if there are no reasonable alternatives for siting agricultural industrial/commercial uses and if agricultural production activities are not undermined, these services should be allowed on agricultural lands.

**5A-4.3** Farm-based businesses shall be allowed as a accessory use in Agricultural designated areas. A farm-based business is an on-farm enterprise devoted to the direct marketing of unprocessed and/or value-added and soil-dependent agricultural products that are produced, processed and sold on-site. Farm-based businesses are intended to supplement farm income, improve the efficiency of farming, and provide employment for farm family members.

(a)~~4.3.1~~ Farm-based businesses must remain an accessory use, secondary to the primary agricultural use of an actively farmed property, and shall not interfere with adjacent farming operations, cause nuisances for nearby residences or generate large amounts of traffic.

(b)~~4.3.2~~ Performance standards and mitigation measures shall be developed in order to govern the intensity, siting, and design of any proposed on-farm enterprises and agricultural support businesses. Performance standards shall govern permitted uses regarding their impact on prime soils, drainage, critical areas, traffic generation, visual impact and any other relevant criteria.

**5A-4.4** At a minimum, the following guidelines for approving requests for changes within the Agricultural zoning designations, or approvals for agricultural support services or farm-based businesses shall be used:

(a)~~4.4.1~~ The use does not substantially detract from agricultural production on-site or in the area.

(b)~~4.4.2~~ The use is directly related to agricultural enhancement or production.

(c)~~4.4.3~~ The proposed site is located or of such size that traffic and other impacts can be mitigated by application of the design criteria.



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## OBJECTIVE 5:

*Create and facilitate opportunities to promote and market agricultural products grown or processed in Skagit County.*

Policies

**5A-5.1** Public awareness regarding agricultural resource lands contributions to the County shall be encouraged.

**5A-5.2** Promotional and marketing activities of locally grown and processed products shall be encouraged.

~~GOAL E: Mitigate conflicts between agricultural and nonagricultural uses in designated agricultural resource lands.~~

## OBJECTIVE 6:

*Establish agricultural production as the highest priority use in the designated agricultural resource lands. Encourage farmers to manage their operations in a safe manner with minimal conflict between agricultural uses and nonagricultural uses.*

Policies

**5A-6.1** Apply the provisions of a Right-to-Manage Natural Resource Lands ~~the "Right to Farm"~~ Ordinance to all lands designated Agriculture. consistent with Right-to-Manage Natural Resource Lands policies under Goal E of this Chapter.

**5A-6.2** Anticipated conflicts between a proposed new or modified land use and existing agricultural activities shall be mitigated by the newer use or application.

**5A-6.3** The primary use of any parcel on lands designated as Agriculture shall be agricultural production and related processing, and support services. Residential uses in these areas shall recognize that the primary use of the land may create agricultural "nuisance" situations, such as flies, noise, dust, odors, and spraying of chemicals.



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**5A-6.4** Well-defined buffer areas shall be required as part of new non-agricultural development proposals which are located adjacent to agricultural land uses. These buffer areas shall be of sufficient size to protect agriculture from the impacts of incompatible development and to mitigate against the effects of agricultural operations on adjacent land uses, and shall be credited as open space.

**5A-6.5** Agricultural operations shall be protected by requiring a buffer between the agricultural land use and any new land use adjacent to lands designated as agricultural. The buffer shall occur on the non-agricultural parcel for which a permit is sought and shall favor protection of the maximum amount of farmable land.

**5A-6.6** Residential land divisions shall be sited with sufficient distance from agricultural activities to minimize future nuisance complaints.

**5A-6.7** A mechanism for the increase of lot coverage maximums on agricultural land shall be developed for approved agricultural purposes.

~~GOAL F: Mitigate conflicts between tourism and agricultural uses in designated agricultural resource lands.~~

## OBJECTIVE 7:

*Avoid conflicts between tourism-generating activities and public festivals in agricultural areas by promoting a better understanding of the significance of agriculture within the County.*

Policy

**5A-7.1** Public festivals that are centered on agricultural or wildlife viewing activities that may substantially impact agriculture shall promote ways to reduce those impacts resulting from the public festival. Those impacts include but are not limited to traffic, litter, trespass, sanitation.

~~GOAL G: Seek additional sources for agricultural capital.~~



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## OBJECTIVE 8:

*Develop programs and evaluate alternative funding sources which offer financial incentives to the farm owners to reduce their reliance on subdivision of land to raise operating capital.*

Policies

**5A-8.1** Appropriate agencies shall be encouraged to sponsor a variety of continuing educational programs that assist the farmer in financial planning and that provide technical assistance as required.

**5A-8.2** Specific measures shall be explored, including any necessary ordinances, which would carry out voluntary Purchase of Development Rights (PDR) and/or voluntary Transfer of Development Rights (TDR) programs to limit potential conversions and development in agricultural lands.

~~GOAL H: Educate the public on agricultural issues, policies and programs regarding agriculture in Skagit County.~~

## OBJECTIVE 9:

*To provide a greater awareness of agricultural issues among the public.*

Policies

**5A-9.1** A document on farming in the County shall be produced and distributed which summarizes agricultural polices.

**5A-9.2** Right-to-Farm ~~Ordinance~~ information shall continue to be mailed with County property tax statements to educate and disseminate information on agricultural land policy consistent with Right-to-Manage Natural Resource Lands policies under Goal E of this Chapter.

**5A-9.3** Information shall be made available to landowners about options to protect farmland, estate planning and conservation easements.

**5A-9.4** Educational programs shall be encouraged for public schools (such as "Ag in the classroom") as part of the basic education of the county's youth. Emphasis will be on the contribution of agriculture in the county and the need to protect and preserve this valuable resource base.



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**5A-9.5** Agricultural area signs shall be created and installed. These signs shall be concise and read such as, "Agricultural Area--Respect Farm Vehicles" or "Entering Agricultural Zone" or "Ag Zone".

~~GOAL I: Minimize drainage and runoff impacts on agriculture.~~

## OBJECTIVE 10:

*To prevent flooding and drainage impacts on agricultural lands.*

Policy

**5A-10.1** Drainage and site design criteria shall be established to mitigate impacts which may affect agricultural lands. Criteria for evaluating impacts from storm water runoff on agricultural lands shall be based on local drainage and watershed characteristics.

~~GOAL J: Monitor and evaluate local, state and federal transportation plans and mitigate any conflicts relating to agriculture.~~

## OBJECTIVE 11:

*To mitigate impacts from transportation on agricultural lands and industries.*

Policy

**5A-11.1** Through the Regional Transportation Organization, local, state and federal plans shall be monitored and evaluated for their impact on agricultural lands and agricultural industries and mitigation suggestions to resolve conflicts relating to agriculture shall be provided.

~~GOAL K: Establish local farmland protection program options.~~

## OBJECTIVE 12:

*To provide opportunity for participation in a variety of local farmland protection programs.*



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Policy

**5A-12.1** Integrated farmland protection program options shall be developed by the Agricultural Advisory Board to be used in protecting farmland and to ensure that agriculture remains an economically viable use on these lands.

# FORESTRY RESOURCE POLICIES

## GOAL B:

*Improve government relations with the commercial forestry community activities and foster new opportunities to diversify the forest products industry.*

*Promote innovative planning techniques to conserve forest land.*

*Improve the economic stability of the forest products industry by maintaining and enhancing the forest resource land base.*

*Establish a set of forestland conservation strategies for implementation.*

*Define permitted land uses on forest land.*

### OBJECTIVE 1:

*To encourage the practice of commercial forestry.*

Policies

**5B-1.1** Forestry activities are allowed and encouraged in Skagit County. These activities shall not constitute a nuisance if conducted in accordance with the State Forest Practice Rules and Regulations, Title 222 WAC.

**5B-1.2** Forest resource education including commercial forestry shall be part of Skagit County's citizen participation program and encouraged in public schools as part of the basic education of the County's youth.



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**5B-1.3** Skagit County will support land trades that result in consolidated forest ownership and will work with forest mangers to identify and develop other incentives for continued forestry.

**5B-1.4** Programs designed to diversify the forest and wood products and related industries shall be encouraged and supported to help them expand into new market niches.

**5B-1.5** Commercial forestry shall be encouraged and supported in agricultural and rural areas to provide an incentive to landowners who desire to manage their lands for long-term commercial forestry objectives.

**5B-1.6** Substandard forest resource parcels acquired by an adjoining property owner after September 11, 1996 (Ordinance No. 16287) ~~the date of adoption of this plan~~ shall be exempt from the requirement that contiguous substandard parcels must be aggregated.

~~GOAL B: Promote innovative planning techniques to conserve forest land.~~

## OBJECTIVE 2:

*Reduce land use conflicts from residential development adjacent to forest lands and provide a mechanism to transfer development rights.*

Policies

**5B-2.1** A transfer of development rights program should be considered for implementation to provide a means of compensation to landowners with legal lots of record located in areas designated as Industrial Forest lands.

**5B-2.2** The County shall work in cooperation with the cities/towns or other interested parties to pursue the concept for a Transfer of Development Rights program between Urban Growth Areas and forestry or agricultural designated lands.

**5B-2.3** Where residential development is permitted adjacent to Industrial Forest land, development should be encouraged to cluster the building lots. The number of new lots allowed shall not exceed that permitted by the associated zoning dwelling unit density.



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**5B-2.4** The open space, outdoor recreation, scenic and habitat values associated with forest lands will also be conserved to the maximum feasible extent, consistent with productive use and land owner property rights; recreational access is encouraged whenever compatible with commercial forest management, and allowed by the land owner or manager.

**5B-2.5** Tax-rates and/or other incentives to retain land for commercial forestry purposes shall be implemented to encourage owners of smaller parcels to elect to manage their land as commercial forests.

**5B-2.6** Conversion of designated forestlands will be strongly discouraged through clearly defined land use regulations.

~~GOAL C: Improve the economic stability of the forest products industry by maintaining and enhancing the forest resource land base.~~

## OBJECTIVE 3:

*Reduce the potential for future land use conflicts between forest resource management activities and non-forestry related activities.*

Policies

**5B-3.1** Establishment or expansion of special purpose taxing districts and local improvement districts in Industrial Forest lands that would then allow residential or commercial development shall be strongly discouraged unless they directly benefit commercial forestry operations. Annexations involving pre-existing housing units shall be reviewed on a case-by-case basis for impacts on commercial forestlands.

**5B-3.2** Industrial Forest land considered desirable for acquisition for public recreational, scenic and park purposes shall first be evaluated for its impact on a viable forest industry and local government revenue and programs.

**5B-3.3** Activities such as public festivals which are centered on natural resource lands or wildlife viewing activities that may substantially impact a natural resource shall be conducted in ways that reduce those impacts resulting from the activity. Those impacts include but are not limited to traffic, litter, trespass, and sanitation.

~~GOAL D: Establish a set of forestland conservation strategies for implementation.~~



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**OBJECTIVE 4:**

*Develop and guide administrative procedures to maintain and conserve forest resource lands.*

Policies

**5B-4.1** Apply the provisions of a Right-to-Manage Natural Resource Lands Ordinance to all lands designated Industrial Forest – NRL or Secondary Forest – NRL consistent with Right-to-Manage Natural Resource policies under Goal E of this Chapter. ~~On or within 300 feet of designated forest lands, the following language shall be signed by buyers and lessees prior to recording of sale or lease documents, or obtaining development permits: *This property lies within 300 feet of an area designated resource lands by Skagit County. A variety of natural resource land activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting, or extraction, which occasionally generates dust, smoke, noise, and odor. Skagit County has established resource uses as priority uses on designated natural resource lands. Residents of such propertyshould be prepared to accept such inconveniences or discomfort from normal, necessary natural resource lands operations when those operations are performed in compliance with best management practices and local, state, and federal law.*~~

**5B-4.2** Skagit County shall work with cities, other public agencies, and private landowners to conserve public and private forestlands, and to encourage continued resource management.

**5B-4.3** The six-year moratorium on all building permits and/or land use approvals shall be mandatory for all forest practice activities involving land harvested under the provisions of a Forest Practice Application where the landowner has indicated that the land will not be converted.

**5B-4.4** Skagit County shall seek to enter into a Memorandum of Agreement with the Department of Natural Resources (DNR) which will establish:

**(a)** a coordinated review process for all forest practices applications where the County has jurisdiction;



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(b) conditions of approval by the County for such forest practice applications consistent with chapter 76.09 RCW and Title 222 WAC;

(c) a coordinated and consistent identification process for lands with a likelihood of future conversion, based on a locally defined criteria, taking into consideration the Growth Management Act and Forest Practices Act guidelines and parameters;

(d) a facilitation process for landowners wishing to utilize the conversion option harvest plan as outlined under WAC 222-20-050; and

(e) a clear policy for fire protection, reduction and control within designated forest lands.

**5B-4.5** The zoning ordinance shall allow as permitted uses non-residential structures which are subordinate to forest management activities (i.e. temporary watchman quarters, equipment shop or storage structure). Recreational activities that are compatible with resource management shall be considered under Special Uses. The proposed use shall not adversely affect the intent of the forest resource policies.

**5B-4.6** The provisions for petitioning land use designations shall also provide a land owner with the option to request a reclassification of designated Industrial Forest lands concurrent with any proposed adjacent land use reclassification. The criteria for consideration of reclassification shall include a determination as to whether or not the designations would be inconsistent with the goals and policies of the Comprehensive Plan. This petition shall be done at the request of the forest land owner, be part of the application, with the application fees borne by the neighboring landowner making the initial reclassification request.

**5B-4.7** The County shall designate and map long-term commercially significant forest resource lands as Industrial Forest, Secondary Forest, or Rural Resource.

**5B-4.8** The County should provide a minimum of one Full-Time Equivalent (FTE) employee from the Sheriff's Department for forest patrol to guard against damage to private property, materials, and equipment, and to improve investigation and prosecuting efforts.



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**5B-4.9** The Zoning Ordinance shall be revised so that on lots adjacent to designated forest lands, no new building requiring a building permit will be allowed within 200 feet of the boundaries of the adjacent designated forest lands unless: (1) the applicant for a building permit acknowledges in writing the possible occurrence of forestry activity on the adjacent property; and (2) waives for current and future owners any damages which might occur to the building or occupants because of such activities which are conducted in accordance with applicable state regulations on such activities, and such waiver is filed with the County Auditor; and (3) for Industrial Forest lands, the adjacent forest land owner approves the plan. This would be a condition of approval of the building permit.

**5B-4.10** Forested buffers to guard against hazards shall not be required on designated Industrial Forest land to separate it from other land designations. Any buffering deemed necessary shall occur on the area proposed for development.

~~4.11 A Right-to-Practice Forestry Ordinance shall be developed for forest resource designated lands, as part of the County's regulatory update under this comprehensive plan, which acknowledges and protects the landowner and operator from nuisance claims where forest practice activities are in compliance with State forest practice rules and regulations and all other applicable laws and regulations. Protection and rights granted under this ordinance shall not extend to any activity not covered by any of the above laws, rules and regulations.~~

**5B-4.11~~2~~** Land designated as Industrial Forest lands shall remain designated as such for the duration of the comprehensive plan unless a reasonably strong case can be made that the designation could be changed without adversely affecting the long-term productivity and commercial forestry use of the surrounding forest land. The criteria and procedures for Comprehensive Plan amendments as set forth in Chapter 2, Part D shall be utilized.

Industrial Forest lands are compatible with adjacent lands designated as Agricultural and Mineral. Secondary Forest lands should have a gross residential dwelling unit density of no greater than 1 per 20 acres. This low residential density buffer shall serve to reduce the potential for land use conflicts between forestland use management and residential activities. Industrial Forest lands should also be buffered from Urban Growth Areas when those areas develop beyond the Rural density.



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**5B-4.123** The County shall require all structures to be built in the designated forestlands, after adoption of this comprehensive plan, to address forest fire prevention, reduction, and control. Such requirements shall include, but not be limited to: (a) adequate ingress and egress for fire vehicles; (b) defensible space around structures; (c) fireproof or fire-resistant construction materials; and (d) adequate water supply to delay or resist fire ignition.

~~GOAL E: Define permitted land uses on forest land.~~

## OBJECTIVE 5:

*Establish for future zoning classifications the range of permitted land uses on Industrial and Secondary Forests.*

Policies

Industrial Forest lands:

**5B-5.1** Land designated as Industrial Forest lands shall be used for commercial forestry and ancillary mining purposes, with limited residential development allowed for the 20-year duration of this comprehensive plan.

**5B-5.2** Recreational opportunities on Industrial Forest land shall be encouraged where they will not conflict with commercial natural resource management of these lands and where they are supported by all affected forest land owners. Natural Resource Conservation Areas and Natural Area Preserves, as defined by RCW 79.71, shall be considered compatible with other uses on Industrial Forest land.

**5B-5.3** The practice of forestry is the preferred use in Industrial Forest; ancillary uses such as sawmills, chippers, shake and shingle mills, scaling stations, log dumps and sorting areas, forest industry equipment maintenance buildings and storage yards, and forest industry residue dumping areas with restrictions when adjacent to residential uses, parks, or recreation areas, and single-family residences (when located within 200 feet of an existing state highway or county road, and is located within a fire district) for forest land owners or managers, and low intensity, primitive character outdoor recreation are considered compatible uses.

**5B-5.4** Residential development on Industrial Forest land shall be designed to have limited impact on forest resource management operations and minimize conflicts and shall be limited to those areas located within an existing fire protection district.

(a)~~5.4.1~~ Residential development shall be a permitted use within 200 feet of an existing county road or state highway.

(b)~~5.4.2~~ A hearing examiner special use shall be required if located beyond 200 feet from an existing county road or state highway and shall only be permitted as a special use if the hearing examiner can find, based on substantial evidence, that:

**(i)** ingress and egress for fire vehicles meets the standards of the Uniform Fire Code Section 902, as amended;

**(ii)** there is a 200 foot slash abatement maintained around the exterior portion of the dwelling;

**(iii)** there is a safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of any structure on level ground and 100 feet downhill on loped ground;

**(iv)** the dwelling or any accessory structure is constructed of a non-combustible roofing material; and

**(v)** there is availability of 300 gallons of water onsite, 400 feet of 1 inch fire hose with foam applicator, and an internal combustion engine powered pump.

**5B-5.5** Minimum lot size shall be 80 acres except for parcels containing a residential building site meeting the criteria outlined in policy 5.4.

Secondary Forest lands:

**5B-5.6** Secondary Forest land is intended to:

(a)~~5.6.1~~ provide a transitional buffer between non-forestry uses, primarily areas designated mainly for residential uses, and the Industrial Forests to prevent activities which are generally incompatible and have caused land use conflicts between these landowner groups in the past and;



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(b)~~5.6.2~~ provide for residential development of forested land (where parcellation has already occurred or is putting pressure on forestland to convert to non-forestry uses) along the fringe of the Industrial Forest at a low enough density, and with siting criteria, which should prevent land use conflicts.

**5B-5.7** Residences within Secondary Forest lands are a permitted use and shall be designed and sited to maintain the productivity of the district. Design measures and site plan requirements shall be used to provide for fire control and to prevent conflicts with forest management.

**5B-5.8** The dwelling unit density shall be 20 acres or 1/32nd of a section on Secondary Forest land.

**5B-5.9** Residential development on Secondary Forest land shall be designed to have limited impact on forest resource management operations.

# RURAL RESOURCE

## INTRODUCTION

Rural Resource lands are those lands which have the characteristics of both long term agriculture and forestry capability and, in many cases, both types of activities occur onsite or on adjacent sites. Because of this mixture, the goals, objectives and policies of both the Agricultural and Forestry Resource Elements are applicable to the Rural Resource lands. These are lands generally not managed as industrial resource lands because of factors such as species variability, soil characteristics, climate variability, topography, access, parcel size and/or geographic location. Rather they are managed on a smaller scale and provide support for the industrial natural resource land base. These lands may be leased by the landowner as a source of secondary income. In addition, landowners manage their lands on a smaller scale either in part time farming or wood lot management.



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## GOAL C:

*Provide for reasonable uses of the land that will be compatible with the long-term production of agriculture and forest products.*

**OBJECTIVE 1:**

*Establish range of permitted uses for future zoning classifications.*

Policies

**5C-1.1** The primary use of any parcel on land designated Rural Resource shall be for agriculture and/or wood fiber production and related processing and support services.

(a)~~1.1.1~~ Agricultural and forest-based businesses should be considered as permitted accessory uses.

**5C-1.2** The dwelling unit density shall be 1/16 of a Section or 40 acres.

(a)~~1.2.1~~ A density increase of 400% should be permitted if a condition, covenant, restriction (CCR) or a conservation easement is executed that is designed to encourage long-term forest and agricultural land conservation consistent with the CaRD policies found in the Land Use Element of this Plan.

5C-1.3 Activities such as public festivals which are centered on natural resource lands or wildlife viewing activities that may substantially impact a natural resource shall be conducted in ways that reduce those impacts resulting from the activity. Those impacts include but are not limited to traffic, litter, trespass, and sanitation.

# MINERAL RESOURCE OVERLAY (MRO)

## INTRODUCTION

Skagit County supports environmentally responsible and safe mineral resource extraction and processing activities. Mineral resource lands where mining and



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processing activities are economically and environmentally feasible and where conflicts with other land uses can be minimized are to be identified ~~classified~~ and designated as a Mineral Resource Overlay (MRO) to conserve mineral resource lands of long-term commercial significance under the Mineral Resource Overlay designation policies in the Land Use Element.

Approximately 47 permitted mines larger than 3 acres are in Skagit County. Approximately 600 to 800 acres in Skagit County are available for mining sand, gravel, and quarry rock. There are no permits for mining metallic substances or coal in Skagit County. These figures only include mines which are 3 acres or greater. Mining operations less than 3 acres in size are not required to apply for a permit from the Washington State Department of Natural Resources, and therefore do not show up on existing DNR information. There may be circumstances where existing mining operations on parcels smaller than three acres may have already been included within the existing MRO designation because they fall within lands that otherwise meet the criteria described in the Land Use Element. If existing mining operations less than three acres in size have not received MRO designation they can nonetheless seek such designation as part of a future Comprehensive Plan amendment request if they can demonstrate they meet the criteria for designation in the Land Use Element.

Construction material such as sand and gravel rank first in the number of producing mines. By some estimates, construction aggregate expenditures related to one average 1500 square foot house totals 210 tons of sand and gravel and 40 cubic yards of concrete. In the future, if mineral resources are not protected from competing land uses, the cost of the basic building materials will skyrocket as producers are forced to transport low value, high volume commodities over long distances.

The potential for mining without adverse impacts is greatest in relatively undeveloped areas, where opportunities for extraction in the ~~on~~-designated Mineral Resource Overlay ~~Areas~~ can be preserved by indicating that mining will be the preferred land use for these sites, and by establishing guidelines for adjacent land uses that will help reduce potential conflicts with mining. Protecting opportunities to extract mineral resources in the designated MRO ~~mining sites~~ requires separation from residential ~~and agricultural~~ uses as these uses and extractive industries can conflict in several ways. Mineral extraction operations can create noise and dust from blasting, rock crushing and heavy truck traffic. Commercial and industrial truck traffic mixed with residential and pedestrian traffic can also present safety hazards. Because mineral extraction sites can take 20 to 40 years or longer to excavate, identifying and protecting opportunities for mineral extraction operations require a long-term planning horizon.

Concerns and issues related to mining activities in riverine areas are addressed in the Skagit County Shoreline Management Master Program (December 1976) and will not



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be repeated in the Natural Resource Conservation ~~Mineral~~-Element of the Skagit County Comprehensive Plan. Concerns and issues related to metal mining will be addressed at the state level. The Washington Department of Natural Resources and the Department of Ecology are codifying the recently passed Washington State metal mining law. This element proposes not to allow chemical leach mining in Skagit County until state laws are enacted.

Identifying ~~Classifying~~ and designating Skagit County's mineral resource lands of long-term commercial significance requires an understanding of the relationship between future growth patterns and mineral deposit quantities and locations. Growth will increase consumption of finite mineral resources. The conservation and wise use of limited mineral resources requires long range planning to assure compatibility between mining operations and all other land uses. To ensure protection of commercial resources, and to prevent the potential for future land use conflicts that would preclude mineral resource extraction, all potential mineral resource lands are designated, and appropriate low-density and natural resource land use designations on lands within ¼ mile of potential mineral resource lands are imposed. Designation of mineral lands are not limited solely to land with existing permits or operations.

## GOAL D:

*Maintain and enhance conservation of long-term commercially significant mineral resource lands ~~and scientific resource sites (SRS)~~so that access to these lands is not knowingly precluded by conflicting land uses. Maximize compatibility between mineral extraction operations and other land uses through the designation of a Mineral Resource Overlay on the Comprehensive Plan Map and on the Official Zoning Map ~~classifying and designating mineral resource lands and exclusive mining districts~~ to reduce conflicts between mining operations and adjacent land uses.*

### OBJECTIVE 1:

*Protect and conserve mineral resource lands of long-term commercial significance ~~and Scientific Resource Sites (SRS) by utilizing the model Mineral Resource Land Classification System provided by Washington Department of Natural Resources~~.*



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# ~~CLASSIFYING AND DESIGNATING MINERAL RESOURCE LANDS~~

~~Skagit County's Mineral Resource Land Classification System is based on the Model Classification System provided by Washington State Department of Natural Resources to assist local jurisdictions planning under the Growth Management Act. The Classification System is located in the Land Use Element. The Classification System categorizes lands that shall be considered for designation. Lands designated as Mineral Resource Areas are indicated on an overlay map to the Comprehensive Plan Land Use Map. The purpose of designating Mineral Resource Lands is to protect and conserve mineral resource areas of long-term commercially significance so that mineral extraction from these lands are not precluded by conflicting land uses. It would not be sufficient to designate only those lands that have current permits.~~

Policies

**5D-1.1** Areas meeting the Land Use Element criteria for mineral lands of long-term commercial significance shall be identified as Mineral Resource Overlay on the Comprehensive Plan Land Use Map. The MRO designation shall be applied to all lands meeting the Land Use element criteria, even if the lands are not currently in production.

**5D-1.2** Lands located within ¼ mile of mineral lands shall generally be designated for land use densities no greater than one dwelling unit per ten acres except for isolated situations where an existing mining operation and existing higher built densities already exist, or where the greater densities can be transferred to a portion of the property located outside the ¼ mile.

~~1.1 To be considered significant for the purpose of the classification of mineral lands, a mineral deposit or a group of deposits that can be mined as a unit must meet the criteria for marketability and threshold values. MRA categories shall be mapped to guide land use decisions, not regulatory purposes. Mineral extraction operators shall be encouraged to participate in the designation of mineral resource lands of long-term commercial significance needed for the projected growth of at least the next twenty (20) years and preferably the next fifty (50) years. Areas shall be classified as mineral resource lands based on geologic, environmental and economic factors, existing land uses, and surrounding parcel sizes and additional criteria specified in this element. In designating known Mineral Resource Areas 1 and 2 (MRAs 1&2), consideration shall focus on:~~



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~~1.1.1 General land use patterns in the area;~~

~~(a) Residential gross densities for land designated as Mineral Resource Areas shall be no greater than 1 residential dwelling unit per 10 acres.~~

~~(b) The preferred land uses adjacent to designated mining sites are open space, forestry, or industrial uses.~~

~~1.1.2 Availability of utilities;~~

~~1.1.3 Availability and adequacy of water supply;~~

~~1.1.4 Surrounding parcel sizes and surrounding land uses;~~

~~1.1.5 Availability of public roads and other public services;~~

~~1.1.6 Division or zoning for urban or small lots;~~

~~1.1.7 Accessibility and/or distance from point of use;~~

~~1.1.8 Physical and topographic characteristics of the mineral resource site;~~

~~1.1.9 Depth of the resource;~~

~~1.1.10 Depth of the overburden;~~

~~1.1.11 Physical properties of the resource;~~

~~1.1.12 Life of the resource; and~~

~~1.1.13 Resource availability in the region.~~

~~1.1.14 Potential effects on public drinking water, sediments, and pollutants.~~

~~1.2 New residential development adjacent to designated Mineral Resource Areas (MRA) should be sited to help minimize potential conflicts between residences and mining operations.~~

~~1.3 Updates to the Mineral Resource Area Map, contained in the Comprehensive Plan, shall be undertaken at a maximum of five-year intervals to identify~~



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~~additional Potential Mineral Resource Areas and remove those areas that no longer can be used for mineral resources.~~

~~1.4 A designation process for areas classified as Mineral Resource Areas (MRAs) shall be developed. The designation process shall include at a minimum, a designation hearing, a designation petition process, public notification, and designation removal.~~

~~1.5 Petitions for removal of Mineral Resource Areas designated MRA-3, shall be at the request of the landowner. Information shall be submitted on a site specific basis that provides adequate evidence by a qualified geologist that the site specified does not meet the criteria of long-term commercially significant mineral resources.~~

## OBJECTIVE 2:

*Discourage incompatibility between mineral extraction operations and other land uses through use of an exclusive zoning map Mineral Resource Overlay, ~~mining districts,~~ application of distance and/or earth barriers, notification to existing and future land owners that mining is the planned and preferred land use within the Mineral Resource Overlay, ~~on designated mining sites,~~ and improvement of existing notification procedures.*

Policies

**5D-2.1** The Mineral Resource Overlay ~~Zones~~ shall be ~~defined and~~ adopted as an overlay to the Official Zoning Map. ~~a zoning designation~~. The zoning map Mineral Resource Overlay~~Mining Districts~~ shall assure conservation of commercially significant mineral resources, reduce potential land use conflicts, and provide protection for mineral extraction operations. Development regulations for the Mineral Resource Overlay ~~Mining Districts~~ shall identify and list mineral extraction activities associated with mineral extraction operations that will be acceptable as permitted uses.

**5D-2.2** Buffer standards shall be developed. Where buffers are necessary, the standards shall require equivalent buffers on mining sites ~~designated as MRA-1 or MRA-2~~ and on adjacent properties with the exception of mines adjacent to mines. Excavation shall not occur within the buffer of any mine except during reclamation with the exception of mines adjacent to mines.



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**5D-2.3** Buffers and setbacks should be provided for all activities associated with mineral extraction operations in addition to those required for mineral resource areas.

**5D-2.4** Apply the provisions of a Right-to-Manage Natural Resource Lands Ordinance to all lands designated Mineral Resource Overlay (MRO) consistent with the Right-to-Manage Natural Resource Lands policies under Goal E of the Chapter. ~~A right-to-mine ordinance shall be adopted in an effort to conserve and protect mineral resources, to reduce nuisance litigation against mineral extraction operations, and to reduce incompatibilities between mineral extraction operations and all other land uses. Activities associated with mineral extraction operations shall be part of the right-to-mine ordinance in an effort to reduce nuisance litigation.~~

**5D-2.5** Activities associated with mineral extraction operations are those activities that further develop the base product of the mineral being extracted. Examples of these activities include washing, crushing, asphalt plants, and concrete batch plants. Associated activities shall be allowed as a hearing examiner special use within the Mineral Resource Overlay or in areas designated Natural Resource Industrial – NRI. ~~Areas where Special Use Permits and Surface Mining Permits have been issued for the extraction of long-term commercially significant minerals.~~ Those associated activities must meet the necessary requirements of the Special Use Permit specific to those areas and ~~activities or are~~ must be listed in the Permitted Uses of those~~Mining~~ Districts. Temporary activities associated with construction projects may be permitted as part of the related construction permit review and may be conditioned as necessary to address the applicable provisions of the mining ordinance.

~~2.6 Potential mining sites which do not meet the criteria for designating long-term commercially significant mineral resource areas shall not be precluded from receiving a Land Use Approval to extract mineral resources. However, mining sites requesting a Land Use Approval for the extraction of mineral resources or any associated activities shall comply with the policies set forth in the Mineral Element.~~



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**OBJECTIVE 3:**

*Ensure safety and minimize off site disturbances associated with operating equipment, noise, dust, glare, vibrations and truck traffic.*

Policies

**5D-3.1** Sound levels, as measured on properties adjacent to the mining site, shall conform to the provisions of WAC Section 173-60-040, Maximum Permissible Environmental Noise Levels.

**5D-3.2** Potential effects of truck traffic from mining operations shall be reviewed as part of the permitting process.

**5D-3.3** New public roads and bridges accessing designated Mineral Resource Overlay Areas shall be designed to sustain the necessary traffic for mineral extraction operations. Existing roads and bridges shall be improved as needed as each new extraction operation is developed. Cost sharing for the improvement of roads and bridges shall be negotiated between the state or local government and the applicant.

**5D-3.4** Standards for hours of operations shall be adopted for mineral extraction operations within resource, rural, and urban growth areas.

**5D-3.5** Vibrations from blasting operations and underground blasts causing noticeable vibrations shall be limited to daylight hours when adjacent to residential areas. Blasts should be scheduled for regular and predictable times except in the case of emergencies.

**5D-3.6** Site specific studies shall be conducted to determine appropriate mitigation requirements. Standards shall be adopted to implement existing and accepted methods by which vibrations and noise shall be measured and appropriate mitigation established to alleviate potential and existing incompatibilities.

**5D-3.7** Pre-existing, legally operating commercial mining operations outside the Mineral Resource Overlay may continue to operate subject to the terms of the existing approval(s). Such operations may expand beyond the scope of the original approval and within the existing parcel provided that they apply for and receive a mining special-use permit. ~~Mineral extraction operations which are operating under the "grandfather clause" (pre-existing non-conforming uses) shall be eligible for official designation as a Mineral Resource Overlay Area after satisfying the~~

~~designation criteria and developing a County approved operations plan which incorporates and satisfies all associated permit requirements.~~

**5D-3.8** Chemical leach mining shall not be allowed until State laws are enacted which address the impacts of chemical leach mining.

## OBJECTIVE 4:

*To ensure that water quality protection standards associated with mining operations comply with best management practices.*

**5D-4.1** Encourage Washington Department of Natural Resources to require in the reclamation plan that overburden and spoil material shall be handled and placed in a manner which will control erosion, dust, sedimentation or leaching of material and hazardous substances into surface or ground waters.

**5D-4.2** Storage pond systems for holding mineral processing waters should be designed to preclude untreated discharge to natural streams unless otherwise regulated by federal or state jurisdictions.

**5D-4.3** The flow of natural runoff from mineral extraction sites shall be dispersed or regulated such that soil erosion on receiving lands is prevented.

**5D-4.4** Surface mining shall be vertically limited to only one aquifer unless specifically approved by the Washington Department of Ecology. Hydrological barriers separating aquifers shall not otherwise be destroyed.

**5D-4.5** Imported material shall not be allowed as backfill for mine sites where an aquifer has been breached. Disturbed aquifers should be reclaimed as ponds or lakes.

**5D-4.6** Activities related to mineral extraction and processing operations in the vicinity of open aquifers must provide safeguards including containment, to prevent contamination to the open aquifer.

**5D-4.7** Sufficient buffers and setbacks must be provided to prevent over excavation when mining in an aquifer. Post-mining slopes in an aquifer shall be reclaimed at a grade that allows for easy access in and out of ponds and lakes.



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**5D-4.8** Before a new sand and gravel mine is established, the area's ground water shall be characterized as defined below, in a report prepared by a qualified geologist, hydrogeologist or licensed engineer. The report shall include but not be limited to:

(a)~~4.8.1~~ A description of the geology and hydrogeology of the area, including the delineation of aquifer, aquitards or aquicludes (confining layers), hydrogeologic cross-sections, porosity and horizontal and vertical permeability estimates.

(b)~~4.8.2~~ Determination of the direction and velocity of ground water movement, water table contour and potentiometric surface maps (for confined aquifers) if applicable.

(c)~~4.8.3~~ The map submitted with the application shall contain the limits of the mine, buffer zones, location of all area ground water wells within a one-mile distance down gradient from the mine boundaries. Locate all perennial streams, springs and define or specify locations of aquifer recharge and discharge areas.

**5D-4.9** If a permittee of a proposed mine anticipates the breaching of an aquifer, monitoring should be established in the aquifer to be breached.

## OBJECTIVE 5:

*To consider the public interest associated with mineral lands and to recognize and identify Scientific Resource Sites (SRS) ~~per the Mineral Resource Land Classification System~~ as educational and recreational opportunities.*

**5D-5.1** On public lands, Scientific Resource Sites, where known, shall be protected and preserved for the public benefit when possible. These sites may include unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance.

**5D-5.2** Skagit County officials should consider the public interests such as, fishing, boating, hiking, and camping when considering mining permits.



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**OBJECTIVE 6:**

*To coordinate and implement administrative procedures which will encourage consistency among permitting jurisdictions and between the applicant and the county.*

**5D-6.1** Any development regulations for mineral resource lands in the County should be consistent with the division of regulatory responsibility between the County and the Department of Natural Resources as described in applicable state laws.

~~6.1 A Memorandum of Understanding (MOU) should be developed between Skagit County and Washington Department of Natural Resources (DNR), to establish a coordinated review process, reduce decision and permitting delays, and eliminate where possible, duplication of required processes. This MOU shall include a list of the state and county approval processes and necessary permits needed for mineral extraction operations. The MOU will establish: (1) where the County/State has jurisdiction, (2) a coordinated review process for all mineral extraction permits and reclamation permits, (3) conditions of approval by the County permits and the State mining laws, and (4) a coordinated and consistent permitting process for mineral resource areas designated as long-term commercially significant mineral resource lands based on the adopted classification criteria which takes into consideration the Minimum Guidelines per WAC 365-190-070.~~

**5D-6.2** Where the County has authority, ordinances shall be developed to address violations involved in mineral extraction operations. Remedial actions shall be specified to address those violations that create hazards to public safety and health.

**5D-6.3** Application forms for mineral extraction operations shall be developed which clearly state the required information needed to process special use permits for mineral extracting.

# RIGHT TO MANAGE NATURAL RESOURCE LANDS

Where non-natural resource land uses extend into natural resource areas or exist side-by-side, natural resource management operations are frequently the subjects of nuisance complaints and on occasion have been forced to cease or curtail operations. Such nuisance complaints discourage investments in natural resource land



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improvements to the detriment of adjacent natural resource land uses and the economic viability of the County's natural resource land industry as a whole.

Right-to-Manage Natural Resource Lands policies are intended to promote a good neighbor policy between natural resource lands and non-natural resource land property owners by advising purchasers and users of property adjacent to or near natural resource land management operations of the inherent potential problems associated with such purchase or residence, including but not limited to the use of chemicals, or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generate traffic, dust, smoke, noise, odor and the hours of operation that may accompany natural resource land management operations. Through mandatory disclosures purchasers and users will better understand the impact of living near natural resource lands and be prepared to accept attendant conditions and the natural result of living in or near natural resource lands and rural areas.

## GOAL E:

Assure that the use of lands adjacent to natural resource lands do not interfere with the continued use, in the accustomed manner, for the production of food and agricultural products, timber, and extraction of minerals.

Provide to Skagit County residents proper notification of the County's recognition and support of those persons' and/or entities' right to manage natural resource lands.

Reduce the loss to the County of its natural resource lands by limiting and defining the circumstances under which natural resource lands management operations may be considered a nuisance.

### OBJECTIVE 1:

Develop and guide administrative procedures that provide notice, through a disclosure statement, of the potential incompatibilities, inconveniences and discomforts which may arise from natural resource land management activities.

Policies

5E-1.1 Right-to-manage natural resource lands regulations shall be adopted that limit and define the circumstances under which natural resource lands management operations may be considered a nuisance. Such regulations shall not limit the right to manage natural resource lands operations when such operations are conducted or maintained for commercial purposes, and in a manner consistent with current best management practices.

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5E-1.2 Right-to-manage natural resource lands regulations shall set forth a disclosure statement, and under what circumstances and to whom such a disclosure statement shall be disseminated. The disclosure statement shall inform land owners of the potential incompatibilities, inconveniences, and discomforts which may arise from natural resource land management activities as follows:

(a) This parcel lies within an area or within 1 mile of an area designated as Agriculture Natural Resource Land (Ag-NRL), or within ¼ mile of an area designated as Industrial Forest Natural Resource Land (IF-NRL), Secondary Forest Natural Resource Land (SF-NRL), Rural Resource Natural Resource Land (RRc-NRL), or Mineral Resource Overlay (MRO-NRL) in Skagit County. A variety of natural resource land commercial activities occur or may occur in these areas that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals, or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generate traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated Natural Resource Lands, and area residents should be prepared to accept such incompatibilities, inconveniences or discomfort from normal, necessary natural resource land operations when performed in compliance with best management practices and local, state, and federal law. In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. If you are adjacent to designated Natural Resource Lands, you will have setback requirements from designated Natural Resource Lands.



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# CHAPTER 6

# RURAL ELEMENT

## INTRODUCTION

The Growth Management Act requires counties to include in its comprehensive plan "a rural element [which includes] lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit appropriate land uses that are compatible with the rural character of such lands and provide for a variety of rural densities and uses. It may also provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural uses not characterized by urban growth (RCW 36.70A.070 (5)).

Amendments to the Growth Management Act adopted in 1997 as part of ESB 6094 also established that "the rural element may allow for limited areas of more intensive rural development..." (RCW 36.70A.070(5)(d)). These limited areas include the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, the intensification of development on lots containing or new development of small scale recreational or tourist uses, and the intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the rural population but that provide job opportunities for rural residents.

Broad goals, objectives, and policies guiding commercial and industrial uses in unincorporated Skagit County consistent with the Growth Management Act's allowance of "limited areas of more intensive rural development" are addressed in this chapter, and are further implemented through Chapter 4 of the Comprehensive Plan, the Land Use Element.

Development of this chapter was guided in particular by the following GMA Planning Goals: "Encourage urban development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner," and "Reduce the inappropriate conversion of undeveloped land into sprawling low-density development,"



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"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," and "Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries..."

These Goals, taken in the context of the totality of the thirteen GMA Planning Goals, led to the following CWPPs that provide specific guidance to the analysis and policies developed in this section:

- 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 (CWPP 1.8).

- Rural development shall be allowed in areas outside of the urban growth boundaries having limited resource production values (e.g. agriculture, timber, and 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 (CWPP 2.3).

- 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. (CWPP 2.5)

- 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. (CWPP 4.6)

- Home occupations that do not significantly change or impact neighborhood character shall be permitted. (CWPP 5.2)

- Economic diversity should be encouraged in rural communities where special incentives and services can be provided. (CWPP 5.3)

- A diversified economic base shall be encouraged to minimize the vulnerability of the local economy to economic fluctuations. (CWPP 5.5)

- 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 (CWPP 5.6).
- 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 (CWPP 5.7)
- Agriculture, forestry, aquatic resources, and mineral extraction shall be encouraged both within and outside of designated resource lands. (CWPP 5.8)
- Value added natural resource industries shall be encouraged. (CWPP 5.12)
- The Comprehensive Plan shall support and encourage economic development and employment to provide opportunities for prosperity. (CWPP 5.15)
- Incompatible adjacent uses including industrial and commercial areas shall be adequately buffered by means of landscaping, or by maintaining recreation and open space corridors. (CWPP 9.8)
- Rural character shall be preserved by regulatory mechanisms through which development can occur with minimal environmental impact. (CWPP 10.6)

# RURAL AREAS DEFINITION AND CHARACTERISTICS

The Skagit County rural landscape is characterized as areas with open space; natural vegetation; is comprised of a variety of rural densities; farms, forests, mining, and aquatic resource areas; small unincorporated rural communities; small, isolated rural commercial and industrial development; and, regionally important recreation areas. Rural lifestyles are often viewed as retreats providing opportunities for seclusion and self-sufficient living.

Designating rural areas provides people choices of living environments at lower than urban densities which are compatible with farming, fishing and timber management. Lower impact uses around critical areas, designated natural resource lands and urban growth areas justify rural designation. Rural areas preserve historic and cultural structures and landscapes, retain open spaces, protect designated natural resource lands and identified critical areas and minimize service demands and costs on county government. Maps #1 and #2a –2i in the supplemental *Map Portfolio* illustrate Rural land designations.



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# GOAL A:

*The rural landscape, character and lifestyle are to be retained or achieved, and ultimately protected by: defining and identifying rural lands for long-term use and conservation; providing for a variety of rural densities and housing opportunities; maintaining existing rural community/neighborhood identity and acknowledging their historical and cultural roles in the rural landscape; allowing land uses which are compatible and in harmony with the rural landscape and community values; assuring economic prosperity for rural areas; protecting significantly important rural features, resources, and values; and, by assuring that appropriate and adequate rural levels of service are provided.*

## OBJECTIVE 1:

*Encourage development which protects rural character while also allowing for a variety of rural densities and housing opportunities.*

Policies

**6A-1.1** Provide for a variety of rural densities to maintain rural character, farming and forestry, to buffer natural resource lands, to retain open space, to minimize the demand and cost of public infrastructure improvements, to provide for future urban growth area expansion if needed, and to allow rural property owners reasonable economic opportunities for the use of their land.

**6A-1.2** The amount of development in rural areas shall be limited through density requirements that protect and maintain existing rural character, natural resource lands, open space, critical areas, significant cultural resources, and water resources, and that manage traffic volumes.

**6A-1.3** Encourage economical, attractive and affordable housing opportunities, which are compatible with rural character.

**6A-1.4** Rural residential development near designated natural resource lands shall minimize potential conflicts and reduce conversion of farm and forestland to non-resource uses. Mechanisms such as land conservation/clustering and buffering should be encouraged.


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**6A-1.5** Upon submission of a land division application, the county shall make an assessment of the physical capacity of the affected area to support development without requiring urban level services.

**6A-1.6** Rural conservation and reserve development (CaRD) land divisions should be encouraged when land divisions are proposed.

**6A-1.7** Provide for rural residential densities that encourage cost-effective and orderly inclusion of some adjacent rural areas into urban growth areas when the need arises. Conservation and reserve development (CaRD) land divisions should be considered in meeting this need by setting aside land for future urban expansion.

**6A-1.8** Environmental, health and safety regulations shall be part of the criteria used to determine how a specific parcel may be used.

**6A-1.9** To the extent feasible, growth should be guided so that not more than 20% of the county's growth occurs in the rural and natural resource areas.

**6A-1.10** Uses allowable in the rural areas will be compatible with the primary use of the land for food, agriculture, fiber or minerals that are not of long term significance.

**6A-1.11** Rural lands should provide landowners a means of residing on their property while at the same time providing protection of the resource land from encroachment of more intensive residential activity.

**6A-1.12** Rural lands located within 1/4 mile of ~~and adjacent to~~ a parcel designated Mineral resource land shall serve as a low residential density buffer with an overall gross density of no greater than 1 dwelling unit per 10 acres provided rural lands are located outside of the urban growth area and if the underlying land use designation density of land within ¼ mile of MRA lands is greater than 1 dwelling unit per 10 acres, the development rights associated with that density may be transferred to and clustered on that portion of the property located outside of ¼ mile from the MRA lands, consistent with the CaRD policies in this element.

**6A-1.13** A Right-to-Practice Forestry Ordinance shall be developed and applied to Rural designated lands, as part of the County's regulatory update under this comprehensive plan, which acknowledges and protects the landowner and operator from nuisance claims where forest practice activities are in compliance with State forest practice rules and regulations and all other applicable laws and regulations. Protection and rights granted under this

ordinance shall not extend to any activity not covered by any of the above laws, rules and regulations.

**6A-1.14** A Right-to-Farm Ordinance shall be applied to Rural designated lands as part of the County's regulatory update under this comprehensive plan, which acknowledges and protects the landowner and operator from nuisance claims where agricultural activities utilize best management practices and are in compliance with all other applicable laws and regulations. Protection and rights granted under this ordinance shall not extend to any activity not covered by any of the above laws, rules and regulations.

**6A-1.15** Land uses in rural areas that are related to farming, forestry, mining, rural residential uses, tourism, outdoor recreation, and other open space activities shall be preferred.

## OBJECTIVE 2:

*Conserve rural character features and resources.*

Policies

**6A-2.1** Agriculture, forestry, mineral and aquatic resource activities, fish and wildlife habitat conservation areas and corridors, rural lifestyles, outdoor recreation opportunities, historic buildings and sites, and other open space amenities shall be retained and protected as important activities and features in rural areas.

**6A-2.2** Structures, roads and utility systems shall be designed and constructed to minimize the alteration of the landscape, to preserve natural systems, to protect critical areas, to protect important land features such as ridgelines, to retain historic and cultural structures/landscapes, and scenic amenities. Rural road standards shall minimize paving and right-of way requirements.

**6A-2.3** The amount of impervious surface should be minimized.

**6A-2.4** Natural drainage systems shall be maintained and enhanced to protect water quality, reduce public costs, and prevent environmental degradation.

**6A-2.5** Interstate 5 shall be the sole multi-lane highway for both commercial and private travel in the north/south direction and State Route 20 shall remain the primary east/west route across Skagit County. The Washington State Department of Transportation shall be required to provide shoulders for the



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length of SR 20 appropriate to the highest use levels based on accepted LOS standards.

**6A-2.6** Other rural roadways should be no more than two-lane and follow existing land contours where possible.

**6A-2.7** In addition to level of service and vehicular safety, design standards for rural county roads shall include impacts to local rural residents and community character.

**6A-2.8** Isolated or unique rural areas (e.g., islands) should be allowed to develop without access to county roads provided rural character is maintained and ingress and egress issues are satisfactorily addressed.

## OBJECTIVE 3:

*Assure that the provision of public facilities, services, roads and utilities are consistent with rural character and lifestyles.*

Policies

**6A-3.1** Public spending priorities for facilities, services, and utilities within rural areas shall be primarily to maintain or upgrade existing facilities, services, and utilities to serve existing development at rural service level standards. New facilities, services, roads, and utilities shall be allowed which support planned rural growth at rural service level standards.

**6A-3.2** Standards and plans for roads and utilities shall be consistent with rural densities and uses. Rural road standards shall minimize paving and right-of-way requirements. Utilities that serve urban growth areas but must be located in rural areas shall be designed and scaled to serve designated urban growth areas.

**6A-3.3** In rural areas, the County should determine the location and causes of failing on-site septic treatment systems, and provide technical assistance and require property owners to improve those systems in order to avoid unhealthy conditions and the need for sewer extensions. The County should adopt operation and maintenance requirements for all septic system permits.

**6A-3.4** On-site wastewater systems are preferred to treat and dispose of effluent from uses in rural areas. Community on-site systems or decentralized treatment systems may be used in Rural Villages and land divisions. The technical



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design and procedural requirements for obtaining approval of community on-site sewage systems are found in Skagit County Code 246-272 WAC (if more than 3,500 gallons of domestic sewage per day). The community on-site sewage system or large on-site sewage system shall be designed, reviewed, operated, monitored and maintained based on statutory and/or code requirements and conditions of the reviewing and approving authority.

(a)~~3.4.1~~ The size of a Rural Village community on-site sewage system or large on-site sewage system shall be limited to the build-out potential of all commercial and residential development within its designated boundaries unless it also addresses existing public health, safety or welfare issues of properties outside of the Rural Villages.

(b)~~3.4.2~~ The size of a land division community on-site sewage system or large on-site sewage system shall be limited to the number of residential developments allowed under the land division. A land division community on-site sewage system or large on-site sewage system may not be utilized for development that is not part of the proposed land division unless it also addresses existing public health, safety and welfare issues of existing development.

**6A-3.5** Rural service level standards for water supplies shall assure water quality, domestic supply, and rural fire protection consistent with rural densities and uses.

**6A-3.6** Urban governmental services should not be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

**6A-3.7** Skagit County shall promote wise use of public funds in rural areas by allowing service providers to establish distinct rural facility and service standards that are consistent with rural densities and uses.

**OBJECTIVE 4:**

*Help preserve rural economies and traditional rural lifestyles; foster opportunities for rural-based employment, self-employment, and economic diversification; and permit the operation of rural commercial businesses, natural resource related industries, cottage industries, rural marine*



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*industries, recreation and tourism activities, and home occupations, that are consistent with existing and planned land use patterns and are of an appropriate size and scale to maintain rural character.*

Policies

**6A-4.1** Establish policies and regulations for a Rural Village commercial district to provide for a range of commercial uses and services to meet the everyday needs of Rural Village residents and natural resource industries, to provide employment opportunities for residents of the rural area, and to provide goods, services, and lodging for travelers and tourists to the rural area.

**6A-4.2** Establish a new Comprehensive Plan designation and zoning district to recognize a limited number of existing centers or clusters of small retail and service businesses outside of Urban Growth Areas and Rural Villages which serve a limited area and rural population as well as the traveling public on busy thoroughfares such as Highway 20.

**6A-4.3** Establish policies and regulations to allow for small-scale commercial uses at certain Interstate-5 freeway interchanges characterized by existing development to serve the local rural population and the traveling public with necessary freeway oriented goods and services.

**6A-4.4** Provide for small-scale recreational and tourist uses that provide opportunities to diversify the economy of rural Skagit County by utilizing, in an environmentally sensitive manner, the County's abundant recreational opportunities and scenic and natural amenities.

**6A-4.5** Develop a Comprehensive Plan designation and zoning district to facilitate the production of agricultural, forest, and aquatic products by allowing related processing facilities, limited direct resource sales, and limited natural resource support services that support natural resource activities, and which are not harmful to the long term natural resource.

**6A-4.6** Provide a land use designation that recognizes existing and new rural marine industrial activities, that are directly linked to an existing rural marine location and that serve the County's rural marine industrial needs.

**6A-4.7** Provide a land use designation to recognize existing and new small scale businesses and cottage industries, in order to enhance rural economic opportunities and provide job opportunities for rural residents.



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**6A-4.8** Provide for the siting of major industrial developments that have land needs not found within the urban growth areas, and master planned resorts, consistent with the requirements of the Growth Management Act.

**6A-4.9** Provide opportunities for rural entrepreneurs to establish small scale service or fabrication businesses within their homes that provide economic and limited employment opportunities in the rural area and are compatible with surrounding uses.

**6A-4.10** Recognize, and provide limited expansion opportunities for, existing isolated nonresidential uses in the rural area that provide job opportunities for rural residents.

**6A-4.11** Prohibit expansions of pre-existing nonconforming uses that are not in conformance with the Comprehensive Plan or development regulations.



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# CHAPTER 7

# URBAN GROWTH AREA ELEMENT

## INTRODUCTION

An Urban Growth Area (UGA) is established through the designation of a boundary that separates existing and future urban areas from rural and resource areas. More specifically, an Urban Growth Area defines where developments will be directed and supported with historical and typical urban public facilities and services, such as storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, and public transit services. It is the intent of the Growth Management Act (GMA) that a UGA will have most urban public facilities and public services provided by cities when the UGA is contiguous to a city. Urban Growth Areas are intended to manage the fiscal and environmental impacts of urban sprawl. Urban Growth Areas enable new development to locate close to vital capital facilities and urban services or "infill" in existing urbanizing areas. Urban Growth Areas enable resources associated with capital facilities and urban services to be operated cost-effectively.

Designating UGAs recognizes both the historical and existing urbanizing development pattern in the county. By designating UGAs, GMA requirements and countywide planning polices are being met in that expansion of urban services will be provided to encourage infill where logical and economical, and discouraged where it is not economical.

The Urban Growth Area is an area where urban public facilities and services are available, or are planned. Development proposals will address environmental constraints, concentrations of existing development and existing facility infrastructure and services. New development requiring a high level of urban public facilities and services will be located in an Urban Growth Area. Expansion of existing urban public facilities and services may be available through a number of service providers, such as Cities, Tribal Communities, Public Utility District #1, Puget Power, the County, or Corporations. Discussions regarding public facilities can also be found in other chapters of the Comprehensive Plan, including the following: Transportation Element (Chapter 9); Utilities Element (Chapter 10); Capital Facilities Element (Chapter 11); Economic

Development Element (Chapter 12) and; Essential Public Facilities Element (Chapter 15).

More detailed discussions on the topics covered in this chapter are found in the following documents:

- *The Skagit County Comprehensive Plan supplemental Map Portfolio.* Maps 1 and 3a through 3k illustrate each designated Urban Growth Area in Skagit County.

- *Skagit County Urban Growth Area Analysis: Population, Employment & UGA Land Allocations by Jurisdiction, July 1996* (updated February 1997) - See Technical Appendix Volume I – D.

  This report describes and quantifies the results of cooperative planning to allocate residential, commercial, and industrial lands for each urban growth area (UGA) in Skagit County.

- *Overall Economic Development Plan (OEDP) for Skagit County, July 1994* (Updated December 1995) - See Technical Appendix Volume I – A.

  This plan serves as a comprehensive statement of plans for economic growth and development over the next twenty years. Included within the OEDP is information concerning specific development plans for UGAs as well as countywide.

- *The Capital Facilities Plan (CFP) 1997-2002 - Goals, and Policies, Capital Improvements, and Implementation Programs* - See Technical Appendix Volume I - E

This plan contains information and policies regarding financing, level of service and implementation of capital improvement projects. Included in the CFP are sub-area Capital Facilities Plans for the Bayview Ridge, Big Lake and Swinomish UGAs. Development of this chapter was guided in particular by following GMA Planning Goal: Encourage urban development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner

This Goal, taken in the context of the totality of the thirteen GMA Planning Goals, led to the following Countywide Planning Policies provide specific guidance to analysis and policies developed in this section:

- Cities and towns, their urban growth areas and non-municipal urban growth areas designated pursuant to CWPP 1.1 shall include areas and densities sufficient to



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accommodate as a target 80% of the county's 20 year population projections (CWPP 1.2)

- Development within established urban growth boundaries shall conform to urban development standards (CWPP 1.7)
- Development within the urban growth area shall be coordinated and phased through interagency agreements (CWPP 2.2)
- Commercial and industrial development, except development directly dependent on local agriculture, forestry, mining, aquatic and resource operations, should be restricted to urban or urban growth areas where adequate transportation networks and appropriate utility services are available (CWPP 2.6) and;
- Lands designated for urban growth by this Comprehensive Plan shall have an urban level of regional public facilities prior to or concurrent with development (CWPP 12.5)

## URBAN GROWTH AREA DESIGNATION CRITERIA

Urban public facilities and services are to be provided only within designated Urban Growth Areas. Urban Growth Areas include the incorporated cities and territory already characterized by urban growth. Urban density residential development should average at least 4 dwelling units per acre in UGA residential areas.

Concurrency as used in discussing urban public facilities and services in the UGAs is used throughout the Comprehensive Plan. That is:

A. **Concurrency:** means that adequate public facilities are available when the impacts of development occur. This definition includes two concepts of "adequate public facilities" and of "available public facilities." These are defined as:

B. **Adequate public facilities:** means facilities that have the capacity to serve development without decreasing levels of service below locally established minimums.

C. **Available public facilities:** means that facilities or services are in place or that a financial commitment is in place to provide the facilities or services within a specified time. In the case of transportation, the specified time is six years from the time of development.

## JOINT PLANNING

Planning for Urban Growth Areas that include incorporated municipalities should be coordinated among the Cities, Towns, and the County. Though unincorporated lands within the UGAs remain under the County's jurisdiction, it is beneficial to the cities, towns, and the County to plan jointly for their future land use.

The County and Cities/Towns are concerned about the type of land use activities and design standards which are permitted outside of incorporated boundaries since they have a direct impact on the City/Town and the County. Many of the Cities/Towns have developed land use plans that address areas currently under the County's jurisdiction. For the Cities/Towns to meet their growth management and locally adopted comprehensive plan goals, the County needs to ensure that it does not permit activity which would be inconsistent with their future plans. The joint City/County Policy Committee should continue to work towards resolving these and other issues.

The strategy of the Joint Planning Framework is to encourage appropriate jurisdictions to enter into inter-local agreements to facilitate and accomplish joint planning in areas of mutual concern. The inter-local agreement enables the involved jurisdictions and citizenry to work together to review and consider issues of mutual concern. These agreements may have standard provisions that apply to all Cities/Towns. Each agreement may also cover one or more city/town specific issues. Possible issues include:

- Boundaries of the joint planning area
- Land use patterns, intensity and density
- Zoning designations
- Development standards
- Housing
- Environmental standards and policies
- Level of service standards
- Service providers
- Phased growth
- Lands useful for public purposes
- Essential public facilities



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- Capital facilities
- Review and approval of development projects
- Annexation and transition
- Community plans and or sub area plans
- Revenue sharing on commercial/industrial annexations
- Joint participation in roads, & drainage projects
- Coordinated impact mitigation
- Critical area protection, (i.e. aquifer, wetlands floodplain, geologically hazardous areas, fish & wildlife habitat conservation areas).
- Watersheds
- Single jurisdiction permit process
- Greenbelts and Open Space Areas

In compliance with CWPP 1.8, the County and cities have worked cooperatively to designate adequate land area for the expected growth for the planning period. Residential, commercial/industrial, public, and open space and greenbelt land needs were considered in the development of the final Urban Growth Areas.

Each city/town submitted maps indicating greenbelt and open space areas within Urban Growth Areas. The County reviewed these maps and agreed to designate them on the final Urban Growth Area maps in the Map Portfolio, which accompanies this Comprehensive Plan. Open space and greenbelt areas have also been identified for Bayview Ridge, and Swinomish, ~~and Big Lake~~ urban growth areas. The Growth Management Act requires that "Each urban growth area shall permit urban densities and shall include greenbelt and open space areas" (RCW 36.70 A.110 (2)).

Urban growth areas include existing incorporated lands and those areas already characterized by urban growth that have adequate existing public facilities and service capacities to serve such development or areas which will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that can be provided by either public or private sources. The presence of designated natural resource lands and critical areas also influenced the location of urban growth area boundaries. For a review of urban growth areas see ~~Map #'s 3a—3k in~~ the supplemental *Map Portfolio*.



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~~The Town of Hamilton UGA provides future municipal growth in an area not located within a frequently flooded area. The Towns of La Conner and Lyman are able to meet their allocated population forecasts within their respective corporate limits. The Town of Concrete UGA boundary will remain at its current corporate limits pending its completion of studies, reports, and a recommendation on the town's urban growth area.~~

~~The County and City of Burlington will be initiating a cooperative agreement to provide joint urban services for the Burlington/County (Bayview Ridge) UGA. The Skagit Regional Airport and the Skagit County Solid Waste handling facility are part of the UGA and have been designated as essential public facilities.~~

~~The Swinomish and Big Lake Urban Growth Areas provide for infill of existing urban areas included within Sewer Districts #1 and 2 and Swinomish sewer service areas. In many cases, owners of undeveloped properties have paid capital assessments for sewer infrastructure improvements in these UGAs. Urban services will be provided by a variety of special purpose districts and the County as outlined in the Capital Facilities Plan for each area.~~

Allocations relating to population, residential and commercial/industrial are included in Chapter 3. Documents with specific calculations and analysis are referenced in Technical Appendix Volume I – A & D (Skagit County Overall Economic Development Plan and the 1999~~5~~ Update, and the Skagit County Urban Area Analysis).

# URBAN GROWTH AREA POLICIES

## GOAL A:

*Provide efficient urban public facilities and services.*

*Reduce the inappropriate conversion of undeveloped land into sprawling, low density development and provide for the orderly and progressive change from rural to urban density and land uses in the Urban Growth Areas.*

*To ensure the coordination and the delivery of urban public facilities and services within the Urban Growth Areas.*

*Coordinate planning within the Urban Growth Area.*

*Provide a range and scale of land uses within Urban Growth Areas*



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## OBJECTIVE 1:

*Direct growth to the designated urban growth areas where adequate urban public facilities and services exist or can be efficiently provided.*

Policies

**7A-1.1** Provide urban governmental services which include urban level public facilities and services (see Policies 7A-3.1 and 7A-3.2 ~~GOAL D Policies 4.1 and 4.2~~ for list of urban public facilities and services) prior to or concurrent with development.

**7A-1.2** Reduce the per-unit cost of urban public facilities and services by requiring urban density development within Urban Growth Areas, and rural densities outside the Urban Growth Areas.

~~**GOAL B: Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development and provide for the orderly and progressive change from rural to urban density and land uses in the Urban Growth Areas.**~~

## OBJECTIVE 2:

*Within the Urban Growth Areas urban sprawl and leapfrog development will be discouraged and adequate urban public facilities and services will be required concurrently with urban development, as appropriate in the type of designated urban growth area.*

Policies

**7A-2.1** Encourage growth in areas already characterized by urban growth that have the appropriate level of existing urban public facility and service capacities consistent with adopted plans and interlocal agreements.

(a)~~2.1.1~~ Manage development and redevelopment in these areas through the Zoning and Subdivision Ordinances and the application of zoning classifications.

(b)~~2.1.2~~ Ensure that adequate urban public facilities and services are provided concurrent with development.



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(c)~~2.1.3~~ Encourage development to occur within urban areas through the use of streamlined and consistent ordinances and development procedures.

7A-2.2 Encourage growth in areas already characterized by urban growth that will be served by a combination of both existing urban public facilities and services and any additional needed urban public facilities and services that are provided by either public or private sources.

(a)~~2.2.1~~ These growth areas may be converted and developed with full urban public facilities and services provided the conversion occurs when all necessary urban public facilities and services are provided prior to or concurrent with development.

(b)~~2.2.2~~ Development within the UGAs shall be limited to a maximum density of one residential dwelling unit per 5 acres until urban public facilities and services are available to service that development at urban levels. All developments shall be designed to include not more than one acre for each parcel and the remaining acreage shall have conditions, covenants, and/or restrictions until such time as urban level public facilities and services are available. An alternative is to subdivide at the proposed urban density and use a combination of lots to provide the area needed to support on-site sewer and water until community or municipal sewer and water are available. In all cases, building placement will be reviewed for locational criteria compliant with anticipated municipal zoning. This is to ensure an orderly conversion to denser uses at the appropriate time. All review will be in conformance with Interlocal Agreements.

(c)~~2.2.3~~ Ensure that the location of proposed easements and road dedications, structures, wells, drainage, and septic drainfields are consistent with the orderly future development of the property at urban densities.

(d)~~2.2.4~~ Urban development shall not occur within the unincorporated areas of a UGA unless an Interlocal Agreement has been made between the County and a City regarding urban public facilities and services. This Agreement shall include the level of urban public facilities and services.

~~**GOAL C: To ensure the coordination and the delivery of urban public facilities and services within the Urban Growth Areas.**~~



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**OBJECTIVE 3:**

*Within the designated urban growth areas the county shall coordinate with the respective cities or entities delivering, or who are anticipated to deliver, urban public facilities and services to insure that growth and development are timed, phased, and consistent with the provision of adequate urban level facilities and services.*

Policies

**7A-3.1** Public facilities include: streets, roads, highways, sidewalks, and road lighting systems, and traffic signals; urban level domestic water systems, sanitary sewer systems, storm sewer systems, park and recreational facilities and schools.

**7A-3.2** Public services include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection and other services.

**7A-3.3** The primary provider of public facilities and services in the unincorporated portion of the Urban Growth Area shall be:

| | Public Facility | Provider |
|---|---|---|
| (a) | Fairgrounds | Skagit County |
| (b) | General Government | Skagit County |
| (c) | Parks | Skagit County/Cities |
| (d) | Local Roads | Skagit County |
| (e) | State Highways | Washington State |
| (f) | Sanitary Sewer | Cities/Districts |
| (g) | Senior Centers | Skagit County |
| (h) | Solid Waste Disposal | Skagit County |
| (i) | Stormwater Drainage | Skagit County/Drainage Utility/Districts |
| (j) | Water | Group A and B Systems as per the Coordinated Water System Plan (CWSP) |



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| | | |
|---|---|---|
| (k) | Fire | Districts |
| (l) | Public Transportation | Skagit Transit (SKAT) |
| (m) | Education | Districts |
| (n) | Public Health | Skagit County |
| (o) | Law Enforcement | Washington State/Skagit County/Cities/Tribes |

7A-3.4~~3.3~~ Urban governmental services should not be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

~~**GOAL D: Coordinate planning within the Urban Growth Area**~~

## OBJECTIVE 4:

*Designated Urban Growth Areas of municipalities, outside of municipal corporate limits, should be subject to joint municipal County planning.*

Policies

**7A-4.1** When joint planning is undertaken the joint planning effort will consider issues including, but not limited to, the following:

(a)~~4.1.1.~~ How zoning, subdivision and other land use approvals will be coordinated;

(b)~~4.1.2~~ How appropriate service level standards for determining adequacy and availability of urban public facilities and services will be defined and coordinated;

(c)~~4.1.3~~ How the rate, timing, and sequencing of boundary changes will be coordinated;

(d)~~4.1.4~~ How the provision of capital improvements to an area will be coordinated; and



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(e)~~4.1.5~~ To what extent a jurisdiction(s) may exercise extra jurisdictional responsibility.

**7A-4.2** Joint planning should be based upon factors including, but not limited to, the following:

(a)~~4.2.1~~ Contemplated changes in municipal or special purpose district boundaries through annexation or de-annexation are to assure that natural neighborhoods and communities are maintained; logical service areas are created and preserved; and, normally irregular boundaries are avoided.

(b)~~4.2.2~~ The likelihood that development, capital improvements, or regulations will have significant impacts across a jurisdictional boundary;

(c)~~4.2.3~~ The consideration of how urban public facilities and services are to be or should be provided.

(d)~~4.2.4~~ The consideration of how economic development may best be encouraged and supported.

**7A-4.3** Implementation of joint planning efforts and transfer of land use or facilities responsibilities from the County to a city should address revenue sharing and infrastructure cost/value reimbursement.

~~**GOAL E: Provide a range and scale of land uses within Urban Growth Areas**~~

## OBJECTIVE 5:

*Encourage commercial and industrial development to locate in well-defined centers throughout the urban areas suitable to their type of business and the population they will serve. Prohibit new zoning that furthers the continuation of strip commercial development.*

Policies

**7A-5.1** Locate commercial and industrial development in compact, well-defined centers.



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7A-5.2 Attract commerce and industry to designated areas within Urban Growth Areas by ensuring an adequate supply of industrial land with adequate urban public facilities and services.

7A-5.3 Where practical and in compliance with jurisdictional planning, follow and encourage development compatible with UGA land uses to meet the needs of the region's economy, transportation, housing, employment, shopping, services and leisure-time activities.

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# CHAPTER 9

# TRANSPORTATION ELEMENT

## INTRODUCTION

The Growth Management Act has very specific requirements for comprehensive plan transportation elements. To meet these Transportation Element requirements, Skagit County has developed the Transportation Systems Plan (TSP) which includes a transportation inventory land use assumptions, travel forecasts, LOS standards, current and future transportation needs, and a transportation financial plan among others pursuant to RCW 36.70A.070(6). In this chapter only the transportation goals, objectives, and policies are presented and together with the TSP represent the complete Transportation Element of the Skagit County Comprehensive Plan. Collectively, they are an integral part of this Plan and set forth the Level of Service (LOS) standards and other policy commitments for Skagit County. Individual goals are established for specific targeted issues relating to transportation planning. Maps #20a, 20b and 23 in the supplemental *Map Portfolio* illustrate road inventories and transit service areas.

More detailed discussion of the transportation topics covered in this chapter are found in the following documents:

- *Skagit County Transportation Systems Plan,* March 10, 1997. (see Technical Appendix Volume I - F).

- *Skagit County Comprehensive Plan Supplemental Map Portfolio.* Maps #20a & b, and #23 illustrate road inventories and transit service areas.

- *Skagit County Capital Facilities Plan 1997-2002, Goals and Policies, Capital Improvements and Implementation Programs.* March 10, 1997. (see Technical Appendix Volume I - E).

  This plan contains information and policies regarding financing, level of service and implementation of capital improvement projects. Included in the CFP are sub-area Capital Facilities Plans for Bayview Ridge, Big Lake and Swinomish UGAs.



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- *Revenue Sources For Capital Facilities 1997-2002*. March 3, 1997. (see Technical Appendix Volume I - G). This report identifies and briefly describes revenue sources that are available to Skagit County for capital facilities.

Three aspects of the Transportation Element have a direct bearing on transportation project programming and funding through the Six-Year Transportation Improvement Program (Six-Year TIP). These are: (1) transportation policies; (2) existing and future transportation needs (based on LOS); and (3) the transportation financial plan. The transportation policies are used to give general direction for transportation improvement investments. Along with the County's Priority Array, which prioritizes road projects primarily on physical deficiencies, the LOS based transportation needs are used to select potential projects. The transportation financial plan is used to produce a financially feasible six-year plan. Thus, the Transportation Element provides a framework for use in transportation investment decisions.

Development of this chapter was guided in particular by the following GMA Planning Goal: Encourage efficient multi-modal transportation systems that are based on regional priorities and coordinated with County and city Comprehensive Plans.

This Goal, taken in the context of the totality of the thirteen GMA Planning Goals, led to the following CWPPs that provide specific guidance to the analysis and policies developed in this chapter:

- The development of new transportation routes and improvements to existing routes shall minimize adverse social, economic and environment impacts and costs (CWPP 3.3)

- The Transportation Element of the Comprehensive Plan shall be designed to do the following: 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 (CWPP 3.4)

- 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 (CWPP 3.8)



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## GOAL A:

- *To encourage efficient multi-modal transportation systems that are based on regional priorities and coordinated with County and city comprehensive plans.*
- *To facilitate the safe 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 accurate inventories of the County's transportation network and needs; and encourage the conservation of energy.*
- *To maintain and improve the County's transportation system in a way that respects the unique character of the county, and accomplishes this in an environmentally and economically sensitive manner.*

# ROAD SYSTEM AND IMPROVEMENTS

### OBJECTIVE 1:

*To relieve congestion of the County's road system.*

Policies

**9A-1.1** The County supports improving the flow of traffic over the Skagit River, including new bridge construction.

**9A-1.2** Skagit County should consider left-hand turn lanes, over-passes and under-passes along with traffic lights as a means of relieving congestion.

**9A-1.3** The County supports alternatives to the passenger car as possible means to relieve congestion.

**9A-1.4** Primary arterial access points should be designed to ensure maximum safety while minimizing traffic flow disruptions.

**OBJECTIVE 2:**

*To encourage County/city cooperation for joint road improvement projects.*

**OBJECTIVE 3:**

*To ensure a safe, convenient, efficient and integrated highway, arterial and local road system for the movement of people and goods, that is well maintained and meets the demands of anticipated growth.*

Policies

**9A-3.1** Facilities shall be designed and traffic regulated in the unincorporated areas in a way that provides a safe living environment for all residents.

**9A-3.2** Arterials should serve as the main routes to move traffic through the county; Collectors should serve as the supplemental routes for traffic within the county.

# LEVEL OF SERVICE

**OBJECTIVE 4:**

*To provide a level of service on the County road system which accommodates the needs of both motorized and non-motorized travel, respects the unique character of the county, and accomplishes this in an environmentally sensitive manner.*

Policies

**9A-4.1** The Birdsall Vehicle Miles Traveled (VMT) methodology shall be used as the primary means of measuring Level of Service (LOS) upon the County Classified Road System.

**9A-4.2** Skagit County adopts a minimum of 100 vph and a maximum 1500 vph (vehicles per hour) as the planned capacity for rural Major Collectors and urban Collectors for measuring LOS as it pertains to system wide concurrency on the County road system. Skagit County adopts a minimum of 100 vph and a maximum of 1400 vph for rural Minor Collectors. For Minor Arterials, Skagit County adopts a minimum of 600 vph and a maximum of 2000 vph.



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**9A-4.3** For road system concurrency, Skagit County adopts a Volume over Planned Capacity (V/PC) ratio of 1.0 as its standard, above which, a road segment shall be considered in need of improvements.

**9A-4.4** A maximum of 20% of the system wide VMT shall be allowed to be on road segments in need for concurrency requirements to be met. Beyond 20%, the countywide road system will no longer be considered concurrent.

**9A-4.5** Skagit County shall work with other jurisdictions within the County to identify and address various differences between LOS methodologies.

**9A-4.6** The Level of Service standards shall not be the overriding factor when the County is considering road improvements. Other factors such as the Comprehensive Plan Policies, and the Priority Array shall be given equal consideration with the LOS.

**9A-4.7** Structures, roads and utility systems shall be designed and constructed in such a way as to minimize the alteration of the landscape, to preserve natural systems, to protect critical areas, to protect important land features such as ridge lines, and to retain historic and cultural structures/landscape, and scenic amenities. Rural road standards shall minimize paving and right-of-way requirements, recognizing the need to maintain LOS and multi-modal use.

**9A-4.8** Standards and plans for roads and utilities shall be consistent with rural densities and uses. Rural road standards shall minimize paving and right-of-way requirements recognizing the need to maintain LOS and multi-modal use. Utilities that serve urban growth areas but must be located in rural areas shall be designed and scaled to serve designated urban growth areas.

**9A-4.9** For individual road concurrency, the LOS standard for county road segments shall be C as calculated using a Highway Capacity Manual method selected and documented by the County Engineer.

**9A-4.10** For individual road concurrency, the LOS standard for county road intersections shall be D as calculated using an LOS method selected and documented by the County Engineer.



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# PUBLIC TRANSPORTATION

## OBJECTIVE 5:

*To promote a safe, coordinated and integrated public transportation system.*

Policies

**9A-5.1** The County supports the coordination of public and private transportation systems.

**9A-5.2** An integrated regional transportation system should consider its impacts on air pollution and signal timing.

## OBJECTIVE 6:

*To assist in promoting a coordinated and integrated public transportation system available to all people in the county.*

Policies

**9A-6.1** Skagit County supports expansion of public transportation service into the unincorporated areas only with public support.

**9A-6.2** Programs that inform and educate citizens on public transportation shall be supported.

**9A-6.3** The County shall encourage its employees and private business to use flexible work schedules that can be coordinated with transit schedules.

**9A-6.4** Accessibility to public transportation in residential areas shall be encouraged.

**9A-6.5** The Senior Citizen and Handicapped transportation system should be provided with an adequate budget to provide for those who, through age and/or disability, are unable to transport themselves.

**9A-6.6** The County encourages public transit service in areas of the county when potential demand and public or private support justifies it.

**9A-6.7** The County encourages the linkage of all cities, towns, and Rural Villages through public or private transit.



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**9A-6.8** The County encourages the eventual linkage of local public or private transit with the transit systems of neighboring counties.

**9A-6.9** The County shall support public or private transit service links to the Guemes Ferry and the State Ferry in Anacortes.

**9A-6.10** The County shall work with and encourage the private transit providers in the County to continue to provide services that public transit can not provide.

# PASSENGER RAIL

## OBJECTIVE 7:

*To support the development of inter-city passenger rail service and a multi-modal passenger rail terminal.*

Policies

**9A-7.1** The County supports passenger rail as long as environmental impacts and technical issues can be mitigated and approved by the County.

**9A-7.2** The County shall assist rail agencies to put into effect a public education program on railroad safety.

**9A-7.3** The County shall support the appropriate agencies and the public in making safety and other improvements to the rail corridor to allow for increased speeds.

**9A-7.4** The County shall work with Washington State Department of Transportation, local jurisdictions, other agencies, and the public to determine the location of potential rail crossing closures.

**9A-7.5** Road improvement decisions shall be consistent with any plans for rail crossings closures and with other aspects of rail service.

**9A-7.6** The County shall work with state and other agencies to improve the safety related to rail service.

**9A-7.7** The County shall plan for commuter rail service to Skagit County at such time it is determined to be economically and socially acceptable.



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**9A-7.8** The County shall encourage the provision of adequate parking at the Multi-modal passenger rail terminal.

**9A-7.9** The County shall support the development of a local passenger rail terminal that functions as a multi-modal transportation center. The modes, which can or should be accommodated, include passenger rail, transit, auto, ridesharing, pedestrian, and bicycle.

# FERRY SERVICE

## OBJECTIVE 8:

*To encourage adequate and cost effective ferry services.*

Policies

**9A-8.1** The County encourages the provision of adequate street, highway, and road facilities to accommodate traffic to the ferry terminals in Anacortes.

**9A-8.2** To meet future increases in demand, the County shall increase service capacity of the Guemes Island Ferry by: (a) encouraging car-pooling and walk-on passengers; (b) increasing the frequency of ferry runs based on demand; and (c) considering additional ferry capacity if the aforementioned procedures fail to accommodate demand.

**9A-8.3** In making all decisions related to the Guemes Island Ferry, the County shall balance the needs of the Island residents, the non-resident property owners, and the County citizenry as a whole.

**9A-8.4** The County shall work with the city of Anacortes, property owners, and residents on Guemes Island to develop adequate parking areas.

**9A-8.5** The County shall continue to provide safe and adequate ferry service between Anacortes and Guemes Island, and a fare structure designed to recover as much operating cost as practical from the users.

**9A-8.6** The County supports the State's continued provision of ferry service to and from Anacortes- San Juan Islands-Vancouver Island, B.C.

**9A-8.7** The Regional Transportation Planning Organization should establish level of service standards for ferry service.



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# NON-MOTORIZED TRANSPORTATION

## OBJECTIVE 9:

*To provide a safe, efficient and interconnected system of trails and bikeways, including both on- and off-street facilities that link populated areas of the county with important travel destinations.*

Policies

**9A-9.1** The County shall work toward linking public transportation to the non-motorized system.

**9A-9.2** The County shall take advantage of existing public lands and right-of-way in the development of the non-motorized transportation system.

**9A-9.3** Rail corridors ~~considered for abandonment after the implementation of the comprehensive plan~~ should be preserved through the use of rail banking programs after affected property owners and their property rights are first adequately and legally addressed.

**9A-9.4** The county should explore with affected property owners, as well as diking and drainage districts, the possibility of using existing dikes for trails if the underlying property owners cooperate and liability issues for all affected property owners are satisfied.

**9A-9.5** A regional system of on- and off-road routes and trails that serve the needs of non-motorized travel modes shall be identified, mapped and included in capital projects funding for development and maintenance.

**9A-9.6** The diverse needs of bicycle, pedestrian and equestrian travel modes should be accommodated through appropriate routing and the utilization of single- and shared-use facilities.

**9A-9.7** All significant traffic generators such as neighborhoods and communities should be interconnected with each other as well as with a wide variety of destinations including schools, employment and commercial centers, medical and social service centers, shopping areas, recreation sites and facilities (public and private), scenic areas, transit stops, ferry terminals, rail stations and other transportation modes (multi-modal and inter-modal), touring destinations, and adjoining counties.

**9A-9.8** Convenient access to and from non-motorized facilities should be provided.



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**9A-9.9** The development of affordable, cost-effective non-motorized transportation system in terms of right-of-way acquisition, design, development, maintenance and the incorporation of non-motorized facilities into multi-modal facilities shall be promoted.

**9A-9.10** Recreational use of the non-motorized transportation system shall be considered central to its purpose where appropriate.

**9A-9.11** System, planning, funding, and development should be coordinated with other local, regional, state, federal and tribal jurisdictions.

**9A-9.12** The County should address liability issues that may concern property owners on whose property trails are located.

## OBJECTIVE 10:

*To achieve a high standard in meeting the needs of bicyclists, pedestrians and equestrians through appropriate planning, design, construction and maintenance of user-friendly facilities, including single-user and multi-user trails, roads and road shoulders, bikeways, bike lanes and related improvements.*

Policies

**9A-10.1** The development of high-standard facilities, both new and upgraded, throughout Skagit County, including designated bike lanes, paved shoulders, wide curb lanes, shared traffic lanes, and paved and unpaved separated paths should be promoted.

**9A-10.2** The needs of recreational travel as well as commuter and utilitarian travel should be accommodated.

**9A-10.3** The development of land and transportation systems that are friendly to the needs of bicyclists, pedestrians, and equestrians shall be encouraged.

**9A-10.4** Alternative routes and facility design in the on-going development of the non-motorized system shall be considered.

**9A-10.5** Hazards and obstacles to non-motorized transportation opportunities shall be minimized.



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**9A-10.6** Regular and ongoing maintenance of all new and existing facilities shall be provided on an equitable basis.

**9A-10.7** Sites and facilities shall be developed in an economically and environmentally responsible manner that also respects the county's unique character.

**9A-10.8** Minimum bicycle parking standards for land use, subdivision and development activities including acceptable rack design should be established.

**9A-10.9** The needs of the physically disadvantaged in the design of facilities shall be accommodated in accordance with state and federal laws.

**9A-10.10** Access and trailhead facilities should include adequate parking and sanitation.

**9A-10.11** Development of facilities that are aesthetically pleasing and complementary to the natural surroundings shall be promoted.

**9A-10.12** Washington State Department of Transportation shall be encouraged to provide for non-motorized transportation on State Route 20.

## OBJECTIVE 11:

*To recognize public safety, education, and law enforcement as integral to the development of non-motorized transportation opportunities in Skagit County.*

Policies

**9A-11.1** The County shall promote the safe use of facilities and conformance with rules of the road.

**9A-11.2** The County shall encourage educational programs that teach or encourage safety for all non-motorized users.

**9A-11.3** Awareness among motorists of the rights and responsibilities of both motorists and cyclists and the importance of "sharing the road" should be promoted.



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**9A-11.4** Planning, design and educational programs that help minimize conflicts among users shall be encouraged.

**9A-11.5** Cultural, historic and natural interpretive sites and facilities, situated on public lands, shall be developed in such a way that non-motorized travelers can enjoy them.

**9A-11.6** Non-motorized transportation shall be promoted as a viable, healthy, non-polluting alternative to the single occupancy automobile.

**9A-11.7** Bicycle safety should be integrated with the driver's licensing program.

# FREIGHT MOVEMENT AND ECONOMIC DEVELOPMENT

## OBJECTIVE 12:

*To encourage the expansion of adequate air, rail and surface freight handling facilities.*

Policies

**9A-12.1** A transportation system should be maintained which is adequate to attract and accommodate economic growth.

**9A-12.2** The County should invest in road improvements that will create an All-Weather Road System. This system shall be integrated with the Freight and Goods Transportation System (FGTS).

**9A-12.3** The County shall provide roads structurally adequate to handle anticipated commercial traffic demand, particularly on the FGTS.

**9A-12.4** The County shall facilitate the enhancement and expansion of freight rail service to and from economic activity centers.

**9A-12.5** In conjunction with the State, the County shall designate portions of the road system as truck routes through the FGTS.

**9A-12.6** The County supports programs designed to improve road and transit linkages to airport facilities.



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**9A-12.7** The County encourages efforts to improve countywide air transportation facilities.

# INTER-MODAL TRANSPORTATION

**OBJECTIVE 13:**

*To integrate air, water, and land-based transportation facilities.*

Policies

**9A-13.1** The County shall support a county transportation network, which integrates all modes of transportation into an efficient system.

**9A-13.2** The County shall identify improvements that will encourage shared rides, park and rides and transit usage.

**9A-13.3** The County should coordinate efforts to develop infrastructure to improve efficiency of existing land use patterns such as industrial parks and major commercial areas.

**9A-13.4** The County should make road network connections to airports as direct as possible from arterials designed to accommodate use of the airports.

**9A-13.5** In conjunction with local airports and air carriers, the County shall regulate commercial helicopter tour operations to ensure the safety of the public.

# NATURAL RESOURCE TRANSPORTATION

**OBJECTIVE 14:**

*To develop and maintain an efficient transportation system that can provide for the flow of goods, equipment, and people for the county's natural resource industries.*



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Policies

**9A-14.1** The County shall take into consideration the needs of natural resource based transportation when planning for and building road improvement projects.

# TOURISM, RECREATION SPECIAL EVENTS, AND SCENIC HIGHWAYS

## OBJECTIVE 15:

*To assist tourism, recreation, and special events by maintaining an efficient, adequate and safe road system.*

Policies

**9A-15.1** The County shall coordinate special events traffic management with the responsible program organizations.

**9A-15.2** Coordination of transportation planning and investments in Skagit County shall include coordination with Parks Departments and other jurisdictions that oversee recreational areas.

**9A-15.3** The County recognizes the need to minimize the disruption of normal economic operations during special events.

**9A-15.4** The County shall support and encourage the Skagit Valley Tulip Festival's efforts to provide a Tulip Transit service during the annual tulip bloom.

**9A-15.5** The County shall encourage bicycle tour events to use roads that are deemed compatible with such use in the Non-Motorized Transportation Plan.

**9A-15.6** The County shall encourage tourism and recreation by appropriate design of the road system.



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**OBJECTIVE16:**

*To support the preservation and enhancement of scenic views and historic, archeological and cultural resources along the roads and highways.*

**9A-16.1** The County shall establish and integrate a County Scenic roads program with the Scenic Highways and Scenic Byways programs of the state and federal governments to facilitate the overall preservation of scenic resources along the County's roads and highways.

**9A-16.2** The County shall work with the State in implementing Highway Heritage programs in Skagit County, which integrate scenic resource preservation with the enhancement of access to historic, archeological and cultural resources along the County's highways.

**9A-16.3** The County should encourage the state to consider high season traffic demand rather than only an annual average on SR 20 in Skagit County whenever the state does future adequacy assessment of SR 20 or studies the need for improvements.

**9A-16.4** Particularly in the older section between Concrete and milepost #109 east of Marblemount, the County should encourage WSDOT to consider the following:

1. uphill passing lanes (slow vehicle lanes)
2. slow vehicle turnouts
3. modest shoulder improvements

# TRAFFIC SAFETY

**OBJECTIVE 17:**

*To provide a safe travel environment for all modes of transportation while protecting the safety of the residents of the county.*



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Policies

**9A-17.1** The County should maintain accurate records and reports in order to identify high incident locations and causes.

**9A-17.2** The County should mitigate "obstructions" by consistently applying its "clear zone" policy.

**9A-17.3** The County shall enforce all traffic laws.

**9A-17.4** The County shall include improvements of safety as a priority in all capital projects and maintenance decisions relating to the County road system.

# ROAD MAINTENANCE

## OBJECTIVE 18:

*To continue to provide a high level of maintenance to the County transportation system.*

Policies

**9A-18.1** The County shall continue to provide a high level of maintenance on the County's road system.

**9A-18.2** Pavements shall be protected through the use of load limits and restrictions.

## OBJECTIVE 19:

*To provide for the continued maintenance, improvement, and replacement of bridges as an integral part of the system for the movement of goods and people.*

Policies

**9A-19.1** Bridge inspection and maintenance shall be continued as defined in the State Regulations.



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**9A-19.2** The County will identify bridges that are restricting the movement of goods and non-motorized transportation due to insufficient width or weight limits and provide for corrective measures.

# MONITORING

## OBJECTIVE 20:

*To develop a systematic approach for monitoring and maintaining the transportation system in a cost-effective manner.*

Policies

**9A-20.1** The County shall monitor (count and assess) traffic volumes on all arterial and major collector facilities to assist in planning and capital facility programs.

**9A-20.2** The County shall monitor traffic volumes on other selected roads.

**9A-20.3** The County's Public Works department shall coordinate monitoring efforts with the County's Planning Department and other local and state agencies.

# DEMAND AND SYSTEM MANAGEMENT

## OBJECTIVE 21:

*To incorporate transportation system management and transportation demand management techniques into the County's transportation program that are consistent with the intent of the Transportation Element and the Comprehensive Plan.*

Policies

**9A-21.1** The County shall improve Transportation System Management (TSM) methods, for low capital improvement to increase capacity and safety. (See definition section for TSM for examples of low capital improvements.)

**9A-21.2** The County shall attempt to mitigate road needs by first employing Transportation Demand Management (TDM) and Transportation System Management (TSM) measures before major capital expenditures are made to the system.



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# LAND USE AND DEVELOPMENT

## OBJECTIVE 22:

*To have all planning decisions integrate transportation with land use.*

Policies

**9A-22.1** Land use actions and decisions made by the County shall take into consideration the short and long term public costs and benefits of providing transportation facilities to accommodate development impacts.

**9A-22.2** Transportation impacts shall be mitigated, wherever possible, by directing new development into areas where long term capacity exists on the arterial and collector system.

**9A-22.3** The County, in conjunction with the cities, shall plan for providing the transportation facilities needed in the long term to accommodate the development allowable in the comprehensive plan.

**9A-22.4** The County shall establish regulations that ensure the compatibility between land use activities and transportation facilities and services.

**9A-22.5** Appropriate management regulations shall be enacted and enforced in order to reduce conflicts between accessing local residences and moving goods, services, and people safely and efficiently between destinations.

**9A-22.6** When arterials and collectors traverse residential areas, appropriate traffic controls shall be employed in order to balance the needs of both the local residents and the traveling public.

**9A-22.7** The County shall adopt development regulations and road standards that improve the safety of pedestrian and bicycle traffic.

**9A-22.8** The County shall incorporate standards within the land development regulations to ensure that new development and redevelopment provide adequate motorized and non-motorized transportation facilities within and adjacent to the development.



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**9A-22.9** Airport operation should be considered in reviewing development proposals to avoid future conflict and foreclosing opportunities for future airport expansion.

**9A-22.10** The County shall adopt criteria for the review of proposed developments to ensure concurrency of adequate and properly functioning transportation facilities.

**9A-22.11** Following the adoption of the Comprehensive Plan, the County Road Engineer shall review the Functional Classification, the Priority Array, and the road standards for consistency and compliance with the Comprehensive Plan. Recommended changes shall be forwarded to the Planning Department and the Planning Commission for comments prior to their submittal to the Board of County Commissioners for action. The initial review shall take place within the first year after adoption of the Comprehensive Plan. Any future plans to amend the above shall include Planning Commission review.

**9A-22.12** The County shall develop an access permitting process, which manages access to state highways in a way that meets state laws as well as the access management plan of Washington State Department of Transportation.

# IMPACT FEES

## OBJECTIVE 23:

*To ensure that impact fees are applied in a fair and equitable manner and that transportation impacts from development are mitigated concurrently with the development and occupancy of the project.*

Policies

**9A-23.1** When a development project has a particular impact on the safety, structure or capacity of the County's road system, developer contributions may be required for mitigation related to the specific project area in addition to the standard contribution or impact fees in order for the project to be approved.

**9A-23.2** The County, in cooperation with each city, shall enter into cost sharing arrangements where each shares impact fees collected by the other for impacts to their roads.



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**9A-23.3** The County, in cooperation with each city, shall enter into agreements on impact fee schedules and a distribution ratio for development inside urban growth areas.

**9A-23.4** The County shall consider the use of impact fees as a means to ensure that adequate facilities (including but not limited to transit, pedestrian, bikeways, or roadways) are available to accommodate the direct impacts of new growth and development.

**9A-23.5** If an impact fee ordinance is not in place, the County may require large developments to make traffic impact contributions if the development significantly adds to a road's need for capacity improvement, to a roadway safety problem, or to the deterioration of a physically inadequate roadway. Such traffic impact contributions are in addition to transportation facility improvements required in the immediate area for access to and from the development.

# IMPLEMENTATION AND INTER-GOVERNMENTAL COORDINATION

## OBJECTIVE 24:

*To optimize the use of existing and future transportation facilities and enhance the mobility of people and goods while respecting the county's character and natural environment.*

Policies

**9A-24.1** The County shall develop a road right-of-way plan map showing network continuity and possible future expansion and intersections.

**9A-24.2** The County shall require dedication of road right-of-way by the proponent along existing right-of-way for transportation needs as a condition for development approval where appropriate.

**9A-24.3** The County shall consider methods for preserving existing and future right-of-way for future transportation needs, such as right-of-way acquisition and limiting encroachment of structure or ancillary uses onto the right-of-way.



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**9A-24.4** Transportation facility expenditures shall be prioritized to make sure investments are protected and provision is made for growth. While maintaining the county road system is a primary goal, safety, capacity, and the comprehensive plan requirements shall be part of the prioritization process.

**9A-24.5** The County should not enact new traffic regulations unless they can be adequately enforced.

**9A-24.6** The County shall provide efficient management of all transportation resources through cooperation in planning and project development with federal, state, regional and local jurisdictions.

**9A-24.7** The County shall coordinate local, county and regional efforts with State activities towards the compliance with the "Americans with Disabilities Act 1990".

**9A-24.8** The County shall encourage the state to take public comment on and consider the consequences of transportation improvements or service changes that affect the County or the local community.

## OBJECTIVE 25:

*To jointly prioritize and finance transportation improvements with other jurisdictions and agencies for the greatest public benefit.*

Policies

**9A-25.1** The County and the cities shall plan jointly, in conjunction with other transportation providers (WSDOT, transit agencies, and Ferry System), adequate transportation systems so that development can proceed with order according to the land use elements of local comprehensive plans.

**9A-25.2** The County shall cooperate with the Regional Transportation Planning Organization (RTPO) to produce coordinated forecasts of road and highway needs and transit demand based on the regional traffic demand models and the land use elements of County and city comprehensive plans.

**9A-25.3** Where appropriate, the County will cooperate with the RTPO to establish compatible cost estimate processes to determine estimated costs of proposed transportation system improvements.



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**9A-25.4** The County shall work with the cities to develop common standards including guidelines on scope, content, and methodology for traffic impact studies that proponents of new development must provide if required.

**9A-25.5** The County shall consider impacts to all jurisdictions (County, city/town, and State) in determining traffic impacts of development projects and should condition such projects as necessary to mitigate the impacts.

**9A-25.6** In order to ensure that local efforts to meet GMA concurrency requirements are not undermined by inadequate state highways, the County shall support efforts at the state level to adequately fund legitimate highway improvement needs.

**9A-25.7** The County strongly encourages WSDOT to continue to develop closer coordination with the local jurisdictions and with the RTPO in transportation planning and in the transportation project decision-making process. In support of this, the County encourages the State to continue enhancing its public involvement programs for state transportation decisions.

# CAPITAL IMPROVEMENT PROGRAMS

## OBJECTIVE 26:

*To coordinate transportation with land use planning, develop a concurrency management system and establish a systematic process for reviewing and updating the Transportation Improvement Plan.*

Policies

**9A-26.1** The Six-Year Transportation Improvement Program (TIP) shall be included in the County's Capital Facilities Plan by reference. To assist the County Road Engineer on whether roadway improvement projects should be incorporated into the County's Six-Year TIP, proposed projects shall be evaluated on an annual basis by the Planning Commission for consistency with the goals and policies of this Comprehensive Plan.

**9A-26.2** In addition to the other goals and policies of this Comprehensive Plan, proposed projects should be evaluated collectively according to the following non-prioritized criteria: engineering feasibility, costs and benefits to the public, safety, impacts to the built and natural environment, community



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support, opportunity for staged implementation, system benefits and maintainability.

**9A-26.3** Citizens shall have the opportunity to participate in and comment on proposed capital facilities financing.

## OBJECTIVE 27:

*To coordinate planning and capital improvement efforts between the County and each city inside urban growth areas (UGA).*

Policies

**9A-27.1** The County shall coordinate planning efforts annually with each city to assure that programs inside the urban growth area are scheduled and funds are available. This coordination effort shall be made part of an inter-local agreement signed by each city and the County.

**9A-27.2** Each city will be responsible for identifying any standards and specifications above County standards to be used in the design and construction of projects inside urban growth areas.

**9A-27.3** The County will consult with the cities on Level of Service (LOS) standards to be used within the urban growth areas.

**9A-27.4** For County sponsored road improvement projects, the County will be responsible for funding improvements to meet County standards. All other costs associated with the project necessary to meet city standards shall be the responsibility of the city.

**9A-27.5** Upon annexation, a payback schedule should be agreed upon whereby the city should pay the County for the road improvements made by the County.

**9A-27.6** The County shall work with the State Department of Transportation, the Regional Transportation Planning Organization and through other avenues to ensure that appropriate investments are made in the State transportation facilities to ensure the adequacy of the overall transportation system the County.



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# CHAPTER 10

# UTILITIES ELEMENT

## INTRODUCTION

The Growth Management Act requires counties and cities to include a "utilities element" in their comprehensive plans. A requirement of the utility element is to include the general location, proposed location, and capacity of all existing and proposed utilities. The policies in this element include natural gas, telecommunications, electricity, solid waste, sewer, public water, water quality, drainage, flooding, and storm water runoff. Only those policies addressing natural gas, telecommunications and electricity underwent review by the Utility Element Citizen Advisory Committee.

The information relating to utility service providers contained in this Plan is a summary only. More detailed discussions of the topics covered in this chapter are found in utility service provider capital facilities plans and in the following documents:

- *The Skagit County Comprehensive Plan supplemental Map Portfolio, June 2, 1997.*

  Maps # 14 - # 24 illustrate the locations of major utility facilities, including water, sewer, electrical, natural gas, drainage and dike districts, telecommunications, and transit service areas.

- *Skagit County Coordinated Water System Plan - Regional Supplement,* 2000 ~~1993~~ - See Technical Appendix Volume I – C.

  This document provides information on existing water facilities, management and conservation strategies, a needs forecast through 2040, and the availability of water rights to meet those needs, all within the framework of growth management.

- *Anacortes-Fidalgo Island Coordinated Water System Plan*



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- *The Capital Facilities Plan (CFP) 2000-2005 ~~1997-2002~~ - Goals and Policies, Capital Improvements, and Implementation Programs* – See Technical Appendix Volume I - E

  This plan contains information and policies regarding financing, level of service and implementation of capital improvement projects.

- *Overall Economic Development Plan (OEDP) for Skagit County*

  (Updated 2000 ~~December, 1995~~) - See Technical Appendix Volume I – A.

  Contains specific information regarding various sewer service and treatment projects, surface water projects, and utility corridor improvements, as well as estimated costs and potential funding sources.

- *Memorandum of Agreement Regarding Utilization of Skagit River Basin Water Resources for Instream and Out of Stream Purposes* - See Technical Appendix Volume I – H.

  Intended to ensure the establishment and maintenance of instream flows, and to provide mechanisms for interlocal cooperation with respect to specific existing agreements and water utilization.

- *Skagit County Comprehensive Solid Waste Management Plan Update and Environmental Impact Statement.* April 1994. See Technical Appendix Volume I - I.

  Summarizes actions to be taken regarding solid waste management and an implementation schedule showing recommendations and associated costs.

- *Skagit County Draft GMA Puget Power Electrical Facility Plan and map updates* (November 1992)

Development of this chapter was guided in particular by the following GMA Planning Goal: "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."



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This Goal, taken in the context of the totality of the thirteen GMA Planning Goals, led to the following CWPPs that provide specific guidance to the analysis and policies developed in this chapter:

- All communities within a region shall fairly share the burden of regional public facilities (The GMA defines public facilities to include domestic water systems, storm and sanitary systems...CWPP 12.2)
- 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 (CWPP 12.6)
- Public facilities and services needed to support development shall be available concurrent with the impacts of development (CWPP 12.7)
- Public water supply for new development shall conform to or exceed the Coordinated Water System Plan for public water systems (CWPP 12.10)

# GOAL A:

*To assist in providing high quality, cost-effective and safe utility services at low environmental cost by: coordination and consistency among utility providers and comprehensive plans; integration of utility facility plans and capacity needs; joint use of transportation rights-of-way and utility corridors; environmentally sensitive siting of utility facilities; maintenance of facilities and utility corridors; underground installation of utility distribution lines where possible; encouraging conservation of water and energy, and encouraging research and implementation of alternative energy resources.*

## OBJECTIVE 1:

*Coordinate and encourage timely, safe, and cost-effective installations of utility systems through improved permit procedures, joint use of utility corridors, and inter-local agreements.*

Policies

**10A-1.1** Agreements shall be developed with private utility providers and public agencies as required to facilitate:

~~(a)~~1.1.1 Joint use of utility corridors and public rights-of-way.

~~(i)~~(a) Standards shall be maintained for the location of all utilities in public rights-of-way.

~~(ii)~~(b) To the extent feasible, utility extensions and substantial utility upgrades shall be located so they will not need to be moved to accommodate anticipated future expansion of public rights-of-way.

~~(b)~~1.1.2 Coordination between the land use comprehensive plan and utility capital facility plans.

~~(c)~~1.1.3 Timely notices of new road construction and maintenance of existing roads with utility construction activities.

~~(d)~~1.1.4 Coordinated permit applications and meetings to include all necessary utilities affected by related projects.

~~(e)~~1.1.5 Public and private utilities to work together on installations of utility facilities to reduce time delays and protect existing utility transmission systems from adverse impacts of new installations.

~~(f)~~1.1.6 Coordination of land acquisition, land use, and enhancement of utility corridors where appropriate, for pedestrian, bicycle and equestrian trails, and wildlife corridors.

**10A-1.2** New utility facility designs shall include joint usage where possible.

**10A-1.3** Antennas shall be placed on existing towers, buildings, or other structures, where possible.

**10A-1.4** In cases where the utility facilities are to be accessed by, or located on, private roads, appropriate easements and agreements shall be negotiated as part of the permitting process.

~~(a)~~1.4.1 The same standards shall be used for the location of all utilities in private roads, as on public rights-of-way.

**10A-1.5** Processing of utility permits shall be done in a timely and cost-effective manner.

**10A-1.6** There shall be communication among the city/county, Washington Utilities Transportation Commission (WUTC), and utilities regulated by the WUTC.



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**OBJECTIVE 2:**

*Encourage safe, reliable, and quality utility systems.*

Policies

**10A-2.1** Utility providers shall build and manage utility systems to provide reliable service and to meet the needs of future growth.

**10A-2.2** Utilize construction and design standards that are environmentally sensitive, safe, and cost-effective.

**10A-2.3** Noise generated by transformer and distribution stations shall not exceed the allowable levels as set by the state.

**10A-2.4** Scientific research on potential human health effects of extremely low frequency (ELF) electric and magnetic fields (EMF) shall be monitored annually by the County. The citizens of Skagit County shall continue to be informed of any new information the County receives concerning this research. Electric utility providers should evaluate and consider low-cost methods to reduce EMF exposure from their facilities.

**OBJECTIVE 3:**

*Maintain consistency, compatibility, and concurrency between utility providers, local, state, and federal plans.*

Policies

**10A-3.1** The extension and sizing of distribution system components shall be consistent with the comprehensive plan.

**10A-3.2** An ordinance shall be developed which addresses coordination between plat approvals, building permit approvals and availability of utilities necessary to fulfill the request of the permittee.

**10A-3.3** Emergency planning should be coordinated among all necessary utilities and Skagit County Emergency Services to ensure timely access to shut-off valves in natural gas systems during disasters.



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**OBJECTIVE 4:**

*Provide environmentally sensitive maintenance procedures for utility corridors.*

Policies

**10A-4.1** Agreements shall be developed for vegetation management in public rights-of-way, which incorporate Integrated Vegetation Management (IVM) approaches. All available control actions such as biological and mechanical means should be considered.

~~(a)~~4.1.1 Agreements shall be established that reduce redundancy of rights-of-way maintenance between the utility provider and Skagit County Public Works Department.

**10A-4.2** Where pesticides need to be used on county road easements and county road rights-of-way, that use shall be restricted to scientifically tested pesticides proven to be non-leachers into ground water. Pesticide applicators shall follow all recommendations and restrictions issued by Washington State Department of Agriculture.

**10A-4.3** Encourage utility providers to do only the work that is required to maintain rights-of-way.

**10A-4.4** Normal and routine maintenance or repair of existing utilities shall use reasonable methods with the least amount of potential impact to environmentally sensitive or critical areas and any impact to these areas or its buffer shall be restored after the maintenance to the maximum extent possible (SCC 14.060.90). New construction or expansion of existing facilities must comply with the County's Critical Areas Ordinance. An Integrated Vegetation Management program may be developed and implemented consistent with the Critical Areas Ordinance.

**OBJECTIVE 5:**

*To site utility facilities to be consistent with the Land Use Element.*

Policies

**10A-5.1** Utility providers should avoid placement of facilities in areas defined as environmentally sensitive or critical areas unless there are no feasible



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alternatives and only after a site assessment and mitigation plan has been approved under the provisions of the Critical Areas Ordinance.

**10A-5.2** Outdoor installations of transfer and distribution stations providing electrical power, communications, and natural gas, should, where practicable, be located in industrial or commercially zoned areas. Stations should be reasonably compatible with surrounding uses. Where system design or economics necessitate location of such installations in residential or rural areas, installations shall be suitably screened or enclosed so as to eliminate or substantially reduce the visual impact. This may be achieved through appropriate setbacks and screening, such as, buildings, natural topography, landscaping, and vegetation.

**10A-5.3** Utility facilities should be permitted in all land use zones as necessary when and where utility franchises exist and if they are in compliance with this Comprehensive Plan.

**10A-5.4** Use of wireless technologies shall be recognized as a growing service. This technology has unique visual and noise impacts. Siting requirements shall attempt to minimize the unique visual and noise impacts and shall be consistent with the Comprehensive Plan. Siting requirements shall include utilizing existing sites and structures where possible, adequate setbacks, and appropriate landscaping.

## OBJECTIVE 6:

*Encourage underground utility distribution lines to reduce visual and safety impacts of overhead lines where economically feasible.*

**10A-6.1** Utility providers shall be encouraged to provide underground installation of utility lines.

**10A-6.2** Existing overhead utilities shall utilize joint support structures at such time as the system is upgraded if the cost to place lines underground is not reasonable for the rate payer under the rate structure set by state and federal regulation. If a situation exists where underground existing overhead utilities is desired and is technically feasible, a Local Improvement District or some other financial arrangement will be used to have the beneficiaries bear the cost, rather than the general rate payer.



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**10A-6.3** When new or converted underground utilities are requested, provisions should be made for all utilities that may request access at a later time.

## OBJECTIVE 7:

*Encourage research and implementation of alternative energy resources and encourage conservation of energy resources.*

Policies

**10A-7.1** Generating energy from non-renewable resources shall be acceptable if it is economically feasible and environmentally sound.

**10A-7.2** Energy conservation shall be encouraged in order to conserve energy resources, minimize air pollution, and delay the need for additional electrical power generating facilities. This may be achieved through methods including, but not limited to: education of the public; insulation and weatherization as specified by building codes; and use of, energy-efficient applications.

**10A-7.3** Residential, commercial, and industrial development shall be encouraged to use energy-efficient, cost-effective, and environmentally sensitive technologies and resources in new construction.

**10A-7.4** Skagit County shall be a leader and an example to the public in the energy conservation process by making every effort to reduce energy consumption in government facilities.

**10A-7.5** The research and use of alternative energy resources should be actively encouraged.

**10A-7.6** Commercial and industrial facilities shall be encouraged to incorporate co-generation whenever possible, if economically feasible and environmentally sound.

**10A-7.7** The use of solar energy for water and space heating should be encouraged and ordinances shall be developed to protect solar access.

**10A-7.8** A program should be developed whereby builders and developers are encouraged through incentive programs to seek and implement alternative energy resources through building designs, layout designs, and land use issues.



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# SOLID WASTE

## OBJECTIVE 8:

*To practice integrated and efficient management of solid waste in accordance with Washington State waste management priorities to protect and enhance the present and future environmental quality and public health in Skagit County through education, regulations, and economic incentives.*

Policies

**10A-8.1** Solid waste management should be provided with adequate resources to manage solid wastes safely, efficiently, and equitably, and should be consistent with State priorities while recognizing local conditions.

**10A-8.2** Reducing per capita waste consumption should by supported through educational and legislative efforts that are directed towards changing consumer and industrial practices.

**10A-8.3** Recycling efforts and opportunities in Skagit County should be maintained at a high level to increase the recycling rate annually.

**10A-8.4** Environmental and economic impacts shall be considered and balanced when determining disposal practices.

**10A-8.5** Individuals should be encouraged to take personal and financial responsibility for the proper management of the wastes he/she generates.

# SEWER

## OBJECTIVE 9:

*To recognize the Urban Growth Area policies by encouraging the extension of public sewer service to designated Urban Growth Areas.*



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Policies

**10A-9.1** Development of community septic systems should be allowed when it is necessary to remedy ground water contamination and related health problems.

**10A-9.2** Community septic and other innovative sewage treatment systems proposing to further the goals and policies of the Comprehensive Plan, such as in Conservation and Reserve Development (CaRD) land ~~conservation housing~~ developments, should be considered on a case by case basis.

**10A-9.3** Urban governmental services should not be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

# PUBLIC WATER

## Skagit County Coordinated Water System Plan Summary

The Skagit County CWSP represents a significant element of the County's Comprehensive Plan. The CWSP was jointly developed by all of the major Skagit County water utilities, in cooperation with the County and State agencies consistent ~~with the Public Water System Coordination Act (RCW 70.116)~~.

The CWSP is incorporated by reference by the Department of Ecology into the recently developed "Memorandum of Agreement Regarding Utilization of Skagit River Basin Water Resources for Instream and Out of Stream Purposes." (Skagit River MOA). The Skagit River MOA further links the CWSP and GMA together by cross-referencing the GMA Urban Growth Areas and the Place of Use definitions for water rights as defined in the CWSP.

The Urban Service Areas for the Skagit County water purveyors are defined, as well as the rural service areas. The CWSP incorporates a level of service standard for rural public water service and related fire protection. An agreement on level of service between the County, water purveyors, cities, and County Fire Marshal is also incorporated in the CWSP.



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The water demand projections incorporated in the CWSP were based on OFM population projections and further adjusted to reflect OFM and land use criteria to help ensure consistency with the GMA planning procedure.

The evolving land use and water resource management planning programs of Skagit County are reflected in the CWSP's Joint Operating Agreement (JOA) between the City of Anacortes and Skagit PUD. This JOA establishes the CWSP (and GMA) document as the framework for regional water supply and transmission development. It ensures that the two major water supply providers in Skagit County will work cooperatively to ensure that water supply will be available where and when required, in accordance with the County's Comprehensive Plan.

The CWSP, Skagit River MOA, and JOA, all combine to provide a comprehensive water supply and capital improvement plan for this Comprehensive Plan. The individual Water System Plans are incorporated by reference and by law in the CWSP.

## Water Rights Agreement Summary

The "Memorandum of Agreement Regarding Utilization of Skagit River Basin Water Resources for Instream and Out-of-Stream Purposes" (Skagit River MOA), provides an in-depth analysis of water rights for public water service in Skagit County. The Skagit River MOA was developed and signed by the City of Anacortes, Skagit PUD, Skagit County, Swinomish Tribe, Upper Skagit Tribe, Sauk-Suiattle Tribe, and the Departments of Ecology and Fish and Wildlife.

The Skagit River MOA incorporates both instream and out-of-stream water resource management objectives, water rights adequate to meet projected public water supply needs until at least the year 2046, and provisions for extending water supply to rural areas to protect public health, minimize impact on instream resources, and to support the States objectives for both the GMA and the management of the State's water resources.

The Skagit River MOA also recognizes the continuing need to collect data and to undertake a comprehensive watershed management program. The first phase of the joint plan in the Skagit River MOA includes the Lower Skagit River area, including Cultus Mountain streams. The second phase will include the Upper Skagit River watershed.

Instream flow monitoring and management will help establish where rural public water systems will be required to achieve the local, State, and Tribal government's water resource management objectives.



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## Countywide Planning Policies Regarding Water

All growth outside the urban growth boundary shall be rural in nature as defined in the Rural Element, not requiring urban government services except in those limited circumstances shown to be necessary to the satisfaction of both the County and the affected city (with regard to water the City of Anacortes is the only municipal water purveyor) 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.

## County Comprehensive Plan Policies Regarding Water

This Comprehensive Plan recognizes that the need for the provision of piped water in rural areas may occur under limited circumstances such as: the transmission pipeline routing between Urban Growth Areas; where existing developments are providing rural public water service and fire protection in accordance with the CWSP; where groundwater does not meet Safe Drinking Water Act and State Health Department criteria for potable water use; where water quantity issues related to actual yield or where groundwater withdrawal will cause a conflict with instream resources as defined by the Skagit River MOA; and properties that are rural in nature and density and are adjacent to a piped water system.

The provision of piped water service in rural areas shall support the combined objectives of the Growth Management Act and the Skagit River MOA. The implementation of the Skagit River MOA and the update of the CWSP will better define the refinements to, and application of, the level of service criteria where there is a transition between urban and rural service zones, existing development in rural areas, and agricultural demands for piped water (i.e., dairies and container farming).

## ~~Work Program to amend CWSP after adoption of County Comprehensive Plan.~~

~~The County and major purveyors will initiate a five-year update to the CWSP following adoption of the Comprehensive Plan. The update will include the following:~~

- ~~Revise and update demand projections assigned to urban and rural areas.~~
- ~~Integrate Skagit River MOA constraints on availability of groundwater into the rural piped water plan of the water purveyors.~~

- ~~Update City of Anacortes and Skagit PUD Capital Improvement Plans for supply, transmission, interties, and major service lines to existing developments throughout the County consistent with this Comprehensive Plan.~~

- ~~Delineate level of service criteria on a land use map to coincide with County service policies.~~

- ~~Outline an operations strategy for meeting the County's rural and urban public water supply needs in support of this Comprehensive Plan's growth management objectives.~~

- ~~Outline a 20-year capital improvement plan, linked to the land use plan, including financing.~~

## OBJECTIVE 10:

*To influence the development and use of the water resources of Skagit County in a manner that is consistent with the Countywide Planning Policies and the Comprehensive Plan.*

Policies

**10A-10.1** Cooperation with water districts and other water providers ~~shall~~ should be extended to support them in their responsibility to provide a reliable service to assure an adequate quality and quantity of potable water and high quality water supply within their service areas.

**10A-10.2** Water supply infrastructure expansion shall be designed to meet local needs; ~~the standards for~~ and urban or rural levels of service ~~standards, as outlined in the Coordinated Water Systems Plan~~ and comply with this Comprehensive Plan's land use densities.

~~(a) Urban Water Service shall mean service provided by a water system(s) that has been designed to provide service throughout the designated urban growth area. The water service shall be designed to meet the water supply needs of the residential, commercial, industrial, and other water needs as defined by the Skagit County or City Comprehensive Plan, the Coordinated Water System Plan, and the designated water utility's Water System Plan.~~

~~(i) The Utility's Water System Plan shall document a plan to meet urban water service using the design criteria outlined in~~



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Section 4 and on Table 4-1 of the Coordinated Water System Plan and in accordance with the schedule required by this Comprehensive Plan.

(b) Rural Water Service shall mean water service provided by an individual well, a stand alone public water system, or extension of a water system from within an urban growth area that is designed to provide rural water service. The water service shall be designed to meet the rural water supply needs of the rural area users as defined by this Comprehensive Plan, the Coordinated Water System Plan, and the criteria established for the water service in Section 4 and on Table 4-1 of the Coordinated Water System Plan.

(i) The design shall be guided by the projected rural area water supply and fire protection associated with the requirements of this Comprehensive Plan, and based on the physical or hydraulic capacity requirements as outlined in the Coordinated Water System Plan and the designated water utility's water system plan.

**10A-10.3** Interlocal agreements shall be developed with the cities, towns, and water suppliers in the coordination of water service to urban growth areas.

(a)10.3.1 The Skagit County Public Utility District #1, the cities, the Swinomish Tribal Community, and the County shall meet and enter into an interlocal agreement that provides for an increasing local and/or tribal government role in the provision of public water within their designated jurisdictional urban growth areas.

**10A-10.4** Water supply development and service shall be consistent with all related plans, including but not limited to, the Coordinated Water Systems Plan, the Anacortes-Fidalgo Island Coordinated Water System Plan, this Comprehensive Plan, and related purveyor plans as they are developed.

**10A-10.5** New capital facilities for water-system compliance with state and federal safe-drinking-water rules, and water treatment standards shall be based on rural area densities and a level of service that is consistent with the existing character of the environment.

**10A-10.6** Skagit County shall enforce all county, state and federal laws regarding potable water, well head protection and the installation of water systems.



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**10A-10.7** Connection to a public water system should be encouraged in those areas of low flow streams.

**10A-10.8** Limitations on uses and densities should be considered within designated low flow stream corridors where necessary to limit individual wells and protect base flows.

**10A-10.9** The Coordinated Water Systems Plan should be reviewed to assure consistency with the adopted Comp Plan.

**10A-10.10** Necessary expansion of existing public facilities may require urban level of water service due to existing development regulations.

**10A-10.11** Water conservation measures shall be incorporated into water supply development and service plans as a method of addressing future water needs.

# STORM WATER

## GOAL B:

*Protect and enhance natural hydrologic features and functions by: maintaining water quality and fish and wildlife habitat; incorporating natural drainage patterns into measures to protect the public from health and safety hazards and property damage; maintaining a sustainable groundwater discharge/recharge budget; and by promoting beneficial uses as well as water resource education and planning efforts.*

### OBJECTIVE 1:

*Prevent the loss of life, the creation of public health or safety problems and the loss or damage of public and private property.*

Policies

**10B-1.1** Nonstructural storm water measures should be preferred over structural measures.



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**10B-1.2** Protection of existing facilities should take preference over the protection of undeveloped lands.

**10B-1.3** Land use and related regulations should reflect the natural constraints of floodplains, meander zones, riparian habitat zones, wetlands, geologically hazardous areas and other critical areas.

## OBJECTIVE 2:

*Establish and adopt a systematic and comprehensive approach to solving existing surface water and storm water problems and prevent future problems.*

Policies

**10B-2.1** Strategies for surface water management should balance engineering, economic, environmental and social factors in relationship to stated comprehensive planning goals and policies.

~~(a)~~2.1.1 Watershed plans, including interagency plans, shall be consistent with and integrated into the Comprehensive Plan.

~~(b)~~2.1.2 Agencies and jurisdictions should coordinate efforts in identifying priority watersheds and in developing and implementing non-point pollution watershed action plans.

**10B-2.2** Public and governmental understanding of the various capabilities and limitations associated with storm water management should be improved through a variety of educational efforts.

~~(a)~~2.2.1 Work toward achieving community awareness of the importance of water quality protection and public involvement in water quality planning and implementation strategies shall be encouraged.

~~(b)~~2.2.2 The community shall be educated and informed about flood hazards and the potential adverse impacts of urban and rural land uses, and resource management practices to the flood plain.

**10B-2.3** A surface water management plan should be developed and evaluated at regular intervals to maintain consistency with the Comprehensive Plan and other related programs affecting the environment.



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**10B-2.4** Ordinances controlling runoff from new development and re-development shall be adopted and enforced.

**10B-2.5** Water quality and quantity degradation from storm water pollutant discharges shall be minimized. On-site best management practices; control of development density and location; preservation of stream corridors and buffers; and, development and maintenance of a system of storm water retention and detention facilities should be engineered, constructed, maintained, and monitored to address water quality impacts.

**10B-2.6** Surface water runoff and drainage facilities shall be designed and utilized in a manner that protects private property and the degradation of water quality.

## OBJECTIVE 3:

*Address storm water management in the context of the varied uses associated with the natural drainage systems.*

Policies

**10B-3.1** Storm water management measures should preserve to the fullest extent possible opportunities for other uses.

**10B-3.2** Structural flood protection measures should not obstruct fish passage.

**10B-3.3** Structural flood protection measures should preserve or enhance existing flow characteristics for fisheries and other uses of the riparian zone.

**10B-3.4** Structural flood protection structures should be designed, constructed, and maintained in a manner, to the fullest extent possible, that is harmonious and complimentary to the surrounding landscape.

**10B-3.5** Flood protection measures should not result in a long-term net loss of, or damage to fish and wildlife resources, but wherever possible develop or improve the diversity of habitat.

**10B-3.6** Lands disturbed during the development of storm water management measures should be restored to as natural state as possible in accordance with the provisions of the Critical Areas Ordinance.

**10B-3.7** Future urban style development should be directed to urban growth areas to prevent sprawling development which would negatively impact water quality and quantity on natural resource lands and in rural areas.

## OBJECTIVE 4:

*Prevent the degradation of the quality of both surface water and the water entering the region's aquifers.*

Policies

**10B-4.1** The use of the natural drainage system, where applicable, shall be preferred over the use of pipelines or enclosed detention systems.

**10B-4.2** The preservation of natural wetlands, and the protection of floodplain and streams shall be actively pursued.

**10B-4.3** Storm water runoff from impervious surfaces should be treated by utilizing best management practices (treatment BMPs) before the storm water is allowed to enter the natural drainage system, infiltrate into the ground or enter Puget Sound. Examples of treatment BMPs are, but not limited to: detention ponds, oil/water separators, biofiltration swales and constructed wetlands.

## OBJECTIVE 5:

*Coordinate among public and private sectors to ensure compatibility of storm water management measures.*

Policies

**10B-5.1** Where land use decisions require public review, planning, design and construction of storm water management measures should include opportunity for comment by the general public and interested agencies.

**10B-5.2** Efforts should be made to work with jurisdictions and agencies toward standardization and monitoring of regulations that impact storm water management.

**[Note: This chapter entirely replaces the June 1, 1997 version of Chapter 11. Therefore, no revision marks are shown.]**

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# CHAPTER 11

# CAPITAL FACILITIES ELEMENT

## INTRODUCTION

The Capital Facilities Plan (CFP) is one of the elements of Skagit County's comprehensive plan that is required by Washington's Growth Management Act (GMA). Capital facilities generally have very long useful lives, significant costs, and are not mobile. The definition of "capital improvement" is given in Policy 1A-1.1.

The focus of the CFP is the planning and provision of needed public facilities for the County's unincorporated and countywide populations, irrespective of land use patterns. A high priority of the CFP is to provide adequate public facilities to support the adopted level of service (LOS) for each type of capital facility. The County's population base and other demand factors, together with the adopted LOS, is the principal basis for the CFP.

More detailed discussions of the topics covered in this chapter are found in the following documents:

- *Skagit County Capital Facilities Plan 2000-2005, Goals and Policies, Capital Improvements and Implementation Programs.* November 1, 1999.

  The focus of the countywide CFP as well as the sub-area plans is to provide planning and provision of needed public facilities for the County's future population.

- *Revenue Sources For Capital Facilities 2000-2005.* November 1, 1999. This report identifies and briefly describes revenue sources that are available to Skagit County for capital facilities.

- *Skagit County Transportation Systems Plan.* August 30, 1999.



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In addition, several non-county public facility and service providers have developed capital facilities plans for their services and facilities (e.g., Fire Districts, School Districts, Sewer Districts, Water Districts).

This CFP is based on the following population data:

**Table 11-1. Population Data Used for the Capital Facilities Plan**

| Year | County-Wide | Unincorporated County |
|---|---|---|
| 2000 | 103,475 | 36,489 |
| 2005 | 114,635 | 39,116 |
| 2016 | 140,138 | 48,842 |

The population forecasts represent the yearly total County population as determined by the Office of Financial Management. City and growth area population distribution was calculated by the County's Department of Community Development (planning) staff. Year 2016 population totals are based on jurisdictional plans. Unincorporated population growth (Non-UGA) reflects 20% of total growth.



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# CAPITAL COSTS OF SKAGIT COUNTY FACILITIES

The cost of County-owned and managed capital improvements for 2000-2005 is:

**Table 11-2. Cost of County-owned and Managed Capital Improvements, 2000-2005**

| TYPE OF FACILITY | 2000-2005 COST (x $1,000) |
|---|---|
| Administration and Operations Offices | 1,175 |
| Courthouse/Annex Administration Offices | 175 |
| Maintenance Shop Facilities | 500 |
| Fairgrounds | 100 |
| Parks and Recreation | 1,620 |
| Stormwater Management | 6,247 |
| Transportation | 47,565 |
| **TOTAL** | **57,382** |

The sources of these capital costs are found in the tables in Chapter 3 of the *Capital Facilities Plan*, by Henderson, Young & Company.



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# FINANCING FOR SKAGIT COUNTY CAPITAL FACILITIES

The financing plan for these capital improvements includes:

**Table 11-3. Financing Plan for Capital Facilities**

| REVENUE SOURCE | 2000-2005 | CAPITAL FACILITY |
|---|---|---|
| Existing Revenues: | | |
| Real Estate Excise Tax | 100 | Fairgrounds |
| Real Estate Excise Tax | 175 | General Government |
| Facility Improvement Fund | 1,675 | General Government |
| Park Acq.&Dev.Fund | 40 | Parks and Recreation |
| Real Estate Excise Tax | 270 | Parks and Recreation |
| IAC Grant (State) | 200 | Parks and Recreation |
| U.S. Forest Service | 115 | Parks and Recreation |
| MV Fuel Tax | 995 | Parks and Recreation |
| Road Fund | 27,171 | Transportation |
| State | 11,199 | Transportation |
| Federal | 6,197 | Transportation |
| TEA-21 | 2,998 | Transportation |
| Stormwater Utility Fees | 6,247 | Stormwater Drainage |
| **TOTAL** | **57,382** | |



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# CFP ELEMENT SUPPORT DOCUMENTS

The source documents primarily used in preparing this Capital Facilities Plan (CFP) are the six-year capital improvement plans prepared routinely, and updated annually as required by the State, and which are necessary for obtaining funding from the State. These individual capital improvement plans define projects and proposed funding for those projects required first to rehabilitate existing facilities and secondly to provide level of service (LOS) capacity to accommodate new growth in the County.

Generally, the proposed new capacity, replacement and rehabilitation of capital facilities, and financing for the next six years (2000-2005) reflect the general planning goals and policies, as well as land use infrastructure requirements identified in longer-range planning documents. These documents include: the Transportation Plan; the Comprehensive Park, Recreation, Open Space, and Trails Plan; the Skagit County Coordinated Water System Plan; other Wastewater Facilities Plans, and Engineering Reports for water and wastewater facilities.

The CFP planning process described above, combined with the level of service (LOS) methodology used to identify the requirements for, and affordability of future capital facilities constitutes the capital facilities planning process. This process enables the County to make more (1) informed decisions about its investment of public dollars, and (2) timely decisions about maintaining levels of service in accordance with the goals, policies, and implementation programs of this CFP.

Skagit County's CFP consists of this CFP Element of the comprehensive plan, and the following supporting documents:

- Skagit County Capital Facilities Plan 2000-2005
- Revenue sources for Capital Facilities Plan 2000-2005
- Skagit County Transportation Systems Plan, August 30, 1999
- Anacortes School District Capital Facilities Plan
- La Conner School District Capital Facilities Plan
- Burlington-Edison School District Capital Facilities Plan
- Mount Vernon School District Capital Facilities Plan



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- Sedro-Woolley School District Capital Facilities Plan
- Sewer District No. 2 Capital Facility Plan
- Port of Skagit County Capital Facility Plan
- Town of La Conner Sewer Plan
- City of Burlington Sewer Plan for Bayview Ridge Urban Growth Area
- Coordinated Water System Plan
- Fire District budgets, manpower rosters and equipment lists

# DEFINITION AND PURPOSE OF CAPITAL FACILITIES PLAN

The CFP is a 6-year plan (2000-2005) for capital improvements that support Skagit County's current and future population and economy. The capital improvements are fully funded. The CFP contains LOS and requires that new development be served by adequate facilities (i.e., the "concurrency" requirement). The CFP also contains broad goals and specific policies that guide and implement the provision of adequate public facilities.

The purpose of the CFP is to use sound fiscal policies in order to provide adequate capital facilities consistent with the land use element and concurrent with, or prior to, the impacts of development, in order to achieve and maintain adopted standards for levels of service.

The County is responsible for capital facilities and service levels related to roads, law enforcement, parks and recreation, fairgrounds, general government, senior centers, stormwater drainage and solid waste disposal. Capital facilities and service levels for provision of water service, fire service, schools, sewer service, drainage and port property development are the responsibility of other agencies, which are outside the ownership and beyond the control of the County. However, GMA requires the county to consider these other facility providers plans and to recognize their facilities and service needs when adopting the County Comprehensive Plan land use element.



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The County has reviewed the following Capital Facilities Plans as part of this comprehensive plan:

- School Districts
- Sewer District #2
- Port of Skagit County
- Drainage agreement between Drainage District #19 and Port of Skagit County
- Fire Districts
- Town of La Conner Sewer Plan
- City of Burlington Sewer Plan for Bayview Ridge UGA
- Coordinated Water System Plan

The County presumes the cities will do planning and land use regulation sufficient to manage growth within their respective Urban Growth Areas, and by so doing further the transformance of governance from the County to the cities as contemplated by GMA.

# WHY PLAN FOR CAPITAL FACILITIES?

There are at least three reasons to plan for capital facilities: (1) growth management, (2) good management, and (3) eligibility for grants and loans.

1. Growth Management

   A CFP is required by the GMA. The CFP is one of six required elements of Skagit County's comprehensive plan:

   a. Land Use

   b. Housing

   c. Transportation

   d. Utilities



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e. Rural (counties only)

f. Capital Facilities Plan

Capital facilities plans are required in the comprehensive plan in order to:

a. Provide capital facilities for land development that is envisioned or authorized by the land use element of the comprehensive plan.

b. Maintain the quality of life for existing and future development by establishing and maintaining standards for the level of service of capital facilities.

c. Coordinate and provide consistency among the many plans for capital improvements.

d. Insure the timely provision of adequate facilities as required in GMA.

e. Document all capital projects and their financing (including projects to be financed by impact fees and/or real estate excise taxes that are authorized by GMA).

2. Good Management

Planning for major capital facilities and their costs enables Skagit County to:

a. demonstrate the need for facilities and the need for revenues to pay for them.

b. Take advantage of sources of revenue (i.e., grants, impact fees, real estate excise taxes) that require a CFP in order to quality for the revenue.

3. Eligibility for Grants and Loans

Washington Department of Community Trade & Economic Development (DCTED) Public Works Trust Fund requires local governments to have some type of CFP to be eligible for loans. Some other grants and loans have similar requirements, or give preference to governments that have a CFP.

# STATUTORY REQUIREMENTS FOR CAPITAL FACILITIES PLANS

The GMA requires the CFP to identify public facilities that will be acquired/constructed during the six years following adoption of the plan (2000 through 2005). The CFP must include the location and cost of the facilities, and the sources of revenue that will be used to fund the facilities.

RCW 36.70A.070(3)(d) requires the capital facilities plan to include "a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes." RCW 36.70A.070(3)(e) requires that all capital facilities have "probable funding" to pay for capital facility needs, or else the County must "reassess the land use element." The law does not preclude the County from taking other steps before "reassessing" the land use element, including reduction of level of service standards, reducing the quality of facilities that meet the quantitative standards, or reducing demand by reducing consumption.

In the event that "reassessment" is required for facilities provided by entities other than the County (i.e., fire districts, water districts, sewer districts, school districts, etc.), the County and the special district that provides the facility will collaborate in order to develop an appropriate strategy to enable the County and those districts to serve at least the minimum population forecast provided by the State of Washington Office of Financial Management (OFM).

Again, the County is not responsible for the provision of planning and land use regulation services within the municipal UGAs or for the provision of services in the rural area that are not the domain of County government (schools, water service, sewer service and fire service).

Other requirements of GMA mandate forecasts of future needs for capital facilities and level of service standards of facility capacity as the basis for capital facilities contained in the CFP (see RCW 36.70A.020 (12). As a result, capital facilities in the CFP must be based on quantifiable, objective measures of capacity, such as traffic volume capacity per mile of road, and acres of park per capita.

The GMA requires concurrency for transportation facilities. GMA also requires those other capital facilities and services necessary to support development, to be "adequate" (RCW 19.27.097, 36.70A.020, 36.70A.030, and 58.17.110). Concurrency management procedures will be developed to ensure that sufficient facility capacity is available for each proposed development.

Each year the CFP must be updated. The annual update will be completed before the County's budget is adopted in order to incorporate the capital improvements from the updated CFP in the County's annual budget.

Selection of a specific level of service to be the "adopted standard" should be accomplished by a 7-step process:

1. The "current" actual level of service is calculated.

2. Departmental service providers research national/regional standards or guidelines and examples of local LOS from other local governments, master plans, ordinances and development regulations.

3. Departmental service providers recommend a standard for the County's CFP and drafts a corresponding Capital Facilities Requirements Report.

4. The Board of County Commissioners reviews, comments and makes recommendations regarding comments regarding the draft Capital Facilities Requirements report.

5. The draft CFP is prepared using the current actual LOS (unless the Board of County Commissioners indicates an interest in a different LOS). The LOS in the draft CFP serves as the basis of capital projects, their costs, and a financing plan necessary to pay for the costs.

6. The draft CFP is made available for public review and comment in accordance with requirements of GMA and County's public participation process.

7. The Board of County Commissioners formally adopts levels of services as part of the CFP after a public hearing.

The final standards for levels of service are adopted in Policy 11A-1.3. The adopted standards determine the need for capital improvements projects and are the benchmark for testing the adequacy of capital facilities for each proposed development pursuant to the "concurrency" requirement. The adopted standards may be amended as part of the annual amendment of the comprehensive plan.

# GOALS, OBJECTIVES, AND POLICIES

## Goal A:

*Provide capital facilities for land development that is envisioned or authorized by the land use element of the comprehensive plan.*

*Maintain the quality of life for existing and future development by establishing and maintaining standards for the level of service of capital facilities.*

*Coordinate and provide consistency among the many plans for capital improvements.*

*Insure the timely provision of adequate facilities as required in GMA.*

*Document all capital projects and their financing (including projects to be financed by impact fees and/or real estate excise taxes that are authorized by GMA).*

*Demonstrate the need for facilities and the need for revenues to pay for them.*

*Take advantage of sources of revenue (i.e., grants, impact fees, real estate excise taxes) that require a CFP in order to quality for the revenue.*

*Maintain eligibility for grants and loans.*

## CAPITAL FACILITY NEEDS

### OBJECTIVE 1:

*Define types of capital facilities, establish standards for levels of service for each type of capital facility, and determine what capital improvements are needed in order to achieve and maintain the standards for existing and future populations, and to repair or replace existing capital facilities.*


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Policies

**11A-1.1** Definitions. The following definitions apply throughout this Capital Facilities Plan:

**(a)** Capital improvement means land, improvements to land, structures (including design, permitting, and construction), initial furnishings, and selected equipment. Capital improvements have an expected useful life of at least five years. Other "capital" costs, such as motor vehicles and motorized equipment, computers and office equipment, office furnishings, and small tools are considered to be minor capital expenses in the County's annual budget, but such items are not "capital improvements" for the purposes of the Comprehensive Plan, or the issuance of development permits.

**(b)** Category of capital facilities means a specific group of public facilities, as follows:

**(i)** Category-A capital facilities are facilities owned or operated by Skagit County and subject to the requirement for concurrency. These facilities are County Roads and Sheriff officer staffing.

**(ii)** Category-B capital facilities are facilities owned or operated by Federal, State, or City governments, independent districts, or private organizations and subject to the requirement for concurrency. These facilities include water, fire and sewer where applicable.

**(iii)** Category-C capital facilities are facilities owned or operated by Skagit County but not subject to the requirement for concurrency. These include Parks and Recreation, general government, Fair, Senior Services, stormwater drainage, Public Safety and Solid Waste.

**(iv)** Category-D public facilities are facilities owned or operated by Federal, State, or City governments, independent districts, or private organizations but not subject to the requirement for concurrency. These include schools and drainage.



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(c) Development means any action requiring a land use permit or approval regulated by SCC Titles 14 and 15 including but not limited to subdivision, binding site plans, rezones, unclassified special use permits, variances, building permits, shoreline permits, or flood area development permits.

**11A-1.2** Application of Standards. The County shall establish standards for levels of service for Categories A and C of capital facilities. For Capital Facilities categories B and D, the County will review appropriate documentation prepared by the service provided to assure they meet any minimum level of urban services established by the County for these services. Following is the application of the LOS standards:

**(a)** Category-A. The standards for levels of service of each type of capital facility in Category-A shall apply to development permits issued by the County after the effective date of this Plan and shall be used in evaluating future capital improvement programs and budgets.

**(b)** Category-B. The standards for levels of service of each type of capital facility in Category-B shall apply to development permits issued by the County after the effective date of this plan. Category-B capital facilities are provided by entities other than Skagit County, therefore the standards for levels of service shall not apply to the County's annual budget or the County's Capital Improvements Program.

**(c)** Category-C. The standards for levels of service of each type of public facility in Category-C shall be the basis of annual concurrency reporting, but not development permit review.

**(d)** Category-D. The standards for levels of service of each type of public facility in Category-D shall be the basis of annual concurrency reporting, but not development permit review.

**11A-1.3** Standards for Levels of Service.. The standards for levels of service of public facilities shall be as follows ("per person" or "per 1,000 population" where used means population of the jurisdiction that provides the capital facility, unless otherwise indicated). For some capital facilities the County should create separate standards for rural and urban services consistent with C.P.P.1.7 as amended.



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**(a)** Category-A Capital Facilities

**(i)** Roads (Local)

**(1)** (See Transportation Element)

**(ii)** Sheriff

**(1)** Within urban growth areas, one commissioned law enforcement officer per 1,000 population served or one officer per 100 acres of developed commercial or industrial property, whichever is the higher number.

**(2)** 1 commissioned officer per 2,000 population – rural

**(b)** Category-B Public Facilities

**(i)** Water – See also Coordinated Water Supply Plan

**(1)** Urban Water Service: Urban Water Service shall mean service provided by a water system(s) that has been designed to provide service throughout the designated urban growth area. The urban water service shall be designed to meet the water supply needs of the residential, commercial, industrial, and other water needs as defined by the Skagit County or City Comprehensive Plan, the Coordinated Water System Plan, and the designated water utility's Water System Plan using the design criteria outlined in Section 4 and on Table 4-1 of the Coordinated Water System Plan and in accordance with the schedule required by the Comprehensive Plan.

**(2)** Rural Water Service: Rural Water Service shall mean water service provided by an individual well, a stand alone public water system, or extension of a water system from within an urban growth area that is designed to provide rural water service. The rural water service shall be designed to meet the rural water supply needs of the rural area users as defined by the



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Skagit County Comprehensive Plan, the Coordinated Water System Plan, and the criteria established for the water service in Section 4 and on Table 4-1 of the Coordinated Water System Plan.. The design shall be guided by the projected rural area water supply and fire protection associated with the requirements of the Skagit County Comprehensive Plan, and based on the physical or hydraulic capacity requirements as outlined in the Coordinated Water System Plan and the designated water utility's water system plan.

**(ii)** Sewer – See La Conner, Sewer District 2, and Burlington Sewer CFPs as appropriate.

**(iii)** Fire

**(1)** Urban – For Cities and their adjacent Urban Growth Areas, an ISO grading of 5 or better shall be maintained; otherwise: 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 en route 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



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Coordinated Water System Plan, with a fire flow meeting the requirements of the Uniform Fire Code.

**(2)** Non-Urban – . A Washington Surveying and Rating Bureau (WSRB) with a public protection classification #8 or better and fire flow in accordance with the Coordinated Water System Plan (Section 4, Minimum Design Standards).

Within an IF-NRL designation, a Washington Surveying and Rating Bureau (WSRB) with a public protection classification #8 or better and must be within 5 road miles from a recognized Community A fire station and within 5 road miles of a fire station housing an Initial Attack Fire Apparatus. Fire flow in accordance with the Coordinated Water System Plan (Section 4, Minimum Design Standards).

**(c)** Category-C Public Facilities

**(i)** Fairgrounds. The County fairgrounds serve as the location for the annual four-day County fair held each August to celebrate the County's historic agricultural roots, natural bounty and sense of community. The general-purpose display buildings, animal facilities, open space and public services exist to support the fair. On an as available basis, the facilities are leased to other groups for use throughout the year. The R.V. parking/camping area is primarily utilized by visitors or groups of like minded people utilizing the facility as part of a reunion of schedule activity.

**(1)** General Purpose Buildings – 298 square feet per 1,000 population

**(2)** Livestock Barns – 200 square feet per 1,000 population

**(3)** Public Restrooms – 15.5 square feet per 1,000 population



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(ii) General Government. General Government facilities are provided for the overall function of County government, including all core functions except public safety and the courts. The primary facilities for such services are located within the County government campus and owned or leased facilities from Mount Vernon to Concrete. Space utilization is constantly monitored and the need for space on a population basis continues to diminish as technology and ultimately Internet commerce enable the County to improve operational efficiencies.

Court facilities are provided within our County Courthouse and District Court Facilities. We have also established a courtroom on a semi-permanent basis in a former meeting room within our Administration building.

Maintenance facilities are provided in Mount Vernon, Burlington and Concrete, with facilities in Burlington and Concrete being vehicle and roadwork oriented.

(1) Administration and Operations – 1394 square feet per 1,000 population

(2) District Court – 0.02 courtrooms per 1,000 population

(3) Superior Court - 0.02 courtrooms per 1,000 population

(4) Maintenance Shop Facilities – 1024 square feet per 1,000 population (unincorporated)

(iii) Parks. Park and recreation facilities represent a diverse blend of facilities, provided by a broad array of organizations both public and private, and serving a very broad spectrum of users. It is difficult, if not irrelevant, to look at County facilities in isolation of other service providers. National Park land, designated Wilderness Areas, National Forests and state-managed resources lands account for more than 90% of the land ownership in eastern Skagit County. State parks, school facilities, County



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facilities, City parks and private facilities such as golf courses abound throughout the County, from Rockport to the shores of Puget Sound. As such, the standards discussed within Skagit County's Recreation Needs Assessment published in 1994 are deemed advisory only, as they focus primarily on County facilities without inclusion of others that provide similar or overlapping services, both public and private.

**(1)** Day Use Parks – 0.88 acres per 1,000 population

**(2)** Community Parks – 0.23 acres per 1,000 population

**(3)** Regional Parks – 1.31 acres per 1,000 population

**(4)** Undeveloped Open Space - 5.1 acres per 1,000 population

**(5)** Special Use Areas - 0.95 acres per 1,000 population

**(iv)** Public Safety. Public safety facilities provide space for operation of the Sheriff's office as well as for the incarceration of both juvenile and adult offenders. Skagit County's jail opened in 1984 and was a state of the art facility at the time. Capacity of the jail was nearly doubled with the addition of more beds in 1992. In addition, work release and electronic home monitoring programs reduce the demand for jail beds. The Sheriff's office, as constructed in 1987, remains an outstanding law enforcement service facility. The juvenile detention facility was remodeled and expanded in 1993. Levels of service for all of the County public safety facilities far surpass those of our neighbor Snohomish County, in recognition of our facility investments over the past decade or more.

In addition to facilities, the Sheriff has a Level of Service standard for commissioned law enforcement officers as well, based upon service to the unincorporated population. The minimum standard for commissioned officers is to evaluate total staffing needs in the County. In determining the location of capital facilities and patrol routes, the need



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for urban or rural levels of service will be taken into account.

(1) Sheriff Administration and Operations - 300 square feet per 1,000 population

(2) County Jail - 1.00 beds per 1,000 population

(3) Youth and Family Services Administration and Operations - 50 square feet per 1,000 population

(4) Juvenile Detention Facility - 0.3 beds per 1,000 population

(v) Senior Centers. Senior centers are provided by County-City partnerships throughout Skagit County. In Mount Vernon and Concrete, services are provided in County owned senior centers. In Anacortes, Sedro-Woolley and Burlington, senior citizen programming and meal service are provided in city facilities by County staff. These historical arrangements in some cases date back more than 25 years. The overriding purpose is to have a senior center in each community, regardless of facility ownership, where meal service and a host of senior oriented programs can be offered. For purposes of calculating our level of service standard, both County owned and County operated facility space is being accounted for, in recognition of the long-term service relationship between the County and the cities.

(1) Senior Centers - 111 square feet per 1,000 population

(vi) Solid Waste. See the Skagit County Solid Waste Management Plan – adopted in 1994.

(vii) Stormwater Drainage. Stormwater drainage is addressed by the Skagit County Drainage Utility and a host of independent drainage districts. The County tends to operate outside the boundaries of drainage districts, unless working on a road related drainage issue. Development related



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drainage impacts are reviewed and addressed by County staff and the affected drainage district, if applicable.

Stormwater quality and quality requirements, including the sizing and type of structures should be addressed in local drainage standards and further should be based upon Puget Sound Water Quality manual standards. New drainage facilities required by development should be constructed consistent with the aforementioned standards.

**11A-1.4** Determining Public Facility Needs. The County shall determine the quantity of capital improvements that is needed as follows:

**(a)** The quantity of capital improvements needed to eliminate existing deficiencies and to meet the needs of future growth shall be determined for each public facility by the following calculation:.

$$[Q = (S \times D) - I]^*$$

*Where Q is the quantity of capital improvements needed, S is the standard for level of service, D is the demand, such as the population, and I is the inventory of existing facilities.

**(i)** The calculation shall be used for existing demand in order to determine existing deficiencies. The calculation shall be used for projected demand in order to determine needs of future growth. The estimates of projected demand shall account for demand that is likely to occur from previously issued development permits as well as future growth.

**(b)** In the annual evaluation and prioritization of Capital Facilities there are three circumstances in which the standards for levels of service are not the exclusive determinant of need for a capital improvement:

**(i)** Repair, remodeling, renovation, and replacement of obsolete or worn out facilities shall be determined by the Board of County Commissioners.

**(ii)** Capital improvements that provide levels of service in excess of the adopted standards may be approved by the

Board of County Commissioners for construction or acquisition at any time.

**(iii)** The County may provide non-capital alternatives to achieve and maintain the adopted standard for level of service. Non-capital alternatives use programs, strategies or methods other than traditional "brick and mortar" capital standards. Non-capital alternatives include, but are not limited to the following:

**(1)** Programs that reduce or eliminate the need for the capital facility (i.e., education, housing and jobs programs as alternatives to incarcerating people).

**(2)** Programs that provide a non-capital substitute for the capital facility (i.e., electronic home monitoring or other sentencing alternatives to incarceration in traditional jail facilities or a long term lease.

**(3)** Programs that reduce the demand for a capital facility or the service it provides (i.e., telecommuting as an alternative to commuting to work; transit as an alternative to cars; recycling as an alternative to landfills).

**(4)** Programs that use alternative methods to provide levels of service (i.e., "natural" drainage in managed flood basins as an alternative to levees and dikes).

**(5)** Programs that use existing facilities more efficiently to reduce the need for additional facilities (i.e., night court as an alternative to more courtrooms during the day; flextime and evening and night shifts as an alternative to additional space for government staff).

**(6)** Programs that would monitor or assist individuals to maintain their capital existing facilities, such as water and septic systems, to eliminate the need for new facilities.



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**11A-1.5** Priorities. The relative priorities among capital improvements projects are as follows:

**(a)** Priorities Among Types of Capital Facilities. Legal restrictions on the use of many revenue sources limit the extent to which different types of facilities compete for priority. All capital improvements that are necessary for achieving and maintaining a standard for levels of service adopted in this Capital Facilities Plan are included in the schedule of capital improvements. The relative priorities among types of capital facilities (i.e., roads, parks, etc.) were established by adjusting the standards for levels of service and the available revenues until the resulting capital facilities needs became financially feasible. This process is repeated with each update of the Capital Facilities Plan, thus allowing for changes in priorities among types of capital facilities.

**(b)** Priorities of Capital Improvements Within a Type of Capital Facility. Capital improvements within a type of public facility are to be evaluated on the following criteria. The County shall establish the final priority of all capital facility improvements using the criteria as general guidelines.

**(i)** New public facilities, and improvements to existing public facilities, that eliminate hazards.

**(ii)** Reconstruction, rehabilitation, remodeling or renovation of obsolete or worn out facilities.

**(iii)** New or expanded facilities that reduce or eliminate deficiencies in levels of service for existing demand.

**(iv)** New or expanded facilities that provide the adopted levels of service for new development and redevelopment during the next six fiscal years, as updated by the annual review of this Capital Facilities Plan.

**(v)** Improvements to existing facilities or new facilities that significantly reduce the operating cost of providing a service or facility.



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(vi) New facilities that exceed the adopted levels of service for new growth during the next six fiscal years.

(c) All facilities scheduled for construction or improvement in accordance with adopted policies shall be evaluated to identify any plans of State or local governments or districts that affect the proposed County capital improvement.

**11A-1.6** The County shall review and incorporate into its Capital Facilities Plan the Capital Facilities Plans or amendments thereto from other public facility and service providers that the County determines are consistent with this Comprehensive Plan.

# FINANCIAL FEASIBILITY

## OBJECTIVE 2:

*Provide needed public facilities that are within the ability of the County to fund the facilities.*

Policies

**11A-2.1** Financial Feasibility. The estimated costs of all needed capital improvements shall not exceed estimates of revenues from sources that are available to the County pursuant to current statutes.

**11A-2.2** Financial Responsibility. Existing and future development shall both pay for the costs of needed capital improvements.

(a) Existing development.

(i) Existing development should pay for capital improvements that reduce or eliminate existing deficiencies, some or all of the replacement of obsolete or worn out facilities, and may pay a portion of the cost of capital improvements needed by future development.

(ii) Existing development's payments may take the form of user fees, charges for services, special assessments and taxes.

(b) Future development



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(i) Future development should pay its fair share of the capital improvements needed to address the impact of such development, and may pay a portion of the cost of the replacement of obsolete or worn out facilities, if appropriate to serve the needs of that future development.

(ii) Future development's payments may take the form of, but are not limited to, voluntary contributions for the benefit of any capital facility, impact fees, mitigation payments, capacity fees, dedications of land, provision of public facilities, and future payments of user fees, charges for services, special assessments and taxes. Future development shall not pay impact fees for the portion of any public facility that reduces or eliminates existing deficiencies.

(c) Both existing and future development may have part of their costs paid by grants, entitlements or public facilities from other levels of government and independent districts.

**11A-2.3** Financing Policies. Capital improvements shall be financed, and debt shall be managed as follows:

(a) Capital improvements financed by County enterprise funds (i.e., water, sanitary sewer, solid waste, stormwater drainage) shall be financed by:

(i) debt to be repaid by user fees and charges and/or connection or capacity fees for enterprise services; or

(ii) current assets (i.e., reserves, equity or surpluses, and current revenue, including grants, loans, donations and interlocal agreements); or

(iii) a combination of debt and current assets.

(b) Capital improvements financed by non-enterprise funds shall be financed from either current assets: (i.e., current revenue, fund equity and reserves), debt, private sources, or a combination thereof. Financing decisions shall include consideration for which funding source (current assets, debt, or both) will be a) most cost



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effective, b) consistent with prudent asset and liability management, c) appropriate to the useful life of the project(s) to be financed, and d) the most efficient use of the County's ability to borrow funds.

**11A-2.4** Revenues Requiring Referendum for Facilities. In the event that sources of revenue listed under "CFP Projects and Financing Plan" require voter approval in a local referendum, and a referendum is not held within one year of the effective date of this Plan or any subsequent amendment, or the referendum is held and is not successful, this Comprehensive Plan shall be revised at the next annual amendment to adjust for the lack of such revenues, in any of the following ways:

**(a)** Reduce the level of service for one or more public facilities;

**(i)** Increase the use of other sources of revenue;

**(ii)** Decrease the cost, and therefore the quality of some types of public facilities while retaining the quantity of the facilities that is inherent in the standard for level of service;

**(iii)** Decrease the demand for and subsequent use of capital facilities;

**(iv)** A combination of the above alternatives.

**11A-2.5** Uncommitted Revenue. All development permits issued by the County which require capital improvements that will be financed by sources of revenue which have not been approved or implemented (such as future debt requiring referenda) may be conditioned on the approval or implementation of the indicated revenue sources, or the substitution of a comparable amount of revenue from existing sources.

**11A-2.6** Available Revenue and Capital Facilities to Support Land Use. The County shall finance the six-year Capital Facilities Plan within the County's financial capacity. If the projected funding is inadequate to finance needed capital facilities based on adopted level of service and forecasted growth, make adjustments to the level of service, the land use element, the sources of revenue, or any combination, to achieve a balance between available revenue and needed capital facilities.



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**11A-2.7** Alternative Resources. Alternative programs, funding techniques and operations, including contracts for service with other agencies, private providers, and joint use of facilities should be explored.

**11A-2.8** Joint Ventures. Joint venture facility construction, construction timing, and other facility coordination measures with cities, school districts, fire districts and other potential partners in developing capital facilities should be pursued.

# PROVIDE NEEDED IMPROVEMENTS AND CONCURRENCY MANAGEMENT

## OBJECTIVE 3:

*Provide adequate public facilities by constructing needed capital improvements which (1) repair or replace obsolete or worn out facilities, (2) eliminate existing deficiencies, and (3) meet the needs of future development and redevelopment caused by previously issued and new development permits. The County's ability to provide needed improvements will be demonstrated by maintaining a financially feasible schedule of capital improvements in the Capital Facilities Plan.*

Policies

**11A-3.1** Schedule of Capital Improvements. The schedule of capital improvements shall be updated annually in conjunction with the annual budget process. The following guidelines shall be followed:

**(a)** Pursuant to the Growth Management Act, amendments to the schedule of capital facilities may be in conjunction with the Comprehensive Plan or may be concurrent with adoption or amendment of the County budget.

**(b)** In certain cases, and after public notice, capital improvements may be adjusted by budgetary amendment rather than through an amendment to the Capital Facilities Plan. The conditions under which this may occur include: correction of errors, updates of data, declared emergencies, reallocation of funds between projects appearing within the adopted plan regardless of year; and



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modifications concerning costs; revenue sources; or the date of construction of any facility enumerated in the schedule of capital improvements.

**(c)** Any act, or failure to act, that causes any project listed in the schedule of capital improvements for which concurrency is required to be delayed beyond the fiscal year indicated in the schedule of capital improvement shall be allowable only if the act, or failure to act, causing the delay is subject to one of the following:

**(i)** Projects providing capacity equal to, or greater than the delayed project are accelerated within, or added to the schedule of capital improvements, in order to provide capacity of public facilities in the fiscal year at least equal to the capacity scheduled prior to the act which delayed the subject project.

**(ii)** Amendment of the Capital Facilities Plan to reduce the adopted standard for the level of service for public facilities until the fiscal year in which the delayed project is scheduled to be completed.

**11A-3.2** Evaluation of Buildings and Space Improvements. The annual review of the six-year CIP should include a program for evaluation of buildings and space improvement to efficiently provide work space for projected staffing levels.

**(a)** Functional services (administration, solid waste, parks, etc.) needing a new or additional capital facility to operate shall have developed rationales supporting the establishment of the respective facility or service.

**11A-3.3** Budget Appropriation of Capital Improvement Projects. The County shall include in the capital appropriations of its annual budget all the capital improvements projects listed in the schedule of capital improvements for expenditure during the appropriate fiscal year, except that the County may omit from its annual budget any capital improvements for which a binding agreement has been executed with another party which requires that party to provide the same project in the same fiscal year.

**11A-3.4** Adequate Public Facility Concurrency. The County finds that the impacts of development on capital facilities within the County occur at the same time as occupancy of development authorized by a final development permit. The County shall issue development permits only after a determination that there is sufficient capacity of Category-A and Category-B public facilities to meet the standards for levels of service for existing development and the impacts of the proposed development concurrent with the proposed development.

**(a)** The availability of public facility capacity to support development for which concurrency is required shall be determined in accordance with the following:

**(i)** The necessary facilities and services are in place at the time a development permit is issued; or

**(ii)** The necessary facilities are under construction at the time a development permit is issued, and the necessary facilities will be in place when the impacts of the development occur; or

**(iii)** Development permits are issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or

**(iv)** The County has in place binding financial commitments to complete the necessary public facilities within six years.

**(b)** No development permit shall be issued by the County after the effective date of this Plan, unless there shall be sufficient capacity of Category-A and Category-B public facilities available to meet the standards for levels of service for existing development and for the proposed development.

**(c)** Minor development activity determined not to create significant impact on Capital facilities may be exempt from concurrency review.

**(d)** Development permits issued pursuant to Policies 3.4.2 and 3.4.3. shall be subject to the following requirements:

(i) The certification that facility capacity is available shall apply only to specific uses, densities and intensities based on information provided by the applicant and included in the development permit.

(ii) The certification that facility capacity is available shall be valid for the same period of time as the underlying development permit, including any extensions of the underlying development permit.

(iii) The standards for levels of service of Category-A and Category-B public facilities shall be applied to the issuance of development permits on the following geographical basis:

**(e)** The County shall adopt land development regulations that establish the criteria for determining the vested rights of previously issued development permits and establishing the procedures for reserving capacity of public facilities needed to address the impacts of the vested development permits.

**11A-3.5** Regional Capital Facilities in Urban Growth Areas. Lands designated for urban growth by this Comprehensive Plan shall have an urban level of regional public facilities prior to or concurrent with development.

**11A-3.6** Capital Facilities and Concurrency in Municipal UGAs. Capital facility requirements and concurrency within municipal Urban Growth Areas shall be governed by the Capital Facilities Plan and concurrency requirements of the respective municipality.

# COORDINATE CAPITAL IMPROVEMENTS WITH LAND DEVELOPMENT

## Objective 4:

*Manage the land development process to insure that all development receives capital facility levels-of-service equal to the standards adopted in Policy 1.3 by implementing the schedule of capital*

**11A-5.2** Capital Facilities Financing. Citizens should have the opportunity to participate in and comment on proposed capital facilities financing.

**11A-5.3** Public Participation. Skagit County should 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.

*improvements contained in this Capital Facilities Plan, and by using the fiscal resources provided for in Goal 2 and its supporting policies.*

Policies

**11A-4.1** Consistency. All Category-A and Category-C public capital facility improvements shall be consistent with the adopted land use map and the goals and policies of other elements of this Comprehensive Plan.

**11A-4.2** Other Capital Facilities Plans. For informational and coordinating purposes the capital facilities plans of cities and special purpose districts, including water purveyors, fire districts, port districts, public utility districts, and others as appropriate shall be identified for use and reference.

**11A-4.3** Integration and Implementation. The County shall integrate its land use planning and decisions with its planning and decisions for capital facility improvements.

**11A-4.4** Coordination with Non-County Providers. Coordination with Non-County providers of capital facilities and services shall be integrated and consistent with locally adopted comprehensive plans and implementing regulations.

# CITIZEN INVOLVEMENT

## OBJECTIVE 5:

*Encourage the involvement of citizens in the capital facilities planning process.*

Policies

**11A-5.1** Public Participation in Capital Facility Proposals. A public process should be developed that informs, notifies and allows participation on significant capital facility proposals in conjunction with associated comprehensive plan amendment or budget processes.

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# CHAPTER 15

# ESSENTIAL PUBLIC FACILITIES

## INTRODUCTION

Essential public facilities are capital facilities "typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, and group homes" (RCW 36.70A.200). The County and the cities may also identify additional public facilities that are essential to providing services without which development cannot occur.

The following outlines a process for determining where essential public facilities could be located and what development standards are appropriate. This process is intended to avoid duplication in approval processes, consider the long-term as well as short-term costs of alternative siting criteria, provide for effective public review, major facility location, and emphasize reasonable compatibility with neighboring land uses.

Development of this chapter was guided in particular by the following GMA Planning Goal: "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."

This Goal, taken in the context of the totality of the thirteen GMA Planning Goals, led to the following CPPs that provide specific guidance to the analysis and policies developed in this chapter:

- 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 correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities and group homes (CPP 12.3).



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# LOCATIONAL CONSIDERATIONS

- Equitable distribution of public facilities should occur so that no one jurisdiction assumes cross-jurisdictional burdens for facilities that no other jurisdiction wants.

- Siting issues among Cities, the County, the State, and between the County, State and federal agencies, need to be coordinated to eliminate untimely review delays.

- The siting of some essential public facilities is limited by the nature of the facilities' operational requirements and the siting requirements of state and federal agencies which need to be taken into account prior to and during the public review process. Specific siting needs for each type of facility and a need to identify design requirements and standard mitigation techniques should be stated as part of any siting decision.

- Future expansion of a facility is often determined by the initial siting and design decisions, which need to be acknowledged in the public review process.

The County has identified three existing essential public facilities. The facilities are consistent with the GMA, CPPs and other Goals and Objectives included in this Comprehensive Plan.

The Northern State Campus provides for regional, alcohol and mental health treatment facilities. Mental health treatment has been provided on-site in excess of 80 years. The campus also houses a regional federally funded high school education and vocational facility (Job Corps).

The ~~Bayview Ridge Burlington/County~~ Urban Growth Area includes two identified essential public facilities. The Skagit Regional Airport provides regional aircraft services primarily in airfreight. Commuter services have been provided in the past. Skagit County operates a regional solid waste handling facility adjacent to the airport.

## GOAL A:

*Establish a process and siting criteria for Essential Public Facilities within Skagit County that complies with this Comprehensive Plan and the supporting Goals, Objectives, and Policies.*



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**OBJECTIVE 1:**

*To ensure that the siting of essential public facilities will not be excluded from Skagit County as long as that siting conforms with this Comprehensive Plan and its supporting policies.*

Policies

**15A-1.1** These Comprehensive Plan policies shall not prohibit or exclude the siting of essential public facilities.

**15A-1.2** The County shall develop and adopt regulations and establish a process to identify and site essential public facilities on the list maintained by the State Office of Financial Management. The process shall include the following components:

(a) A requirement that the State provide a justifiable need for a public facility and for its location in Skagit County based upon forecasted needs and a logical service area;

(b) A requirement that the State establish a public process by which the residents of the County and of affected and "host" municipalities have a reasonable opportunity to participate in the site selection process.

**15A-1.3**~~1.2~~ Any of the essential public facilities, while not excluded from locating in Skagit County, shall be required to meet existing Federal, State, and County land use regulations and conformance to this Comprehensive Plan.

**15A-1.4**~~1.3~~ All State Environmental Policy Act provisions and Environmental issues including concurrency of supporting capital facilities shall be addressed as part of any project approval by Skagit County.

**15A-1.5**~~1.4~~ All activity associated with the review, location, land use, and intensity of a proposed facility, including siting, acceptance, modification or rejection shall be done in a public forum and with public participation.



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**OBJECTIVE 2:**

*To ensure that the siting of essential public facilities will include and provide for a public process with quantifiable information.*

Policies

**15A-2.1** Affected agencies and utilities shall be consulted in preparing recommendations and shall be given opportunities for effective review and comment.

**15A-2.2** Notice and opportunity to review and comment on draft recommendations shall be given to adjacent jurisdictions.

**15A-2.3** Proposals for siting essential public facilities shall contain a rationale for why that facility is needed.

**15A-2.4** Recommendations for essential public facilities shall contain a rationale for why the facilities listed need to be located in Skagit County.

**15A-2.5** When identifying essential public facilities with siting difficulties, the characteristics of the facility that make it difficult to site shall be indicated.

**OBJECTIVE 3:**

*To ensure that the essential public facility development land use and review process provides adequate information ~~review criteria and the data~~ necessary to evaluate the siting of the proposed facility.*

Policies

~~15A-3.1 The following criteria shall be considered in the siting of essential public facilities:~~

~~(a) Specific facility requirements for each essential facility are to be determined and identified for the following:~~

~~(i) Minimum acreage;~~

~~(ii) Accessibility;~~



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(iii) Transportation needs and services;

(iv) Supporting public facility and public service needs and the availability thereof;

(v) Health and safety;

(vi) Site design;

(vii) Zoning;

(viii) Availability of alternative sites;

(ix) Community-wide distribution of facilities;

(x) Capacity and location of equivalent facilities.

(b) Impacts of the facility:

(i) Land use compatibility;

(ii) Existing land use and development in adjacent and surrounding areas;

(iii) Existing zoning of surrounding areas;

(iv) Existing Comprehensive Plan designation for surrounding areas;

(v) Present and proposed population density of surrounding area;

(vi) Environmental impacts and opportunities to mitigate environmental impacts;

(vii) Effect on agricultural, forest, or mineral lands, critical areas, and historic, archaeological and cultural sites;

(viii) Effect on areas outside of Skagit County;

(ix) Effect on the likelihood of associated development;

(x) Effect on public costs, including operating and maintenance.



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~~3.1 Evaluation criteria shall be consistent in the treatment of siting essential public facilities.~~

~~3.2 Siting criteria shall be based on the following and consider the impacts on:~~

~~3.2.1 Natural features and critical areas~~

~~3.2.2 Existing land use and development in adjacent and surrounding areas~~

~~3.2.3 Existing Comprehensive Plan designations for surrounding areas~~

~~3.2.4 Present and proposed population density of surrounding areas~~

~~3.2.5 Environmental impacts and opportunities to mitigate environmental impacts~~

~~3.2.6 Effect on agricultural, forest or mineral lands, critical areas, historic, and archaeological and cultural sites~~

~~3.2.7 Effect on areas outside of Skagit County~~

~~3.2.8 Effect on designated open space corridors~~

~~3.2.9 Spin-off (secondary and tertiary) impacts~~

~~3.2.10 Effect on the likelihood of associated development being induced or precluded by the siting of the facility.~~

~~3.2.11 Cumulative impacts of essential public facilities taken as a group.~~



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# APPENDIX A

# ACRONYMS AND DEFINITIONS

## LIST OF ACRONYMS

| | |
|---|---|
| **ADT**: | average daily traffic |
| **BMP**: | best management practice |
| **CAC**: | Citizen Advisory Committee |
| **CAO**: | Critical Areas Ordinance |
| **CFP**: | Capital Facilities Plan |
| **CIP**: | capital improvement program |
| **CaRD** | Conservation and Reserve Development |
| **CCR** | Conditions, Covenants, and/or Restrictions |
| **CWPP**: | Countywide Planning Policies |
| **CWSP**: | Coordinated Water System Plan |
| **DCTED**: | Department of Community, Trade and Economic Development (State of Washington) |
| **DEIS**: | Draft Environmental Impact Statement (see also: FEIS, DEIS, SEIS, DSEIS) |
| **DNR**: | Department of Natural Resources (State of Washington) |
| **DOE**: | Department of Ecology (State of Washington) |
| **DSEIS**: | Draft Supplemental Environmental Impact Statement (see also: FEIS, DEIS, SEIS, DSEIS) |



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| | |
|---|---|
| **EDASC**: | Economic Development Association of Skagit County |
| **EES**: | Economic and Engineering Services (private consulting firm) |
| **EIS**: | Environmental Impact Statement (see also: FEIS, DEIS, SEIS, DSEIS) |
| **ELF**: | extremely low frequency |
| **EMF**: | electric and magnetic fields or electromagnetic field |
| **FEIS**: | Final Environmental Impact Statement (see also: FEIS, DEIS, SEIS, DSEIS) |
| **FEMA**: | Federal Emergency Management Agency |
| **FERC**: | Federal Energy Regulatory Commission |
| **FGTS**: | freight goods transportation system |
| **FPA**: | forest practice application |
| **GMA**: | Growth Management Act |
| **HCA**: | habitat conservation area |
| **IVM**: | integrated vegetation management |
| **JOA**: | joint operating agreement |
| **LOS**: | level of service |
| **MOU**: | memorandum of understanding |
| **MROA**: | mineral resource overlay ~~area~~ |
| **NRL**: | Natural Resource Land |
| **NWAPA**: | Northwest Air Pollution Authority |
| **OEDP**: | Overall Economic Development Plan |
| **OFM**: | Office of Financial Management (State of Washington) |
| **OHWM**: | ordinary high water mark |
| **PDR**: | purchase of development rights |



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| | |
|---|---|
| **PFLG**: | private forest land grade |
| **PUD, Skagit**: | Skagit Public Utility District |
| **PUD**: | planned unit development |
| **RCW**: | Revised Code of Washington |
| **RTPO**: | Regional Transportation Planning Organization |
| **SCC**: | Skagit County Code |
| **SEIS**: | Supplemental Environmental Impact Statement (see also: FEIS, DEIS, SEIS, DSEIS) |
| **SEPA**: | State Environmental Protection Act |
| **SRS**: | scientific resource site |
| **TDM**: | transportation demand management |
| **TDR**: | transfer of development rights |
| **TIP**: | transportation improvement program |
| **TSM**: | transportation management system |
| **TSP**: | Transportation Systems Plan |
| **UGA**: | Urban Growth Area (see also: IUGA) |
| **USDA**: | United States Department of Agriculture |
| **V/PC**: | volume over planned capacity |
| **VMT**: | vehicle miles traveled |
| **VPH**: | vehicles per hour |
| **WAC**: | Washington Administrative Code |
| **WSDOT**: | Washington State Department of Transportation |
| **WUTC**: | Washington Utilities Transportation Program |



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# DEFINITIONS

**Access Management:** Regulations that limit the direct vehicle access that individual housing units and businesses onto major highways and other roadways.

**Accessory:** As applied to a use, building or structure, means customarily subordinate or incidental to, and located on the same lot with a principal use, building, or structure.

**Act:** The Growth Management Act as enacted in chapter 17, Laws of 1990, 1st Ex. Session, and chapter 32, Laws of 1991, 1st Special Session, State of Washington.

**Adaptive Reuse:** The conversion of outmoded buildings can provide the opportunity for new residential uses within a community. Buildings being converted are often large and vacant and were used for institutional or other non-residential activities. Adaptive reuse projects have traditionally been old school buildings, train stations, hospitals and other public buildings; inns and hotels and warehouses, factories and other industrial buildings. Hotels and schools have been converted to apartments, and industrial buildings have turned into live/work spaces.

**Adequate Public Facilities:** Facilities that have the capacity to serve development without decreasing levels of service below locally established minimums.

**Affordable Housing:** Housing where the occupant is paying no more than 30 percent of gross income for gross housing costs, including utility costs. In the case of ownership housing, the purchase costs of a housing unit is equal to or less than three times a household's annual gross income.

**Agriculture:** The use of land for commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees (not subject to excise tax imposed by RCW 84.33.100 through 84.33.140), or livestock.

**Agricultural Advisory Board:** A formally established board that reviews and monitors agricultural policies and programs, and advises the Skagit County Board of Commissioners, the Planning Commission, and the Planning and Permit Center on issues regarding agriculture lands in Skagit County. This group will be the principle group responsible for developing and implementing the policies within the Agricultural Element of the Comprehensive Plan.



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**Agricultural Land:** Land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock and that has long-term commercial significance for agricultural production.

**Agriculture - Non-soil Dependent:** Any use which is included in the definition of agriculture, but which is not dependent on the use of native, indigenous soil or which does not allow continued and future use of the soil for growing crops.

**Agriculture - Soil Dependent:** Any use that is included in the definition of agriculture which is dependent on the use of native, indigenous soil and which allows continued and future use of the soil for growing crops.

**Agricultural Support Services:** Any non-agricultural use which is directly related to agriculture and directly dependent upon agriculture for it's existence. These support services generally exist off-site and within districts that are intended to facilitate the production, marketing and distribution of agricultural products. Agricultural support services are separate and distinct from Farm-based businesses (see Farm-Based Business).

**All Weather Road System:** Roadway not normally subject to Winter Weight Restrictions.

**American Disabilities Act of 1990 (ADA)**: Ensures access for the disabled for publicly used facilities, employment, public transportation and public communication.

**Annual Program:** This is similar to the six year program, except it covers only the projects that will be constructed within the next year (see Six Year Transportation Program).

**Aquifers:** Any geologic formation that will yield water to a well or other withdrawal works in sufficient quantity for beneficial use. ~~Areas with a critical recharging effect on aquifers used for potable water are areas where an aquifer is a source of drinking water is vulnerable to contamination that would affect the potability of the water.~~

Aquifer Recharge Areas: ~~**Areas with a Critical Recharging effect on Aquifers used for Potable Water:**~~ Areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.


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**Arterial roadways:** A class of roadway serving major movements of traffic not served by freeways. Arterial roadways are functionally classed depending on the degree to which they serve through traffic movements verses access to land.

**Available Public Facilities:** Means that facilities or services are in place or that a financial commitment is in place to provide the facilities or services within a specified time. In the case of transportation, the specified time is six years from the time of development.

**Average Daily Traffic (ADT):** This is the average amount of traffic (average number of vehicles) crossing one location of a roadway within a 24 hour period. Generally the ADT is a yearly average. ADT and other traffic level measurements differ from the VMT in that they measure traffic crossing at one point while VMT measures the total miles driven along a certain stretch of roadway within a given period of time. The confusion between these two terms stems from the fact that a specific ADT (a point location measure) is often assigned to a whole stretch of a roadway.

**Benchmarks:** A strategic planning tool to measure policy outcomes across time and space.

**Best Management Practices (BMP):** Practices or structures designed to reduce the quantities of pollutants - such as sediment, nitrogen, phosphorus, and animal wastes - that are washed by rain and snow melt from farms into nearby surface waters, such as lakes, creeks, streams, rivers, and estuaries. Agricultural BMPs can include fairly simple changes in practices such as fencing cows out of streams (to keep animal waste out of streams), planting grass in gullies where water flows off of a planted field (to reduce the amount of sediment that runoff water picks up as it flows to rivers and lakes), reducing the amount of plowing in fields where row crops are planted (in order to reduce soil erosion and loss of nitrogen and phosphorus from fertilizers applied to the crop land). BMPs can also involve building structures, such as large animal waste storage tanks that allow farmers to choose when to spread manure on their fields as opposed to having to spread it based on the volume accumulated.

**Buffer:** An area contiguous with a critical area, natural resource land, or urban growth area that is required for the integrity, maintenance, function, and stability of the area or land.

**Business Park:** A development providing for a mix of light industrial distribution and related commercial retail, office and service uses.

**Calibration:** The procedure used to adjust travel models to simulate base year travel.



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**Capacity:** The maximum number of vehicles that can pass over a given section of a lane or roadway in one direction (or in both direction for a two- or three-lane facility) during a given time period under prevailing roadway and traffic conditions. It is the maximum rate of flow that has a reasonable expectation of occurring.

**Capital cost:** Costs of transportation systems such as purchase of land, construction of roadways, and acquisition of vehicles. Distinguished from operating costs.

**Capital facilities:** As a general definition, public structures, improvements, pieces of equipment or other major assets, including land, that have a useful life of at least 10 years. Capital facilities are provided by and for public purposes and services. For the purposes of the capital facilities element, capital facilities are surface water management, solid waste disposal, law and justice, general government, parks and recreation, airport, transportation, education, fire protection, sanitary sewer and public water supply systems.

**Capital Improvement Program (CIP):** A plan that matches the costs of capital improvements to anticipated revenue and a time line. CIPs are usually prepared for six or more years, updated annually, and coordinated with the comprehensive planning process.

**City:** any city or town including a code city.

**Clear Zone:** That roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. Establishment of a minimum width clear zone implies that rigid objects and certain other hazards with clearances less than the minimum width should be removed, relocated to an inaccessible position or outside the minimum clear zone, remodeled to make safely traversal or breakaway, or shielded.

**Coastal High Hazard Area:** The area subject to high velocity and/or volume of waters, including but not limited to storm surge or tsunamis. The area is designated on a Flood Insurance Rate Map as Zone V1-30.

**Collector System:** In Rural Areas: Principal Arterials, Minor Arterial Roads, Collector Roads, Local Roads. In Urbanized Areas: Principal Arterials, Minor Arterial Streets, Collector Streets, and Local Streets. In Small Urban Areas: Principal Arterials, Minor Arterial Streets, Collector Streets, and Local Streets.

**Common Wall Construction:** A wall shared by two different units. Often it would be required to be a firewall.



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**Commuter Rail:** Rail service targeted for daily commuters traveling under 40 miles. The service tends to be frequent, at least every half-hour during rush periods, and stops are often spaced from 5 to 10 miles apart.

**Compatible:** Capable of existing together without discord or in a state of mutual tolerance.

**Comprehensive Land Use Plan, Comprehensive Plan, or Plan:** The policies and proposals approved and recommended by the planning agency or initiated by the Board of County Commissioners (the Board) and approved by motion of the Board (a) as a beginning step in planning for the physical development of the county; (b) as the means for coordinating county programs and services; (c) as a source of reference to aid in developing, correlating and coordinating official regulations and controls, and; (d) as a means for promoting the general welfare. Such plan shall consist of the required elements set forth in R.C.W. 36.70A.070 and may also include the optional elements set forth in R.C.W. 36.70A.080 which shall serve as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and governmental functions.

**Comprehensive Plan Amendment:** An amendment or change to the text or maps of the Comprehensive Plan.

**Concurrency:** Means that adequate public facilities are available when the impacts of development occur. This definition includes the two concepts of "adequate public facilities" and of "available public facilities" as defined above.

**Concurrency Management System:** An financial and accounting system that keeps track of cumulative impacts of developments, impact fees, level of service on impacted roads, and timing for road improvements in order to ensure that the concurrency requirements of GMA are met.

**Congestion management:** A process whereby multi-modal solutions to critical traffic congestion problems are identified, coordinated among affected jurisdictions, and programmed for funding or implementation. Solutions are wide-ranging and could involve physical improvements to the arterial network, traffic signalization, transit service enhancements, programs to reduce commuter travel and travel information systems. The affected jurisdictions would be the county, cities, Washington State Department of Transportation.

**Conservation and Reserve Development (CaRD)**: A technique of land division characterized by the placement of dwellings and accessory buildings in a pattern



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of development which reduces impervious surface area, lowers costs of development and maintenance and retains larger expanses of property available for agriculture, forestry, or continuity of ecological functions characteristic of the property to be developed.

**Contiguous development:** Development of areas immediately adjacent to one another.

**Cooperative Home Ownership:** An enterprise or organization owned by and operated for the benefit of those using its services. The basic six principles providing the framework for cooperative housing are: open and voluntary membership, democratic control, limited rate of return on investment, return of surplus to members, cooperation among cooperatives and constant education. Housing cooperatives offer low-income families the opportunity to own a share of stock in a housing corporation that gives its members many advantages over rental housing.

**Coordination:** Consultation and cooperation among jurisdictions.

**Countywide planning policies:** Written policy statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted. (RCW 36.70.210)

**Covenants:** Private restrictions placed on land regulating land use activities.

**Creative Financing:** Creative financing revolves around simply maximizing your existing resources. The recognition and leveraging of these resources can actually be fairly conservation in nature.

**Critical Areas:** Areas of environmental sensitivity, which include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

**Critical Facilities**: Schools, hospitals, police, fire, emergency response installations, nursing homes, and installations which produce, use or store hazardous materials or hazardous waste.

**Current Use Space Taxation:** Current Use Open Space Taxation Program includes properties utilized for agriculture, timber and open space uses as provided in RCW 84.34.

**Demand Management Strategies or Transportation Demand Management Strategies (TDM):** Strategies aimed at changing travel behavior rather than at expanding the transportation network to meet travel demand. Such strategies can



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include the promotion of work hour changes, ride-sharing options, parking policies, telecommuting.

**Demand-response service:** Transportation service designed to carry passengers from their origins to specific destinations (often door-to-door) by immediate request or by prior reservation. A form of Paratransit. (Also referred to as dial-a-ride.)

**Density:** The ratio between the number of families, individuals, housing units, or residential dwelling units per land surface area (usually expressed as square miles or acreage).

**Density Bonuses:** Where a proposed development is designed and constructed at a level of quality in excess of the minimum, additional development rights may be allowed in locations where added density can be accomplished while still providing appropriate protection to neighboring properties and the general public.

**Development:** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. Any action requiring a land use permit or approval regulated by Titles 14 and 15, SCC, including, but not limited to, subdivisions, binding site plans, site specific rezones, unclassified special use permits, variances, building permits, shoreline permits, or flood area development permits.

**Development Code:** Skagit County Code (SCC) Titles 14 and 15.

**Development Regulation(s):** The controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not included a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

**Ecological Functions:** Those uses of land that are part of a larger related natural system. These functions include, but are not limited to, storm water detention; floodway/floodplain; drainway; sediment collection area; aquifer recharge area; fish and wildlife habitat conservation area; wind break; noise, sight, or dust barrier; shade; erosion control; waste disposal; and, maintenance of slope stability.

**Erosion Hazard Areas:** Those areas containing soils which, according to the United States Department of Agriculture Soil conservation Service soil Classification System, may experience severe to very severe erosion.

**Essential public facilities:** Facilities that are typically difficult to site, such as airports, state education facilities, and state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities and group homes. (RCW 36.70A.200)

**Extremely Low Income:** Income below 30% of median income.

**Facilities:** The physical structure or structures in which a service is provided.

**Fair-Share Allocations:** Seeks to answer what is a municipality's fair share of responsibility for affordable housing. The answer to this question will need to satisfy the political needs and interests of diverse communities, ranging from larger central cities to small rural communities with little infrastructure.

**Farm-Based Business:** An on-farm commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and soil-dependent agricultural products that are produced, processed, and sold on-site. Farm-based businesses are intended to supplement farm income, improve the efficiency of farming, and provide employment to farm family members. Farm-based businesses are separate and distinct from Agricultural support services (see Agriculture Support Services).

**Farm-Worker Housing:** Permanent housing for seasonal and year around farm workers and their families.

**Freight and Goods Transportation System (FGTS):** A system of streets, roads, and highways formally designated by the State as current truck routes.

**Fish and Wildlife Habitat Conservation Areas:** Fish and Wildlife Habitat Conservation Areas and their networks shall be classified as follows:

a) Areas with which endangered, threatened, and sensitive species have a primary association;

b) Habitats and species of local importance that have been designated by the County at the time of application;

c) All public and private tidelands suitable for shellfish harvest;


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d) Kelp and eelgrass beds, herring and smelt spawning areas;

e) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;

f) Waters of the state as defined by WAC 222-16;

g) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;

h) Areas with which anadromous fish species have a primary association;

i) State Natural Area Preserves and Natural Resource Conservation Areas; and

j) Other aquatic resource areas.

**Fixed-route service:** Transportation service operated over a set route on a regular schedule.

**Floodproofed:** Indicates that a structure is watertight (walls substantially impermeable to the passage of water) to one foot above the base flood elevation.

**Forest Land**: Land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140 and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) the proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

**Frequently Flooded Areas:** Lands in the floodplain subject to a one- percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like.

**Functional Classification:** Functional Classification is the grouping of highways, roads, and streets that serve similar functions into distinct systems or classes. Functional Classification defines the primary role a road or street serves within the total existing or future highway network (see Collector System above).



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**General Comprehensive Plan Amendment:** A general comprehensive plan amendment is a policy or land use designation which is applied to a broad class of situations and to a large number of parcels and persons that are not readily identifiable.

**Geologically Hazardous Areas:** Areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

**Goal:** A goal is a direction setter. It is an ideal future end, condition, or state related to the public health, safety, or general welfare toward which planning and implementation measures are directed. A goal is a general expression of community values and, therefore, is abstract in nature. Consequently, a goal is generally not quantifiable, time-dependent, or suggestive of specific actions for its achievement.

**Gravity model:** A mathematical model of trip distribution based on the premise that trips produced in any given area will distribute themselves in accordance with the accessibility of other areas and the opportunities they offer.

**Gross Density:** Gross density means the total number of dwelling units divided by the total land area of the site or area, excluding nothing.

**Growth Management Act:** see definition of Act.

**Habitats of Local Importance:** These include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration, such as cliffs, talus, and wetlands.

**Highway Heritage:** An expansion of the scenic highways concept to include highways with scenic, cultural, historic, archeological and/ or other environmental resources.

**Highway Oriented Commercial Uses:** Food service, fuel and repair service for motorists, transient lodging.

**Home ~~Occupations:~~** Based Business: Home based businesses are home occupations that remain incidental to the use of a residence for general dwelling purposes and are compatible with rural character. Two categories of Home Based Businesses



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~~are3 allowed in Skagit County, Home Based Business I and Home Based Business II. Home Based Business I is generally a permitted use while Home Based Business II requires a Special Use Permit. Any activity carried out for gain by a resident, conducted as an accessory use with conditions to the residential use.~~

**Housing Opportunity Sites:** Where land is zoned specifically for the development of affordable housing.

**Impact Fees:** Standard fees for development impacts on governmental facilities. Impact fees are often levied per housing unit and usually include transportation impacts.

**Implementation measure:** Regulatory and non-regulatory measures used to carry out the plan.

**Infrastructure:** Facilities and services needed to sustain the functioning of an urban area.

**Integrated Vegetation Management (IVM):** An approach to vegetation control that utilizes regular monitoring to determine if and when treatments are needed. The approach emphasizes physical, mechanical, cultural, and biological tactics to keep vegetation problems low enough to prevent intolerable damage, annoyance, or public safety hazards. When chemical controls are necessary they will be the least toxic available and will be used only when no other control methods would be effective or practical.

**Joint Planning:** Plans that address small geographic areas and focus on issues of local concern. Joint plans may be developed with other planning jurisdictions and communities for: urban growth areas (UGAs), rural villages (RVs), and tribal community plans (Swinomish Tribal Community).

**Land Bank:** Land is acquired independently of a specific development project, for the expressed purpose of providing affordable housing at a future time.

**Land Conservation:** The placement of dwellings and accessory buildings in a pattern of development which reduces impervious surface area, lowers costs of development and maintenance and retains larger expanses of property available for agriculture, forestry, or continuity of ecological functions characteristic of the property to development.

**Landslide Hazard Areas:** Areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.



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**Lot of Record**: Any lot platted under a Skagit County Subdivision Ordinance on or after March 1, 1965; any tract of land divided by metes and bounds or fractional section description or platted and recorded with the auditor prior to March 1, 1965; or any tract of land defined by metes and bounds or fractional section description and conveyed by notarized deed prior to March 1, 1965 (SCC 14.04.030 (51).

**Lot of Record, Legal**: A definition used prior to the adoption of the June 20, 2000 Unified Development Code referring to a lot of record meeting the aggregation requirements of SCC 14.04.190(5).

**Level of Service:** means an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need.

**Link:** A section of the highway network defined by a node at each end. A link may be one-way or two-way.

**Local Improvement District (LID):** A quasi-governmental organization formed by landowners to finance and construct a variety of physical infrastructure improvements beneficial to its members. A Road Improvement District is a specific type of LID that is formed to finance road improvements.

**Local road:** A class of roadway with the primary function of providing access to abutting properties. Traffic control is usually limited with slow speeds and numerous driveways. This roadway class typically carries low traffic loads and is usually 1 to 2 lanes. They can be paved or gravel and don't often extend over much distance.

**Long-term Commercial Significance:** Includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

**Low-Income:** Households whose income is between 51% and 80% of the median income for the area, as determined by the Department of Housing and Urban Development (HUD).

**Manufactured Housing:** A manufactured building or major portion of a building designed for long-term residential use. It is designed and constructed for transportation to a site for installation and occupancy when connected to required utilities.

**Mass transit:** The general term used to identify bus, rail, or other types of transportation that move large numbers of people at one time.



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**Multi-modal:** Two or more modes or methods of transportation.

**Middle Income:** Between 96% and 120% of median income.

**Mine Hazard Areas:** ~~Those~~ Areas ~~directly~~ underlain by~~, adjacent to,~~ or affected by underground mine workings such as adits, tunnels, ~~drifts, or~~ air shafts and those areas adjacent to steep slopes produced by open pit mining or quarrying, but excluding any areas where the mine workings have been properly stabilized and closed and made safe consistent with all applicable federal, state and local laws.

**Minerals:** Clay, coal, gravel, industrial mineral, valuable metallic substances, sand, stone, and other similar solid materials or substances to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use. ~~Include gravel, sand, and valuable metallic substances.~~

**Mineral Resource Lands:** Lands containing mineral deposits, both active and inactive, ~~primarily devoted to the extraction of minerals or~~ that have known or potential long-term commercial significance for the extraction of minerals and which are in close, economic proximity to locations where the deposits are likely to be used.

**Mixed-Use:** Mixed-use buildings, typically with residential units above or beside a story or two of commercial spaces. This category provides for a mixture of uses where no single use predominates. The mixed-use district allows for a mixture of residential housing types and densities; commercial, office, and institutional uses, parks and recreation uses; and public uses.

**Mobile Home Park Preservation:** Preserving mobile home parks allows a community to protect a valuable source of usually irreplaceable affordable housing. Existing mobile home parks continue to be threatened by the escalating value of land and accompanying development pressures.

**Moderate Income:** Between 81% and 95% of median income.

**Multi-modal**: Two or more modes or methods of transportation.

**Mutual Housing Associations:** Members share ownership of an association that owns housing cooperatives. Residents participate in the development, operation, and management of the property. (They do not build up equity in their housing but have the right to residency as stipulated by an occupancy agreement).

**Natural Resource Lands:** Lands designated on the official Skagit County Comprehensive Plan/Zoning Map as Agricultural ~~(Ag-NRL)~~, Industrial Forest



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(IF-NRL), Secondary Forest (SF-NRL), Mineral Resource Overlay (MRO-NRL), and Rural Resource (RRc-NRL) which have long-term commercial significance.

**Network:** A system of links and nodes describing a transportation system

**Net Density:** The total number of dwelling units divided by the net area of the lot or site. The net area excludes roads, public open spaces, community facilities, and critical areas (environmentally sensitive areas).

Nonconformance or nonconforming: Any use, improvement or structure established in conformance with Skagit County rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site's current zone or to the current development standards of the Code due to changes in the Code or its application to the subject property. ~~**Non-Conforming Use:** The use of land which does not conform to the regulations of the district in which the use exists, but was lawful prior to the date of such regulations.~~

**Non-Motorized Transportation:** Bicycle, pedestrian and equestrian transportation modes.

**Non-profit Community Based Housing Development:** A community development corporation develops, and may continue to own or manage housing that has been tailored to community needs and resources.

**Official Controls:** Legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of a county or any part thereof or any detail thereof, and are the means of translating into regulations and ordinances all or any part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision control, platting, and adoption of detailed maps.

**One Hundred Year Floodplain:** Land within a community subject to a one (1) percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

**Open Space:** Any land area, the preservation of which in its present use would conserve and enhance natural or scenic resources; or, protect streams or water supplies; or, promote conservation of soils, wetlands, beaches or tidal marshes; or, enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations; or, sanctuaries or other open space; or, enhance recreation opportunities; or, preserve historic sites. Public Open Space are public owned lands that have been or will be set aside for open space and recreational



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use. Private Open Space are privately owned lands that have been or will be set aside by operation of the Critical Areas Ordinance, by voluntary conservation, or by land reserve easements. Current Use Open Space Taxation Program includes properties utilized for agriculture, timber, and open space uses as provided in RCW 84.34.

**Operating costs:** Those recurring costs in a transportation system, such as salaries and wages, maintenance, energy, taxes, insurance, and supplies. Distinguished from capital cost.

**Objective:** An objective is a specific end, condition, or state that is an intermediate step toward attaining a goal. It should be achievable and, when possible, measurable time-specific. An objective may only pertain to one particular aspect of a goal or it may be one of several successive steps toward goal achievement. Consequently, there may be more than one objective for each goal.

**Paratransit:** Flexible transportation services that are operated publicly or privately, and are generally distinct from conventional transit and outside the conventional fixed-route, fixed-schedule systems. Vans and mini buses are typical paratransit vehicles used. Demand-response transportation services are a form of paratransit.

**Passenger Rail:** Rail service for passengers traveling between cities for non-commuter trips. Service is generally provided from once to several times per day, and the distance between rail terminal stops is often 20 to 30 miles.

**Pedestrian Friendly Development:** Development designs that encourage walking be providing site amenities for pedestrians. Pedestrian friendly environments reduce auto dependence and may encourage the use of public transportation.

**Performance Standards:** These provide criteria for testing the degree of hazard, environmental damage, or nuisance from land use activities creating smoke, dust, noise, glare, odor, erosion and sediment, runoff, liquid, solid, or airborne wastes, fumes or traffic.

**Policy:** A policy is a specific statement that guides decision-making. It indicates a clear commitment of the local legislative body. A policy is based on a comprehensive plan's goals and objectives as well as the analysis of data. A policy is effectuated by implementation measures (such as: zoning, land division, and environmental ordinances).



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**Private Open Space:** Private Open Space are privately owned lands that have been or will be set aside by operation of the Critical Areas Ordinance, by voluntary conservation, or by land reserve easements.

**Public Facilities:** Include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

**Public Open Space:** Public owned lands that have been or will be set aside for open space and recreational use.

**Public Services:** Include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

**Public transportation:** A wide variety of passenger transportation services available to the public including buses, ferries, rideshare, and rail transit.

**Public water:** Any system providing water intended for, or used for, human consumption or other domestic uses. It includes, but is not limited to... facilities where water is furnished to any community, or number of individuals, or is made available to the public for human consumption or domestic use, but excluding water systems serving one single family residence (RCW 70.116.030).

**Ready-to-Build Industrial or Commercial Sites:** Ready-to-build sites consist of immediately available vacant land of sufficient size that is properly zoned, served with adequate infrastructure, and free of land use and environmental constraints that would render a site non-competitive for development.

**Regional Transportation Planning Organization (RTPO):** The voluntary organization conforming to RCW 47.80.020, consisting of local governments within a region containing one or more counties which have common transportation interests.

**Regional Transportation Planning Organization:** An organization of cities and one or more Counties (with representation from ports, tribes and the state) whose goal is to coordinate transportation decisions among those jurisdictions.

**Roadway:** An open, generally public way for the passage of vehicles, persons, and animals. Limits include the outside edge of sidewalks, curbs and gutters, or side ditches.



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**Rural Lands**: All lands which are not within an urban growth area and are not designated as natural resource lands having long term commercial significance for production of agricultural products, timber, or the extraction of minerals.

**Rural Villages:** Predominantly residential unincorporated rural communities or centers supported by limited commercial and compatible industrial, and community services which typically include a post office, church, elementary school, fire hall, grocery store, service station, tavern, restaurant, or other small retail business catering to local rural needs. Compact development within designated boundaries distinguishes a village from surrounding undeveloped land.

**Sanitary Sewer Systems:** All facilities, including approved on-site disposal facilities, used in the collection, transmission, storage, treatment of discharge of any waterborne waste, whether domestic in origin or a combination of domestic, commercial or industrial waste.

**Scenic Highways:** A Washington State designation for highways that have particular scenic characteristics. This designation was originally initiated to control billboards.

**Scenic Resources:** Includes, among other things, the historical pattern of land use (including logging and farming activities).

**Seismic Hazard Areas:** Areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction.

**Sensitive Species:** A species native to the State of Washington, that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the State without cooperative management or the removal of threats as designated by WAC 232-12-011.

**Self-Help Housing:** Self-help, or sweat equity, housing enables potential homeowners to build up credit for a down payment on a home by contributing their labor to the construction or renovation. It can be a means for the low-income household to enter the housing market.

**Shared Housing:** Occurs when people reside together for social contact, mutual support and assistance, and/or to reduce housing expenses. This may range from two elderly persons sharing a small home to several disabled adults sharing a large single family home. A single mother with an extra bedroom may share her home with an elderly person who helps with childcare and/or living expenses. The degree of assistance can vary from none (other than from other members of the household) to live-in, full-time help. This matching can be accomplished

through placing a newspaper advertisement or perhaps through a non-profit agency that prescreens applicants and matches needs and wants of participants.

**Shoreline Master Program:** A program adopted in 1976 to promote the public health, safety and general welfare by providing long range, comprehensive policies and effective, reasonable regulations for development and use of Skagit County shorelines. Definitions specifically addressing shorelines terminology may be located within the Skagit County Shoreline Master Program document.

**Shoulder:** That portion of the roadway contiguous with but outside of the traveled way.

**Site-specific Comprehensive Plan Amendment:** A site-specific comprehensive plan amendment is a policy or land use designation that is applied to a specific number of parcels that are in readily identifiable ownership. A proposal that formulates policy yet affects relatively few individuals will generally be characterized as a site-specific action.

**Six-Year Transportation Improvement Program:** A plan that shows road and other transportation projects planned for the next six years. Both cities and counties are required to update the six-year program each year.

**Sole Source Aquifer:** Sole Source Aquifer is an EPA definition. It defines those areas where more than 50 percent of the drinking water is obtained from the groundwater.

**Species of Local Importance:** Those species that may not be endangered, threatened or sensitive from a statewide perspective, but are of local concern due to their population status, sensitivity to habitat manipulation, or other educational, cultural or historic attributes.

**Special Needs Populations:** Populations with special needs in Skagit County include the mentally ill, with chemical dependency, developmentally disabled, persons with drug and/or alcohol addiction, victims of domestic violence, youth, the elderly and farmworkers.

**Streamlined Permitting:** For the expressed purpose of developing affordable housing, a municipality may take steps to eliminate excessive time, risk, and cost by providing "one-step" permitting.

**Suburban:** Blending or characterized by the blending of the urban and the rural. A land use development pattern that is dispersed as opposed to decentralized.

**Sub-Area Planning:** Subarea plans are detailed land use plans for smaller geographic areas within which water drains into a particular river, stream or body of water in



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the County. They are an integrated, collaborative management planning approach to sustaining economic development opportunities and protecting the natural environment by addressing issues within watershed basins.

**Supportive Housing:** Housing for groups or individuals that need assistance to be able to maintain independent living.

**System-Wide Deviation:** A percentage of the total vehicle miles traveled (VMT) on the road system that is allowed to be on roads which have traffic levels higher than planned capacity before the level of service standard is exceeded.

**Traffic Demand Models (Traffic Models):** Software systems that use land use information to simulate the traffic patterns of an area. These models can convert future land use growth projections into future traffic volumes.

**Transfer of Development Rights (TDR):** The transfer of the right to develop or build, expressed in dwelling units per acre, either on land within one zoning district under contiguous ownership, or from land in one zoning district to land in another district where such density/development is permitted.

**Transit:** A general term applied to passenger rail and bus service available for the use by the public and generally operated on fixed routes with fixed schedules.

**Transitional Housing:** Per the definition of Transitional Housing from the Federal McKinney Act, transitional housing is made available for up to 24 months to people who are homeless or are leaving emergency shelters.

**Transportation Demand Management (TDM):** Methods or strategies aimed at changing travel behavior by reducing the demand for single occupancy vehicle travel rather than by expanding transportation facilities to meet travel demand. The strategies can include such things as expanding transit of ride-sharing options, changing parking policies, promoting work hour changes, and providing for telecommuting.

**Transportation Improvement Program (TIP):** A plan or schedule showing specific expenditures for transportation capital projects over a specific time period, often for six years.

**Transportation Facilities:** Includes capital facilities related to air, water or land transportation.

**Transportation Level of Service Standards:** A measure that describes the operational condition of the travel stream and acceptable adequacy requirements. Such standards may be expressed in terms such as speed and travel time, freedom to



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maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety.

**Transportation System Management (TSM):** The use of inexpensive capital expenditures and other methods to increase the efficiency and capacity of the transportation system. TSM strategies include such things as intersection signalization, synchronization of traffic signals, the provision of left turn lanes, and the designation of one way streets.

**Trip:** A one-direction movement, which begins at the origin at the start time, ends at the destination at the arrival time, and is conducted for a specific purpose.

**Trip generation:** A general term describing the analysis and application of the relationships between the trip makers, the urban area, and the trip making.

**Urban Density:** Density equal to or higher than four dwelling units per one acre.

**Urban Governmental Services**: Include those governmental services historically and typically delivered by cities, and include 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 non-urban areas.

**Urban Growth:** Refers to growth (commercial, industrial, and residential) that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban.

**Urban Growth Area:** An area within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Regulatory control of land within the Urban Growth Areas remains with the County until annexed into a city. The land and development controls within Urban Growth Areas, however, may be subject to joint county/city interlocal planning agreements and concurrency.

**Urban Sprawl:** Urban sprawl manifests it self in one or more of the following patterns: (a) Leapfrog development which bypasses vacant parcels located closer to the urban area that are suitable for development and instead locates away from existing urban areas; (b) strip development which allows commercial, retail, and

multi-family residential developments to locate in a linear pattern along both sides of a major arterial; and (c) large expanses of low density, single-family dwelling development.

**Use:** The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**Utilities or Public Utilities:** Enterprises or facilities serving the public by means of an integrated system of collection, transmission, distribution, and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, and telecommunications services.

**Very Low Income:** Between 31% and 50% of median income.

**Vehicle Miles Traveled (VMT):** This is a measure of the miles traveled by motorist in a specific period of time over a specific section of roadway. For instance, to calculate the average daily VMT over a 1.5 mile roadway section, you would multiply the ADT on that roadway section by 1.5 miles. To calculate peak hour VMT on that same roadway section, you would multiply the peak hour volume by 1.5 miles.

**Visioning:** A process of citizen involvement to determine values and ideals for the future of a community and to transform those values and ideals into manageable and feasible community goals.

**Volcanic Hazard Areas:** Areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from volcanic activity.

**Volume over Planned Capacity:** A congestion measure used in the Birdsall LOS methodology, which divides the traffic volume on a specific roadway by its planned capacity volume. When this ratio exceeds 1.0, an LOS deficiency occurs. The "Planned capacity" of the roadway is generally less than the roadway's "capacity" since the former takes into account the perceived safety of drivers as well as the safety of multi-modal users of the roadway.

**Warrant:** An indicator, as defined by the Manual on Uniform Traffic Control Devices (MUTCD), of a road intersection condition or conditions, which may justify further study and analysis of the intersection.

**Wetland or Wetlands:** Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, and that under normal circumstances do support, a

prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

**Zone and Zoning District:** A legislatively defined and enacted policy, including standards, a detailed map and other criteria, all of which control and define areas of physical development of the county or any part thereof or any detail thereof and which are classified by the zoning ordinance as available for certain uses and unavailable for certain other uses.

**Zoning:** the demarcation of an area by ordinance (text and map) into zones and the establishment of regulations to govern the uses within those zones (commercial, industrial, residential) and the location, bulk, height, shape and coverage of structures within each zone.



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# Attachment F

# SKAGIT COUNTY CODE
# TITLE 14

14.02

# TITLE 14
# SKAGIT COUNTY CODE

## CHAPTER 14.02

17938

## GENERAL PROVISIONS

Sections:


14.02.010 General Provisions.
14.02.020 Name.
14.02.030 Rules of Interpretation.
14.02.040 Applicability.
14.02.050 Vesting of Applications.
14.02.060 Fees.

**14.02.010 General Provisions.**

Purpose. The purpose of this Title is to implement the Revised Code of Washington (RCW) and the Skagit County Comprehensive Plan on matters concerning land and building development and other related issues. It is the further purpose of this Title to:

(1) Conserve Skagit County's resources;
(2) Provide adequate open spaces for light, air, and reducing the hazards of fires;
(3) Provide the economic and social advantages that result from orderly, planned use of land resources;
(4) Facilitate energy conservation and the use of renewable energy resources;
(5) Enhance the livability and quality of housing;
(6) Provide for desirable, appropriately located living areas in a variety of dwelling types with a suitable range of population densities;
(7) Provide for affordable housing;
(8) Provide for the preservation of adequate space for commercial, industrial, and other activities necessary for a healthy and diversified economy;
(9) Provide for the preservation of historically or archaeologically significant land resources;
(10) Lessen congestion of streets;
(11) Lessen reliance on the single-occupant automobile and increase opportunities for using high-occupancy vehicles and non-motorized methods of travel for trips to work, shopping and other daily and recreational activities;
(12) Enhance predictability regarding future development so that decisions can be made regarding future development;
(13) Provide for judicious, efficient, timely, and reasonable administration respecting due process set forth in this Title and other applicable laws; and
(14) Protect and promote the public health, safety and general welfare, with respect for private property and private property rights.

**14.02.020 Name.**

This Title may be cited as either the Skagit County Unified Development Code (UDC) or SCC Title 14.

**14.02.030 Rules of Interpretation.**

(1) For the purposes of this Code, all words used in the Code shall have their normal and customary meanings, unless specifically defined otherwise in this Code.
(2) Words used in the present tense include the future.
(3) The plural includes the singular and vice-versa.
(4) The words "will" and "shall" are mandatory.
(5) The word "should" indicates that which is recommended but not required.
(6) The word "may" indicates that discretion is allowed.
(7) The word "used" includes designed, intended, or arranged to be used.
(8) The masculine gender includes the feminine and vice-versa.
(9) Distances shall be measured horizontally unless otherwise specified.
(10) The words "code," "ordinance," and "chapter" shall refer to the Skagit County Code (SCC).

For the purposes of this Chapter and unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this Title its most reasonable application.

**14.02.040 Applicability.**

The provisions of this Title shall be applicable to all land within unincorporated Skagit County except as allowed by law. Provided, however, for all land in unincorporated Growth Management Act (GMA) designated urban growth areas, the provisions of the applicable city code, when adopted by Skagit County ordinance, shall be applied. In these cases, the County Planning and Permit Center staff shall administer the applicable city code. These are listed in Appendix A to this Chapter. The corresponding Skagit County Code shall not apply, except for 14.38.030. The Planning and Permit Center shall maintain on file a copy, in list form, of what City codes have been adopted and will be applied in the urban growth areas (UGAs). This list will be provided to land use applicants, if necessary, during the pre-application meeting.

**14.02.050 Vesting of Applications.**

(1) An application for a Development Permit, to be processed under SCC 14.06 or the Skagit County Shoreline Management Master Program, SCC 14.26, vests at such time as a complete application is filed with the Planning and Permit Center and all required permit fees are paid. An application is "complete" on the date a complete application is filed, as subsequently determined in the letter of completeness issued pursuant to SCC 14.06.100. An application vested under this Subsection is not subject to any laws or regulations which become effective after the date of vesting, except as provided below.

(2) If a permit application vested under Subsection (1), above, is approved, and that permit approval contemplates 1 or more future uses or permits on the property that are subject to that permit approval, then:

(a) If the permit approval contains a detailed description of the uses, including a detailed site plan drawn to scale, specifying the location of all buildings and improvements to be constructed in conjunction with the use(s), and such site plan is consistent with all laws and regulations in effect at the time the original application vested, then all permit applications in connection with the future use(s) are vested to the laws and regulations in effect at the time of the vesting of the original permit application, and laws and regulations enacted after that vesting date shall not apply to the future use(s) or any permit applications filed in connection therewith;

(b) If the development approval does not describe in detail all future uses or does not contain a detailed site plan, drawn to scale, specifying the location of all buildings and improvements to be constructed in conjunction with the future use(s), then the future use(s) shall be subject to all later enacted laws and regulations in effect at the time of the vesting of any required application for permits in connection with the future use(s).

Subject to the provisions of Subsection (4) below, it is the intention of this Subsection that, consistent with other Federal, State, and County regulatory requirements, an Applicant be able to vest his future development rights to the level of detail the Applicant chooses to show in the application documents.

(3) Nothing herein shall be construed to restrict the County from imposing conditions on development permits pursuant to the State Environmental Policy Act, RCW 43.21C, WAC 197-11 and SCC 14.12, as long as such conditions do not change any of the requirements of the underlying code section pertinent to the particular development permit.

(4) Nothing herein shall be construed to prevent the County from imposing new regulations necessary to protect the public health and safety, including, but not limited to, the requirements of the building, health, and fire codes, as now adopted or as subsequently amended.

(5) Applications for rezones and Comprehensive Plan amendments to be processed under SCC 14.08 are not subject to the vesting rules in this Section.

**14.02.060 Fees.**

Fees required of developers for the review of various permits related to this Title may be adopted by resolution of the Board.

# APPENDIX A

## SKAGIT COUNTY PLANNING AND PERMIT CENTER

**List of City Codes the County will Apply in the Municipal Urban Growth Areas, pursuant to Skagit County Code 14.02.040**

### ANACORTES

Skagit County has adopted and will apply the following Anacortes codes:

1) Chapter 14.04.06A - Definitions
2) Chapter 14.04.12A - Zones, Maps and Boundaries
3) Chapter 14.04.14A - Amendments and Rezones
4) Chapter 14.04.16A - Heavy Manufacturing
5) Chapter 14.04.19A - Light Manufacturing (LMI)
6) Chapter 14.04.40A - Signs
7) Chapter 14.04.46A - Parking
8) Chapter 14.04.48A - Accessory Buildings, Storage, and Docks
9) Chapter 14.04.49A - Hazardous Waste -- Treatment and Storage Facilities
10) Chapter 14.04.50A - Excavations
11) Chapter 14.04.52A - Fences, Walls, and Hedges
12) Chapter 14.04.54A - Standards -- Generally
13) Chapter 14.04.56A - Annexation
14) Chapter 14.04.58A - Unzoned Land
15) Chapter 14.04.60A - Nonconforming Uses
16) Chapter 14.04.64A - Special Uses
17) Chapter 14.04.67A - Appendices


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# SKAGIT COUNTY PLANNING AND PERMIT CENTER

**List of City Codes the County will Apply in the Municipal Urban Growth Areas, pursuant to Skagit County Code 14.02.040**

## BURLINGTON

Skagit County has adopted and will apply the following Burlington codes:

1) Chapter 17.15 BMC, R-1 (single family) land use district - all;
2) Chapter 17.36 BMC, C-1 general commercial district - all;
3) Chapter 17.50 BMC, Landscaping standards - all;
4) Chapter 17.54 BMC, Off street parking and loading - all; and
5) Ordinance No. 1388, establishing minimum densities in the UGA.

# SKAGIT COUNTY PLANNING AND PERMIT CENTER

**List of City Codes the County will Apply in the Municipal Urban Growth Areas, pursuant to Skagit County Code 14.02.040**

## MOUNT VERNON

Skagit County has adopted and will apply the following Mount Vernon codes:

1) Title 12 - Street improvement standards - All

2) Title 13 - Sewer standards - All

3) Title 15 - Building and construction, including uniform fire code and fire prevention bureau (15.08) and fire hydrants(15.14);

4) Title 16 - Subdivisions, including:

- ✓ 16.08 - Preliminary Plat
- ✓ 16.20 - Public Improvements (*i.e.*, water and sewer
- ✓ 16.32 - Short Plats and Subdivisions
- ✓ 16.36 - Boundary Line Adjustments
- ✓ 16.40 - Binding Site Plans (16.40)

Excluded are Definitions, Final Plat, Design Standards, Violations and Fees.

5) Title 17 - Zoning - All

6) MVMC 3.36.340 - Impact Fees

7) MVMC 14.10 - Concurrency Management

8) Ordinance No. 2944, establishing minimum densities in the UGA.

# SKAGIT COUNTY PLANNING AND PERMIT CENTER

**List of City Codes the County will Apply in the Municipal Urban Growth Areas, pursuant to Skagit County Code 14.02.040**

SEDRO-WOOLLEY

Skagit County has adopted and will apply the following Sedro Woolley codes:

1) Title 12, including:
   - ✓ Excavation for Gas Distribution and Transmission Systems;
   - ✓ Street Vacations; and
   - ✓ Sidewalks.

2) Title 13, including:
   - ✓ Definitions;
   - ✓ Sewers - Use Required;
   - ✓ Private Wastewater Disposal;
   - ✓ Sewers - Connections;
   - ✓ Miscellaneous Provisions;
   - ✓ Sewers - Use Limitations;
   - ✓ Powers and Authority of Inspectors;
   - ✓ Sewer Rates;
   - ✓ Violations - Penalties; and
   - ✓ Stormwater Management Standards.

3) Title 15, including:
   - ✓ Building Code;
   - ✓ Public Works Construction Standards;
   - ✓ Development Impact Mitigation; and
   - ✓ Latecomer's Agreements.

4) Title 16, including:
   - ✓ General Provisions;
   - ✓ Short Plats;
   - ✓ Subdivisions;
   - ✓ Minimum Standards;
   - ✓ Conditions of Approval;
   - ✓ Variances;
   - ✓ Binding Site Plans; and
   - ✓ Violations.

SEDRO-WOOLLEY continued:

# APPENDIX A

## SKAGIT COUNTY PLANNING AND PERMIT CENTER

**List of City Codes the County will Apply in the Municipal Urban Growth Areas, pursuant to Skagit County Code 14.02.040**

5) Title 17, including:

- ✓ Administrative Provisions;
- ✓ Single-Family Residential (SF2) Zone;
- ✓ Single-Family Residential (SF1) Zone;
- ✓ Multi-Family (MF1) and (MF2) Zones;
- ✓ Auto-Oriented Commercial (AC) Zone;
- ✓ Central Business District (CBD);
- ✓ Light (LI) and Heavy (HI) Industrial Zones;
- ✓ Public (P) Zone;
- ✓ Open Space (OS) Zone;
- ✓ Off-Street Parking and Loading;
- ✓ Signs;
- ✓ Planned Developments (PD), including Planned Residential Developments (PRD) and Planned Mixed Developments (PMD);
- ✓ General Regulations for All Zones;
- ✓ Mobile Home Parks;
- ✓ Landscaping;
- ✓ Murals;
- ✓ Rezones;
- ✓ Conditional Use Permits;
- ✓ Variances;
- ✓ Temporary Permits;
- ✓ Floodplain Management;
- ✓ Home Occupations Permits;
- ✓ Sign Permits;
- ✓ Compliance Checklist; and
- ✓ Enforcement.

6) Ordinance No. 1333-99, establishing a minimum densities in the UGA.

14.04

# TITLE 14
# SKAGIT COUNTY CODE

17938

## CHAPTER 14.04

## DEFINITIONS

**Sections:**


14.04.010 Scope.
14.04.020 Definitions.


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17938

**14.04.010 Scope.**

This Chapter contains definitions of technical and procedural terms used throughout this Unified Development Code. Additional definitions are found in specific Chapters including SCC 14.36 (Public Works), SCC 14.12 (SEPA), and the 1997 Uniform Sign Code, Ch.10, § 1002, or as amended.

**14.04.020 Definitions.**

**Accepted performance of construction:** the written acknowledgment from the Administrative Official of the satisfactory completion of all work accepted by Skagit County, including all work shown on the accepted plans, accepted revisions to the plans, and accepted field changes.

**Accessory Dwelling Unit (ADU):** a separate living quarters (which may include kitchen and bathroom facilities) to a primary residence. No mobile/manufactured home or recreational vehicle shall be an accessory dwelling unit; and such dwelling unit shall be subject to the requirements and conditions provided in SCC 14.16.

**Accessory use:** applies to a use, building or structure, which is dependent on and subordinate or incidental to, and located on the same lot with, a principal use, building, or structure.

**Accessory use, agricultural:** an accessory use to an agricultural use, including, but not limited to, the following:

(a) Outdoor storage of processed and unprocessed natural materials, waste materials, or other similar materials;
(b) Impoundments under 1-acre feet in volume;
(c ) Farm animal or horticultural viewing by the public;
(d) U-pick sales to the public;
(e) Storage of agricultural products or equipment used on site; and
(f) Miscellaneous agricultural support buildings, including barns, sheds, corrals, and coops, which are used for on-site soil-dependent agriculture.

**Accessory use, residential:** An accessory use to a residence, including, but not limited to, the following:

(a) 1 accessory dwelling unit;
(b) Fallout/bomb shelters;
(c ) Keeping household pets;
(a) Impoundments under 1-acre feet in volume;
(b) Private pools, docks, boathouses, boat launches and piers;
(c) Antennae for private telecommunications systems;
(d) Storage of on-site yard maintenance equipment;
(e) Agriculture which is secondary to use of property as residence, including no employees;
(i) Community water and septic systems and stormwater detention ponds built as part of a land division;
(j) Private greenhouses; and
(k) Miscellaneous residential support buildings, such as storage sheds, workshops, garages, and barns.
(l) No more than 1 commercial vehicle which is 1 ton or more in size.



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**Act:** the Growth Management Act, Chapter 17, Laws of 1990, 1st Ex. Sess., RCW 36.70A et seq., Chapter 32, Laws of 1991, 1st Sp. Sess., and Chapter 6, Laws of 1993, 1st Sp. Sess., as now in existence or as hereafter amended.

**Administrative Official:** the Director of the Planning and Permit Center, provided the Director may authorize certain staff to act on behalf of the Director, for specific decisions under Title 14, as long as the staff is acting under the supervision and direction of the Director.

**Adopt a comprehensive land use plan:** means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

**Adult group care facility:** an establishment providing full-time care for more than 5 patients, convalescents, invalids, or aged persons. Such establishment shall be duly licensed by the State of Washington as a "nursing home" in accordance with current State statutes.

**Affected County intersection:** a County intersection through which a development project will add 20 or more peak hour trips.

**Affected County road segment:** a County road segment on which the development project will add 20 or more peak hour trips.

**Agricultural Advisory Board:** a formally established Board that reviews and monitors agricultural policies and programs, and advises the Skagit County Board of Commissioners, the Planning Commission, and the Planning and Permit Center on issues regarding agriculture lands in Skagit County. This group will be the principal group responsible for developing and implementation of the policies within the Agricultural Element of the Comprehensive Plan.

**Agricultural Natural Resource Land:** means land designated as Ag-NRL which is primarily devoted to the commercial production of horticultural (including fiber production such as hybrid cottonwoods), viticultural, floricultural, dairy, apiary, vegetable or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees (not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140), finfish in upland hatcheries, or livestock (including livestock raised for personal use), and that has long-term commercial significance for agricultural production. The Revised Code of Washington, for 1997, has several definitions for agriculture. The State Hydraulics Code (RCW 75.20) is necessary to implement the riparian protection section of the CAO; it requires the use of the definitions of agriculture as given in RCW 84.34.020 and 36.70A.030(2).

**Agricultural processing facility:** a facility which adds value to, refines, or processes raw agricultural goods, including, but not limited to, washing, sorting, cutting, bagging, freezing, canning, packaging, or slaughtering.

**Agricultural support services:** any non-agricultural use which is directly related to agriculture and directly dependent upon agriculture for its existence. These support services generally exist off-site and within districts that are intended to facilitate the production, marketing and distribution of agricultural products. Agricultural support services are separate and distinct from farm-based business.

**Agriculture:** the use of land for commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products, or of berries, grain, hay, straw, turf, seed, Cottonwood trees, Christmas trees (not subject to excise tax imposed by RCW 84.33.100 through 84.33.140), or livestock, including those activities directly pertaining to the production of crops or livestock including, but not limited to, cultivation, harvest, grazing, on-site animal waste storage and disposal, fertilization, the operation and

maintenance of farm and stock ponds, drainage ditches, irrigation systems, and canals, and normal maintenance, operation and repair of existing serviceable structures, facilities, or improved areas. Activities that bring an area into agricultural use are not considered agricultural activities.

**Agriculture, commercial:** only applies to SCC 14.32 (Drainage). "Commercial Agriculture" means those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for retail or wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a non-agricultural use or has lain idle for more than 5 years, unless the idle land is registered in a Federal or State soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.

**Aircraft landing field, private:** an aircraft landing field for private, non-commercial use.

**Airport**: Skagit Regional Airport/Bay View.

**Airport elevation:** the highest point of an airport's usable land area measured in feet from sea level.

**Airport obstruction:** any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in SCC 14.16.210.

**Airport safety zone:** as defined by the most recent FAA definition.

**Airspace surfaces:** as defined by the most recent FAA definition.

**Alluvial fan:** the fan-like deposit of a stream where it issues from a gorge onto a plain (*see* "landslide hazard areas").

**Alteration, critical area:** any human-induced action which changes the existing condition of a critical area.

**Alterations, structural:** any change in the structural features or elements of a building.

**Anadromous fish:** fish species that ascend rivers from the sea to spawn.

**Animal clinic/hospital:** a building for medical or surgical treatment of animals, which may include overnight stays.

**Animal or poultry husbandry:** the management or production of domesticated animals or fowl.

**Animal preserve:** a preserve for the public viewing of wild animals, either on foot or from the car, and either indoors or outdoors.

**Antenna:** any exterior apparatus designed for telephonic, radio, data or internet communications through the sending and/or receiving of radio frequency or other communications signals including equipment attached to a tower or building for the purpose of providing personal wireless services and its attendant base station.

**Antenna height:** the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**Antenna support structure:** any pole, telescoping mast, tower, tripod or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

**Appeal:** a request for a review of the decision of the Approving Authority on any provision of this Code.

**Applicant:** any person, entity, or agency that applies for a development proposal, permit or approval subject to review under this Code.

**Application:** a written request or a form provided by the Planning and Permit Center for a construction or land use action or permit for any activity that would alter or modify the legal description, use, and/or development of any parcel of land. To be complete, said application must comply with all the requirements of submittal including full payment of any fees as prescribed by the respective ordinance listing the requested action or permit and in a form deemed appropriate by the Administrative Official.

**Approving authority:** the person or body in whom the authority is placed to grant a permit.

**Aquicludes:** a hydrogeologic unit which, although porous and capable of storing water, does not transmit it at rates sufficient to furnish an appreciable supply for a well or spring.

**Aquifer recharge areas:** areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of water.

**Aquifer:** any geologic formation that will yield water to a well or other withdrawal works in sufficient quantity for beneficial use.

**Aquitards:** a low permeability geologic formation within a stratigraphic sequence that functions as the upper or lower boundary of a groundwater flow system or aquifer.

**Area of shallow flooding:** a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

**Area of special flood hazard:** the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

**Artificial watercourse:** ditches and other water conveyance systems, not constructed from natural watercourses, which are artificially constructed and actively maintained for irrigation and drainage. Artificial watercourses include lateral field ditches used to drain farmland where the ditch did not replace a natural watercourse.

**Authorizations:** actions taken by the Administrative Official or duly appointed agent that ensures the proposal is in compliance with the provisions of this Title.

**Automobile wrecking:** premises used for the storage and/or sale of used automobile parts, or for the storage, dismantling, or abandonment of junk, automobiles, trailers, machinery or parts thereof.

**Available capacity**: capacity in a Concurrency Facility or Service that is available for use without requiring facility construction, expansion or modification or will be available at project occupancy as a result of a Committed Improvement.

**Average day-night sound level:** as defined by the most current American National Standards Institute definition.

**Base flood:** a flood having a 1% chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE):** height of the base flood in relation to the National Geodetic Vertical Datum of 1929.

**Basin plan:** a plan and all implementing regulations and procedures including, but not limited to, land use management adopted by ordinance for managing surface and stormwater quality and quantity management facilities and drainage features within individual sub-basins.

**Bed and breakfast:** an owner-occupied and managed dwelling which is used to provide overnight guest lodging for compensation and which usually provides a morning meal, and/or may include facilities for banquets, weddings and similar small parties. Guest lodging may be in a separate structure from the main dwelling.

**Best available science:** information gathered, analyzed and presented based on scientific principles and practices including peer review, use of scientific methodology, logical analysis and reasonable inference, statistical analysis, rigorous referencing within the scientific literature, and conclusions drawn from within an accepted scientific framework.

**Best Management Practices (BMPs), agricultural:** practices or structures designed to reduce the quantities of pollutants such as sediment, nitrogen, phosphorus, and animal wastes that are washed by rain and snow melt from farms into nearby surface waters such as lakes, creeks, streams, rivers, and estuaries. Agricultural BMPs can include fairly simple changes in practices such as fencing cows from streams to keep animal waste out, planting grass in gullies where water flows off a planted field to reduce the amount of sediment that runoff picks up as it flows to rivers and lakes, reducing the amount of plowing in fields where row crops are planted to reduce soil erosion and nitrogen and phosphorus loss from fertilizers applied to the crop land. BMPs can also involve building structures, such as large animal waste storage tanks that allow farmers to choose when to spread manure on their fields as opposed to spreading it based on accumulated volume.

**Best Management Practices (BMP), critical areas**: physical or structural tools and/or management practices which, when used singularly or in combination, prevent or reduce adverse impacts to critical areas or their buffers. When used in the context of agricultural activities, BMPs refers to the most current conservation practice standards developed by the Natural Resource Conservation Service (NRCS) and contained in the Field Office Technical Guide. In cases where new standards have been developed to address requirements under the endangered Species Act, these new standards shall apply. Where no new standard has been developed, the existing NRCS standard shall apply, with the exception of the Riparian Buffer standard which is specifically excluded.

**Best Management Practices (BMPs), drainage**: physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, and have been approved by Skagit County as accepted BMPs.

**Binding site plan:** a drawing which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this Title; contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and contains provisions making any development conform with the site plan. A binding site plan may be used to divide land.

**Biofiltration/biofilter facilities:** vegetative BMPs that treat stormwater by filtration through vegetation. Biofiltration facilities include, but are not limited to, grassed or vegetated swales and filter strips.

**Biologist:** a person having specific relevant expertise who has a minimum of a Bachelor of Science degree in biological sciences or related field from an accredited college or university and/or with equivalent relevant training in fish and wildlife biology and substantial demonstrated experience as a practicing biologist.

**Birdsall Method**: a level of service (LOS) methodology that is used by Skagit County to determine Road System Concurrency. This method uses "Planned Capacity" rather than

"Physical Capacity" in determining roadway improvement needs. Roadways have an unmet need where the ratio of peak hour traffic (V) to planned capacity (PC) is greater than 1 (V/PC > 1.0 ). (For a detailed discussion of this concept, *see* Ch. V, Level of Service Standards in the Transportation System Plan.)

**Board:** the Board of County Commissioners of Skagit County.

**Boat launch, public:** a boat launch which serves more than a single residence.

**Boathouse, commercial:** any walled or covered structure built onshore or offshore for the wet or dry commercial storage, repair, or building of watercraft or float planes.

**Bond:** a financial guarantee, in the form of a surety bond, assignment of funds, or irrevocable bank letter of credit, that shall guarantee compliance with applicable provisions of this Title.

**Boundary line adjustment:** a conveyance made for the purpose of adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel or site, or division which contains insufficient area and dimensions to meet minimum requirements for building site.

**Breakaway walls:** a wall or partition located below base flood elevation and designed to break away under high tides or wave action without causing damage to the structural system or elements of the building. Such walls shall be designed for not less than 10 pounds per square foot or more than 20 pounds per square foot on the vertical projected area.

**Buffer, critical area:** an area which provides the margin of safety through protection of slope stability, attenuation of surface water flows and landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters; or an area which is an integral part of a stream or wetland ecosystem and which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland boundaries, habitat for wildlife, and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.

**Buffer, generally:** an area contiguous with a critical area, natural resource land, or urban growth area that is required for the integrity, maintenance, function, and stability of the area or land.

**Buildable lot:** a lot of record determined to be in compliance with all applicable chapters of Skagit County Code for which a development permit is approved.

**Building:** any structure used or intended for supporting or sheltering any use or occupancy.

**Building footprint:** the area of ground covered by a building.

**Building permit:** an official document or certification which is issued by the Building Official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. Building permit also includes a mobile home permit.

**Business or commerce:** the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit.

**Cabin:** a recreational dwelling unit used for short-term occupancy (in month-to-month or shorter increments) which may be fully plumbed, served with electrical power, and/or contain a kitchen and bathroom.

**Camouflaged:** a personal wireless service facility that is disguised, hidden or integrated with an existing structure or landscape so as to be significantly screened from view.

**Campground:** an area of land developed for recreational use in temporary occupancy, such as tents and recreational vehicles.

**Campground, destination:** a campground with a high level of amenities, including the amenities of a developed campground and any of the following: snack bars, small retail shops, restaurants, recreation halls, sports courts, on-site offices, laundromats, or other similar activities to serve the campground patrons.

**Campground, developed:** a campground with a moderate level of amenities, including any of the following: plumbed restrooms, individual campsites with sewer and water hook-ups, a dump station, or picnic shelters.

**Campground, primitive:** a campground with a minimal level of amenities, including at a minimum, vault or chemical toilets and garbage service, and which may include running water.

**Capital facilities:** facilities or improvements included in a capital budget.

**Capital Facilities Plan**: a Capital Facilities Plan adopted by a board or commissioners responsible for its implementation and submitted to the County for adoption into the County's Comprehensive Plan.

**Cell site or site:** a tract or parcel of land that contains the personal wireless service facilities, including any antenna, support structure, accessory buildings and parking, and may include other uses associated with and ancillary to personal wireless services.

**Certificate of capacity:** a document issued by the Planning and Permit Center indicating the quantity of traffic impacts on County roads and the quantity of capacity for each Non-Transportation Concurrency Facilities and Services that has been reserved for a specific development project on a specific property.

**Church:** a place or building where religious services are conducted, and which may include, as accessory uses, religious education, reading rooms, assembly rooms and a rectory or parsonage. This definition does not include facilities for training of religious orders.

**City:** means any city or town, including a code city.

**Clearing or land clearing:** the surface removal of vegetation, except those regulated under WAC 2-22 or RCW 46-04.

**Closed depressions:** low-lying areas that have no surface outlet, or such a limited surface outlet that in most storm events, the area acts as a retention basin, holding water for infiltration, evaporation or transpiration.

**Closed record appeal:** an appeal to the Board of County Commissioners based on the existing record.

**Cluster pod:** a grouping of clustered lots.

**Co-housing:** a type of residential community characterized by either attached or detached single family dwelling units which may or may not be located on separate lots, and includes a common building, which may contain a large dining room, kitchen, lounges, meeting rooms, recreation and laundry facilities, storage, guest rooms, library, workshops, and/or childcare, to serve only the co-housing community.

**Co-location:** the use of a personal wireless service facility, cell site or other structure by more than 1 personal wireless services provider.

**Committed improvement**: a legally binding commitment that a specific amount of capacity will be added to a Concurrency Facility or Service by a specific date.

**Common area:** land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development.

**Compensatory mitigation:** replacing project-induced critical area losses or impacts, and includes, but is not limited to, restoration, creation, or enhancement.

**Comprehensive drainage plan:** a detailed analysis, adopted by the Board, for a drainage basin which assesses the capabilities and needs for runoff accommodation due to various combinations of development, land use, structural and nonstructural management alternatives. The plan recommends the form, location, and extent of stormwater quantity and quality control measures that would satisfy legal constraints, water quality standards, and community standards, and identifies the institutional and funding requirements for plan implementation.

**Comprehensive Land Use Plan, Comprehensive Plan, or Plan:** the policies and proposals approved and recommended by the planning agency or initiated by the Board of County Commissioners (the Board) and approved by motion of the Board (a) as a beginning step in planning for the physical development of the County; (b) as the means for coordinating County programs and services; (c) as a source of reference to aid in developing, correlating and coordinating official regulations and controls, and; (d) as a means for promoting the general welfare. Such plan shall consist of the required elements set forth in RCW 36.70A.070 and may also include the optional elements set forth in RCW 36.70A.080, which shall serve as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and governmental functions.

**Comprehensive Plan amendment**: an amendment or change to the text or maps of the Comprehensive Plan.

**Concentrated animal feeding operation:** a lot or facility (other than aquatic) where more than 300 slaughter or feeder animals are confined and fed or maintained for a period of 45 days or more in any 12-month period, and in which crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season.

**Concurrency decision:** a decision that a proposed land development will not cause the level of service on a Concurrency Facility and Service to decline below adopted levels of service standards taking into account the available capacity, the capacity used by the proposed development, the capacity tentatively reserved by other pending development permit applications, the capacity reserved in Certificates of Capacity issued to projects that are not yet built, the capacity to be used by other growth estimated to occur, the capacity to be added by Committed Improvements that will be in place at the time the capacity is needed by the proposed development, and, in the case of Transportation Concurrency, the capacity to be added by Funded Projects.

**Concurrency Determination:** a Concurrency Determination for Roads or a Concurrency Determination for Non-Transportation Facilities and Services.

**Concurrency determination for non-transportation facilities and services**: a concurrency determination made by the Non-Transportation Facility Provider which compares an Applicant's impact on that provider's facilities to the capacity of such facilities, taking into account available facility capacity and any mitigation measures proposed by the Applicant.

**Concurrency determination for roads:** a determination of concurrency made by the Department of Public Works which compares an Applicant's impact on County roads to the capacity of the County roads, taking into account available and planned capacity and any mitigation measures proposed by the Applicant. Two separate methodologies are used: the Birdsall Method for evaluating Road System Concurrency, and the Highway Capacity Manual for evaluating Individual Road Concurrency.

**Concurrency facilities and services:** the facilities and services for which Project Concurrency Review is required in accordance with the provisions of this Chapter. All of the Concurrency Facilities and Services other than County Roads are referred to as Non-Transportation Concurrency Facilities and Services.

**Concurrency facility and service providers:** the County department or other governmental entity responsible for providing the applicable service or facility to a development project subject to Project Concurrency Review under this Title. All of the Concurrency Facility and Service Providers providing facilities and services other than County roads, are referred to as Non-Transportation Concurrency Facilities and Services Providers.

**Conservation and Reserve Development (CaRD):** A technique of residential land development characterized by the placement of dwellings and accessory buildings in a pattern of development which reduces impervious surface area, lowers costs of development and maintenance, and retains larger expanses of property available for agriculture, forestry, or continuity of ecological functions characteristic of the property to be developed. A CaRD, in some cases, allows higher densities than normally permitted in the zone, but also has greater design requirements. A CaRD may also modify certain requirements of the zone, as specifically allowed by this Code. When the creation of lots is desired, a CaRD is done in conjunction with a land division.

**Conservation easement:** A conservation easement is a legal agreement a property owner makes to restrict the activities and uses that may take place on his or her property. Conservation easements also convey the right to enforce these restrictions to a qualified conservation recipient, such as a local government or a land trust.

**Conservation plan:** a site-specific plan designed to conserve and/or productively utilize available resources while reducing adverse impacts to critical areas or their buffers caused by agricultural activities. Development of conservation plans typically includes inventory and analysis of available resources, and plans must specify the BMPs necessary to achieve the objectives of this Chapter.

**Contaminant:** any chemical, physical, biological or radiological substance that does not occur naturally in groundwater or that occurs at concentrations greater than those in natural levels.

**Contiguous land:** land adjoining and touching other land regardless of whether or not portions of the parcels have separate Assessor's tax numbers, were purchased at different times, lie in different sections, are in different government lots, or are separated from each other by private road or private rights-of-way.

**Conversion:** a use other than commercial timber operations that is a bona fide conversion to an active use which is incompatible with timber growing, or where the landowner has declared a conversion as part of the forest practice application approved by the Washington State Department of Natural Resources (DNR).

**Conversion Option Harvest Plan (COHP)**: a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

**Cooperative compensation projects:** actions necessary to replace project-induced losses to the functional values of a critical area, including land acquisition, planning, construction plans, monitoring and contingency actions.

**County:** Skagit County.

**County road intersections:** intersections between 2 County roads, between County roads and lower traffic volume city streets, and between County roads and lower traffic volume State highways.

**County road segments:** portions of individual County roads for which LOS is analyzed using the Birdsall method or Highway Capacity Manual (HCM).

**Covenants:** a restriction on the use of land usually set forth in the deed.

**Critical areas:** include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

**Critical area designation:** legal identification and specification for regulatory purposes of critical areas (wetlands, aquifer recharge areas, geologically hazardous areas, and fish and wildlife habitat) by definition through the assessment of site specific conditions. (Exception: Frequently Flooded Areas shall be designated on the Flood Insurance Rate Maps.)

**Critical area indicators:** site-specific features such as vegetation, soils, hydrology, topography or other environmental features established through a site visit or other means that indicate that critical areas are or may be present at a particular location. For critical areas such as aquifer recharge areas, where indicators cannot be identified through a site visit, indicators may be identified through use of critical area maps or other resources.

**Critical drainage area:** those areas designated in SCC 14.32.110 (Critical Drainage Areas) which have a high potential for stormwater quantity or quality problems.

**Critical facility:** a facility where safety from disaster is of paramount importance. Critical facilities include, but are not limited to, schools, hospitals, police, fire, and emergency response installations, nursing homes, installations which produce, use, or store hazardous materials or hazardous waste.

**Critter pad:** livestock flood sanctuary areas.

**Date of decision:** the date on which a final decision or determination occurs and is transmitted to parties of record and from which the appeal period is calculated.

**Days:** unless otherwise specified, the word "days" shall mean calendar days, not business days.

**Dedication:** the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the uses to which the property has been devoted.

**Delineation:** the precise determination of wetland boundaries in the field according to the application of specific methodology as described in the Washington State Wetlands Identification and Delineation Manual, Washington State Department of Ecology publication #96-94.

**Department:** the Skagit County Planning and Permit Center.

**Design Storm Event:** a theoretical storm event of a given frequency interval and duration used in the analysis and design of a stormwater and drainage facility.

**Detention facilities**: stormwater and drainage facilities designed to store runoff while gradually releasing it at a pre-determined controlled rate. Detention facilities shall include all appurtenances associated with their designed function, maintenance, and security.



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**Developed site:** the condition of the development site following completion of construction of the development including all approved phases of construction.

**Developer:** the individual(s) or corporation(s) applying for the permits or approvals listed in this ordinance.

**Development:** construction or exterior alteration of structures, dredging, drilling, dumping, filling, earth movement, clearing or removal of vegetation, Class IV general forest practices, Class III forest practices with conversion option harvest plans as defined in WAC 222-16, or other site disturbance which either requires a permit, approval or authorization from the County or is proposed by a public agency.

**Development activity:** for the purposes of SCC 14.30 (Public Facility Impact Fees), a type of construction, placement, conversion or expansion of a residential building or structure, or the siting of a mobile home, or a change in use of a residential building or structure or mobile home, or a change in use of land that creates or has the potential in the present or future to create an additional dwelling unit.

**Development approval:** approval by Skagit County of a Development Permit.

**Development Code:** Skagit County Code Titles 14 and 15.

**Development envelope:** Generally, the portion of a lot which may be used for development. As applied to a CaRD, the portion of a lot which may contain a single-family dwelling and accessory structures.

**Development permit, or development permit application:** any land use discretionary, or environmental permit or license required from a local government for a project action, including, but not limited to, construction or exterior alteration of structures, dredging, drilling, dumping, filling, earth movement, clearing or removal of vegetation, Class IV general forest practices, Class III forest practices with conversion option harvest plans as defined in WAC 222-16, or other site disturbance which either requires a permit, approval or authorization from the County or is proposed by a public agency, but excluding the adoption of amendment of a Comprehensive Plan, subarea plan, community plan, functional plan, development regulation or any amendments thereto.

**Development proposal:** a proposal for development requiring a permit from Skagit County.

**Development regulation or regulations:** means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

**Development review:** all review from pre-application meetings through the rendering of a final decision pursuant to the provisions of the Skagit County Code.

**Development Review Team:** representatives from Skagit County Planning and Permit Center, Public Works, Health Department, and Emergency Management.

**Dike:** a man-made embankment or revetment normally setback from the river bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land; material is normally clay.

**Diking:** a system of levees or banks, usually constructed of earth to control or confine water and create a protection against tidal or flood waters.

**Diking and drainage system:** any lawfully constructed combination of dike, levee, and drainage which actually does or is designed to prevent inundation and facilitate drainage of land upland of the Ordinary High Water mark.

**Dimensional standards:** means setbacks, lot coverage, maximum height and other dimensional requirements for the purposes of subdivision and development permits.

**Director of Public Works:** the Director of Public Works or his/her designee.

**Discretionary development permits:** development permit applications requiring discretionary review, including, but not limited to, subdivision permits, special use permits, unclassified use permits, variances, and shoreline substantial development/conditional use/variance permits.

**Display gardens:** horticultural gardens open to the public, including ornamental plants.

**Distance:** the length in feet between 2 or more points as measured on a horizontal plane.

**District:** as it applies to special purpose districts, any area located within Skagit County that has special purpose and defined service area boundaries in the unincorporated area of Skagit County, and whose Capital Facilities Plan has been or will be adopted by the Board as a part of the County's Comprehensive Plan.

**Diversion:** the routing of stormwater to other than its natural discharge location.

**Drainage:** the collection, conveyance, containment, and/or discharge of surface and stormwater runoff.

**Drainage feature:** any natural or manmade structure, facility, conveyance, or topographic feature which has the potential to concentrate, convey, detain, retain, infiltrate, or affect the flow rate of stormwater runoff.

**Drainage plan:** a plan for the collection, storage, transport, treatment and discharge of runoff, and may include both the plan and profile views of the site as well as existing and proposed contours, construction details, and notes.

**Driveway:** access to 1 or 2 individual lots.

**Dwelling unit:** 1 or more rooms designed for occupancy by a person or single family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupants. Dwelling units include single family residences, factory-built housing and mobile homes.

**Dwelling unit, attached:** a dwelling unit separated by less than 6 feet from another dwelling unit.

**Dwelling unit, detached:** a dwelling unit separated by a minimum of 6 feet from another dwelling unit.

**Early notice:** the County's response to an Applicant inquiry as to whether the County considers issuance of a determination of significance likely for the Applicant's proposal.

**Ecology:** the Washington State Department of Ecology.

**Effective date:** the date of final decision.

**Elevation Certificate:** certified record of the actual elevation of a structure in relation to mean sea level of the lowest habitable floor or horizontal supporting member.

**Encroachment:** as it relates to flood control, any fill, structure, building, use, accessory use, or development in the flood plain or water course where, combined with all other existing development, increases the base flood elevation more than 1 foot at any point. Encroachments shall be prohibited in regulatory floodways.

**Encumbered:** to reserve, set aside, or otherwise earmark the impact fees by contract to pay for commitments, contractual obligations, or other liabilities incurred for public facilities as set out in an adopted Capital Facilities Plan.

**Enhancement:** an action which improves the functions and values of a stream or wetland.

**Erosion and Sediment Control Plan:** those requirements listed in SCC 14.32.060 of this Ordinance.

**Erosion hazard areas:** those areas containing soils which, according to the United States Department of Agriculture Soil Conservation Service Soil Classification System, may experience severe to very severe erosion.

**Essential public facilities:** those facilities that are typically difficult to site, such as airports, State education facilities and State or regional transportation facilities as defined in RCW 47.06.140, State and local correctional facilities, solid waste handling facilities, and in-patient facilities, including substance abuse facilities, mental health facilities, and group homes.

**Examiner:** the Skagit County Hearing Examiner.

**Existing site conditions:**

(a) For developed sites with stormwater and drainage facilities that have been constructed to meet the standards in the Minimum Requirements of this Ordinance, existing site conditions shall mean the existing conditions on the site.

(b) For developed sites that do not have stormwater and drainage facilities that meet the Minimum Requirements of this Ordinance, existing site conditions shall mean the conditions that existed prior to local government adoption of a stormwater management program (August 2, 1983). If in question, the existing site conditions shall be documented by aerial photograph records, or other appropriate means.

(c) For all sites in water quality sensitive areas as identified under Ecology Minimum Requirement #7, Water Quality Sensitive Areas, existing site conditions shall mean undisturbed forest, for the purpose of calculating runoff characteristics.

(d) Existing site conditions on undeveloped sites shall be the existing conditions, except where timber harvest activities have preceded development regulated by this Ordinance by less than 6 years, where existing site conditions shall be considered undisturbed forest.

**Existing stormwater facilities:** those facilities constructed or under permitted construction prior to the effective date of this Chapter.

**Exotic:** means any species of plants or animals that is not indigenous to the area.

**FAA:** the Federal Aviation Administration.

**Family:** an individual, or 2 or more persons related by blood or marriage, or court-approved process, or a group of not more than 5 persons who are not related by blood, marriage, or court-approved process.

**Family day care provider:** an establishment for group care of non-resident adults or children which is accessory to a single-family residence that is the abode of the person or persons under whose direct care and supervision the clients are placed. Day care consists of both adult day care, and child day care facilities, licensed by the State. A maximum of 12 adults or children in any 24-hour period, including children who reside at home, are permitted.



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**Family member, immediate:** individual(s) who is/are related by blood, marriage, or court-approved process.

**Farm:** land, buildings and machinery used in the commercial production of land-based farm products.

**Farm-based business:** an on-farm commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and soil-dependent agricultural products that are produced, processed, and sold on-site. Farm-based businesses are intended to supplement farm income, improve the efficiency of farming, and provide employment to farm family members. Farm-based businesses are separate and distinct from Agriculture support services (Ordinance No. 17029).

**Farm operation:** conditions or activities which occur on a farm in connection with the commercial production of land-based farm products, and includes, but is not limited to, market produce at roadside stands or farm markets; preparation for market, delivery to storage or to market, or to carriers for transportation to market; transportation of equipment; noise, dust, fumes, operation of machinery and irrigation pumps; ground and aerial seeding or spraying; application of chemical and organic fertilizers, conditioners, insecticides, pesticides and herbicides and associated drift of such materials; and the employment and use of labor.

**Farm pond:** means a deepwater habitat created from a non-wetland site in connection with agricultural activities where the pond is smaller than 5 acres.

**Farmers' market:** an open air short-term market where produce and other related goods are sold. Does not include permanent physical structures.

**FCC:** the Federal Communications Commission.

**Feepayer:** is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a development activity which creates the demand for additional public facilities, and which requires development approval and/or the issuance of a building permit. "Feepayer" also includes an Applicant for an impact fee credit.

**Fence:** that which is constructed or composed of materials joined together in some definite manner in which the prime purpose is to separate, partition, enclose or screen.

**Festival site:** An indoor and/or outdoor site which may be used year-round for musical and/or cultural events.

**Final concurrency decision**: a decision made by the project permit decision maker that there is or is not concurrency.

**Final decision:** the final decision by the Administrative Official, Hearing Examiner, or Board of County Commissioners.

**Fish and wildlife habitat conservation areas and their networks shall be classified as follows:**

(a) areas with which endangered, threatened, and sensitive species have a primary association;

(b) habitats and species of local importance that have been designated by the County at the time of application;

(c) all public and private tidelands suitable for shellfish harvest;

(d) kelp and eelgrass beds, herring and smelt spawning areas;



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(e) naturally occurring ponds under 20 acres with submerged aquatic beds that provide fish or wildlife habitat;
(f) waters of the State as defined by WAC 222-16;
(g) lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
(h) areas with which anadromous fish species have a primary association;
(i) State Natural Area Preserves and Natural Resource Conservation Areas; and
(j) other aquatic resource areas.

**Flood or "flooding":** a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland or tidal waters;
(b) the unusual and rapid accumulation of runoff or surface waters from any source.

**Flood hazard areas:** lands in the floodplain subject to a 1% or greater chance of flooding in any given year and designated as A, AO, AH, A1-10, A12, A14, A16, A18, A21-22, V1 and V4 zones on the Official Flood Insurance Rate Map for Skagit County as amended. These areas include the floodway and 100-year floodplain.

**Flood Insurance Rate Map (FIRM):** the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood insurance study:** the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood.

**Flood protection elevation:** 1 foot above the base flood elevation.

**Floodplain management:** a long-term local government program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulations, building standards, structural works, and monitoring and warning systems.

**Floodway:** the river channel and adjacent overbank areas through which the base flood is discharged. Floodways identified on flood boundary and floodway maps (FBFM) become "regulatory floodways" within which encroachment of obstructions are prohibited.

**Floor area:** the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

**Forest, undisturbed:** Fir or mixed forest with good ground cover consisting of litter and brush and being protected from grazing.

**Forest crop:** a crop grown in a wooded area, including, but not limited to, timber, ferns, moss, boughs, bark, berries, tree, nursery stock, and Christmas trees.

**Forest land:** land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140 and that has long term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered:

(a) the proximity of the land to urban, suburban, and rural settlements;
(b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses;
(c) long-term local economic conditions that affect the ability to manage timber production;
(d) the availability of public facilities and services conducive to conversion of forest land to other uses.

**Forest land owner:** any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner; provided, that any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

**Forest practices:** any activity conducted on or directly pertaining to forest land and related to growing, harvesting or processing timber as described in WAC 222-16. This does not include the conversion of forested land to a use incompatible with growing timber.

**Forestry-based business:** a commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and forestry-related products that are produced or processed on-site, and which may be sold on-site.

**Frequently flooded areas:** lands in the floodplain subject to a 1% or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like.

**Functional values:** means those functions performed by a critical area or buffer which are highly beneficial to the maintenance of the aquatic system and surrounding environment. As used in this Chapter, "functional values" for wetlands, streams and buffers are limited to the following elements:

(a) Streams: Fish and wildlife habitat, water quality maintenance, water supply and water conveyance.
(b) Wetlands: Fish and wildlife habitat, water quality maintenance, pollution assimilation, shore stabilization, sediment retention, runoff and floodwater storage and conveyance, runoff control, stream base-flow maintenance, and groundwater discharge/recharge.
(c) Buffers: Fish and wildlife habitat, runoff absorption, pollution assimilation, streambank stabilization, sediment entrapment, water quality maintenance including shading for maintenance of temperature, noise and visual screening, upland flood protection, recreation, and provision of nutrients and woody debris for streams.

**Functionally Classified System:** all County roads classified as a Local Access Road, Rural Minor Collector, Urban Collector, or higher.

**Funded projects:** transportation improvement projects for which a financial commitment is in place to complete the improvements or TSM strategies within 6 years of the date the Final Concurrency Decision is to be made. Each year, projects are to be designated as "funded" by the Board of County Commissioners at the time of adoption of the 6-Year Transportation Improvement Program.

**Geologically hazardous areas:** areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

**Geologist:** a person having specific relevant expertise who has received a degree in geology from an accredited college or university, or a person who has equivalent educational training and substantial demonstrated experience as a practicing geologist.

**Golf course:** a recreational facility designed and developed for golf activities. May include as accessory uses a pro shop, snack bar (not including restaurants), and caddy shack/maintenance buildings.

**Governing Authority:** the governing authority of the County, namely the Board of County Commissioners.

**Grade:** for the purposes of SCC 14.34, existing or natural ground elevation prior to development or final ground elevation after completion of approved filling or grading activity.

(a) **Adjacent grade:** The average height of existing grade adjacent to a building.

**Grading:** any excavating or filling or combination thereof.

**Greenhouse:** a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

**Gross acreage:** the total acreage within the boundaries of a proposal, including adjacent street right-of-way per SCC 14.18.000(3)(c).

**Gross building area:** the total amount of enclosed space, whether inhabited or uninhabited, on a lot.

**Groundwater**: all waters that exist beneath the land surface or beneath the bed of any body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

**Group care facility:** living quarters for children or adults meeting applicable Federal and State standards that function as a single housekeeping unit and provide supporting services, including but not limited to counseling, rehabilitation, and medical supervision, not exceeding more than 20 residents and staff. If staffed by nonresident staff, each 24 staff hours per day equals 1 full-time residing staff member for purposes of determining number of staff.

**Growing season:** the portion of the year when soil temperatures are above biologic zero (41 degrees Fahrenheit) as defined by the Washington State Wetlands Identification and Delineation Manual, Washington State Department of Ecology publication #96-94.

**Grubbing:** the removal of vegetative matter from underground such as sod, stumps, roots, buried logs, or other debris, and shall include the incidental removal of topsoil to a depth not exceeding 12 inches.

**Habitat of local importance:** includes a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration, such as cliffs, talus, and wetlands.

**Hazardous waste:** all dangerous waste (DW) and extremely hazardous waste (EHW) as defined in RCW 70.105.010.

**Hazardous waste storage:** the holding of dangerous waste for a temporary period as regulated by the State of Washington Dangerous Waste Regulations, WAC 173-303.

**Hazardous waste treatment**: the physical, chemical or biological processing of dangerous waste to make wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume.

**Health Officer:** means the Health Officer of Skagit County or his authorized representative.

**Hearing Examiner:** the Skagit County Hearing Examiner.

**Height:** the vertical distance measured from the average elevation of the area occupied by the structure to the highest point of the structure or roof for flat roofs, and the average height of the roof on gable, shed, hip or other peaked roofs.

**Height, aviation related and airport environs overlay zones:** for the purpose of determining the height limits in all zones set forth in these zones, and shown on the official map, the datum shall be mean sea level elevation, unless otherwise specified.

**High traffic County road intersections:** any County road intersection into which the total approach volume is at least 7,000 average daily trips and the approach volume from all of the minor legs totals at least 1,000 average daily trips.

**High traffic County road segments:** any County road segment on which there are at least 8,000 average daily trips.

**Highway Capacity Manual (HCM):** a document which presents a collection of techniques for determining lane capacity and the best methodologies available at the time of publication for determining congestion based on quality of service or level of service for streets, roads, and highways.

**Historic site:** includes both archaeological and historic sites, structures, or development which contributes to Skagit County's cultural and historic heritage, including but not limited to, Indian and pioneer settlements, old buildings, forts, trails, landings, bridges, or the sites thereof together with interpretive facilities.

**Home Based Business:** Home based businesses are home occupations that remain incidental to the use of a residence for general dwelling purposes and are compatible with rural character. Two categories of Home Based Businesses are allowed in Skagit County, Home Based Business 1 and Home Based Business 2. Home Based Business 1 is generally a permitted use while Home Based Business 2 requires a Special Use Permit.

**Hospital:** a building designed and used for medical and surgical diagnosis, treatment, and housing of persons, which may include overnight stay. Rest homes, nursing homes, convalescent homes and clinics are not included.

**Hotels/Motels:** a building in which there are guest rooms where lodging with or without meals is provided for compensation, where no provision is made for cooking in any room or suite. Definition shall apply to all operations with 6 or more guest rooms or where operation is not owner-occupied or owner-managed.

**Hydrogeology:** the study of subsurface waters, their origin, occurrence, movement and quality.

**Hydrograph:** a graph of runoff rate, inflow rate, or discharge rate past a specific point over time.

**Hydrograph method:** a method of estimating a hydrograph using a mathematical simulation. Commonly accepted hydrograph methods include the National Resource Conservation Service TR-55 Method and the Santa Barbara Urban Hydrograph Method.

**Illicit discharge:** all non-stormwater discharges to stormwater drainage systems that cause or contribute to a violation of State water quality, sediment quality, or groundwater quality standards including, but not limited to, sanitary sewer connections, industrial process water, interior floor drains, and gray water systems.

**Impact:** for the purpose of SCC 14.30, an activity on or an alteration of a land use which changes or alters the demand for public services or facilities.

**Impact fee:** a payment of money imposed by Skagit County on development activity pursuant to this Title as a condition of granting development approval and/or a building permit in order to pay for the public facilities needed to serve new growth and development. Impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent fee calculations, or the administrative fee required for an appeal pursuant to Section 14.30.070 of this Title.

**Impact fee account:** the account established for the public facilities for which impact fees are collected. The account(s) shall be established pursuant to Section 14.30.080 of this Title, and comply with the requirements of RCW 82.02.070.

**Impervious surface:** a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. Impervious surface shall also include a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include but are not limited to roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads with compacted subgrade, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

**Impoundment:** a natural topographic depression, man-made excavation, or diked area, which is designed for livestock watering, irrigation, recreation, wildlife habitat, fish rearing, or property enhancement. Impoundments do not include stormwater management ponds.

**Independent fee calculation:** means the impact calculation, and/or economic documentation prepared to support the assessment of an impact fee other than by the use of the schedule kept on file in the Permit Center, or the calculations prepared for a district where none of the fee categories or fee amounts in said appendix accurately describe or capture the impacts of the new development on public facilities.

**Individual road concurrency:** concurrency based on traditional A through F LOS rankings related to specific County road segments and to County road intersections using the Highway Capacity Manual.

**In-kind compensation:** to replace critical areas (e.g. wetlands) with substitute critical areas (e.g. wetlands) whose characteristics closely approximate those destroyed or degraded by a regulated activity.

**Innocent purchaser:** an individual who has purchased real property for value and did not receive actual notice that the lot was not legally created as provided by SCC 14.18.

**Institutional camps:** an established group camp maintained for recreation, education, vacation, religious or other similar uses by organized groups that assume supervision of the camp activities. Typically involves overnight stays and group cooking and eating facilities.

**Interest:** the average interest rate earned by a district in the last fiscal year, if not otherwise defined.

**Interlocal agreement:** any agreement between the County and a district or city which sets forth certain terms relating to the planning, zoning, and regulation of development and other issues within an urban growth area.

**Interpretive center:** building(s) or site dedicated to public education about local or area ecology, natural history, human history, or other similar subjects. An interpretive center may include a small store, cafeteria, and auditorium, but does not include overnight stays.

**Kennel:** a place where 4 or more dogs and/or cats are temporarily boarded for compensation and may be bred for compensation. Puppies and kittens under 16 weeks old are not included in this quantity.

**Junk:** means any solid, non-organic, non-putrescible solid waste including discarded or salvaged materials, scrap metals or other scrap material; used or scrap building, plumbing, electrical, and heating materials; discarded household appliances, furnishings and fixtures; or dismantled or demolished machinery.

**Junkyard:** means the use of more than 500 square feet of area of a lot or parcel of land for the depositing, sorting, refining, baling, dismantling, or storage of junk. The term shall not apply to such uses when they are conducted entirely within an enclosed structure, nor does it apply to legally established businesses.

**Lake:** a naturally or artificially-created body of deep (generally greater than 6.6 feet) open water, 20 acres or greater, that persists throughout the year and meets the definitional criteria for a deepwater habitat. For the purposes of this Title, those portions of a lake that meet the definitional criteria for "wetland" shall be regulated under the wetland section of this Title.

**Land disturbing activity:** any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include but are not limited to demolition, construction, paving, clearing, grading, and grubbing.

**Land division:** the division of a lot, tract, or parcel of land into 2 or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

**Land use lot certification:** process where the Administrative Official determines that a lot(s) is a legal lot of record and if the Applicant wishes, a determination whether the lot is eligible for residential or non-residential land uses.

**Landslide:** down slope movement of a mass of soil, or rock, including, but not limited to, rock falls, slumps, mud flows, debris flows, torrents, earth flows and avalanches.

**Landslide hazard areas:** areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

**Large development:** any new development or any redevelopment activity that includes:

(a) The creation or cumulative addition of 5,000 square feet or greater of impervious surface area from the pre-development conditions; or

(b) Land disturbing activity of 1 acre or greater; or

(c) Grading involving the movement of 500 cubic yards or more of material.

**Large woody debris (LWD) recruitment:** standing timber which has the potential, during the course of natural events, to contribute organic materials to the stream, thus providing stream bank protection and in-stream habitat. LWD includes woody material (logs, rootwads, etc.) that are greater than 10 centimeters in diameter and 1 meter or greater in length.

**Level of Service (LOS) standard:** an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need. For transportation, an A through F scale is frequently used to reflect level of service and to designate a LOS standard.

**Level of Service, rural:** Level of service applicable to all portions of the County not within an urban growth area.

**Level of Service, urban:** Level of service applicable within an urban growth area.

**Long-term commercial significance:** includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

**Lot:** contiguous quantity of land in possession of, owned by or recorded as the property of a person. A lot shall also include any individually numbered or separately designated parcels of property in an approved subdivision or development.

**Lot, building:** a lot created for the purpose of building development under the intended use of the zone.

**Lot, corner:** a lot situated at the intersection of 2 streets or roads.

**Lot, panhandled:** a lot which sits behind another lot and obtains access to the main access road via a narrow driveway strip that is a portion of the lot.

**Lot, substandard:** a lot which does not meet the minimum size or width requirements or is unable to meet the minimum setback requirements of the zone.

**Lot clustering:** the grouping together of reduced size residential lots so that each lot is contiguous with at least 1 other lot. The land not included in the building lots shall remain in non-residential use, such as open space, active recreation, preservation of environmentally sensitive area, or natural resource lands.

**Lot coverage:** the percent of area of a lot that may have buildings located thereon.

**Lot line, front:** the boundary of a parcel adjacent to any street right-of-way, or when a parcel is not contiguous to a street, a boundary designated by the Applicant. Corner lots and through lots have more than 1 front lot line.

**Lot line, rear:** the boundary of a parcel opposite the front lot line. In the case of a triangular lot, it means a line 20 feet in length within the lot parallel to and at the maximum distance from the front line. Corner and through lot lines shall be considered front lot lines for setback purposes.

**Lot line, side:** any boundary of a parcel which is neither a front or rear lot line.

**Lot of record:** Any lot platted or legally created under a Skagit County subdivision ordinance on or after March 1, 1965; any tract of land divided by metes and bounds or fractional section description or platted and recorded with the auditor prior to March 1, 1965; or any tract of land defined by metes and bounds or fractional section description and conveyed by notarized deed prior to March 1, 1965.

**Lot of record, legal:** a definition used prior to the adopting of the June 20, 2000, Unified Development Code referring to a lot of record meeting the aggregation requirements of SCC 14.04.190(5) (as formerly codified).

**Lot size:** the total horizontal square footage area within property lines, provided that area may include the portion of the property that was dedicated to the public or private street right-of-way.

**Lot, through:** a lot having 2 opposite lot lines abutting public streets which are usually more or less parallel to each other; not a corner lot. Both lot lines abutting streets shall be deemed front lot lines.

**Lot width:** the length of the front lot line, or the distance between 2 side lot lines measured at the front setback line, whichever is greater.

**Low-flow or "closed" streams:** those streams in Skagit County designated by the State Department of Ecology as requiring minimum water flows for the purposes of protecting fish, game, birds or other wildlife resources or recreational or aesthetic values of said public waters pursuant to RCW 90.22. (*See* Appendix A, SCC 14.24 for a list of DOE "closed" or "low-flow" streams).

**Lowest floor:** the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure usable solely for parking of vehicles or building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found in SCC 15.20.190(1). Design requirements found in SCC 14.34.

**Maintenance, drainage:** any activity that is necessary to keep a stormwater and drainage facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater and drainage facility if reconstruction is needed in order to return the facility to good working order. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater and drainage facilities.

**Maintenance covenant, drainage:** a binding agreement between Skagit County and the person or associations holding title to a property or properties served by a stormwater and drainage facility whereby the entity responsible promises to maintain certain stormwater and drainage facilities. That entity shall also grant the County the right to enter the subject properties to inspect and to make certain repairs, or perform certain maintenance procedures on the stormwater control facilities when the property owner has not performed repairs or maintenance. The entity responsible will be required to reimburse the County for the cost should the County perform such repairs or maintenance.

**Maintenance plan, drainage:** a recorded agreement that identifies a designated group or individual responsible for the proper operation, maintenance, and inspection of a specific stormwater drainage system. The agreement shall include the schedule and scope of maintenance operations for any detention ponds, control structures, catch basins, conveyance systems, and access roads or easements necessary for performance that are included with the as-built drawings as provided by a professional engineer. Such schedule and scope of operations shall include an inspection schedule, maintenance components, defects, conditions when maintenance is needed and the expected results of the performed maintenance.

**Maintenance schedule, drainage:** a document detailing required stormwater and drainage facility maintenance activities to be performed at specified intervals.

**Major utility development:** utility developments designed to serve a broader community area, or are manned.

**Manure lagoons:** lagoons for livestock and poultry waste which shall follow construction and management guidelines set forth by the USDA-NRCS.

**Marinas:** fresh or salt water facilities that provide storage (wet and/or dry), launch areas, supplies, and services for pleasure and/or fishing craft. Marinas may be available to the

general public through rental or fee agreements or they may be totally private, or for members of a yacht or country club, or a recreational subdivision.

(a) foreshore marinas are located in intertidal (high tide to low tide) or offshore (low tide and seaward) zones, along lake or river shores, and may be of open pile, floating or solid construction. Because of their location, foreshore marinas usually appropriate and utilize beaches and shoreline resources, surface waters, and may require shore defense works on marine shores.

(b) backshore marinas are located landward of the high tide line or high water mark, or lake or river shores, and may require harbor and channel dredging, structural support works (bulkheads), and maintenance. Because of this location, offshore defense works are usually not required and beach and shoreline resources are not necessarily appropriated or altered.

**Marinas, primitive:** marinas which include minimal shoreside improvements, limited to toilet facilities, parking, and picnic benches.

**Mine hazard areas:** areas underlain by or affected by underground mine workings such as adits, tunnels, air shafts and those areas adjacent to steep slopes produced by open pit mining or quarrying, but excluding any areas where the mine workings have been properly stabilized and closed and made safe consistent with all applicable Federal, State and local laws.

**Mineral resource lands:** lands containing mineral deposits, both active and inactive, that have a known or potential long-term significance for the extraction of minerals and which are in close, economic proximity to locations where the deposits are likely to be used.

**Minerals:** clay, coal, gravel, industrial minerals, valuable metallic substances, sand, stone, and other similar solid materials or substances to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.

**Mini-storage:** a service use containing separate storage spaces that are leased or rented as individual units. Mini-storage shall not include the conduct of business activities other than rental of storage units of the premises and shall not have outside storage of property.

**Mining:** the removal of naturally occurring metallic and nonmetallic minerals and other related materials from, on and beneath the earth's surface. Normally, such removal is for commercial and construction purposes. Mining in general includes deep pit, open pit, or surface mining, quarrying, and placer or hydraulic mining.

**Mining, surface or open-pit:** involves either the removal of surface material (overburden) to enable the underlying mineral resources to be exposed and extracted (quarried) or the direct extraction of naturally occurring surface minerals and materials such as rock, sand, gravel and aggregate. Removal of sand from river bars is considered a surface mining activity.

**Mining operations:** all mine-related activities, including:

(a) the mining or extraction of rock, stone, gravel, sand, earth, and other minerals;

(b) blasting, equipment maintenance, sorting, crushing, and loading;

(c) on-site mineral processing including asphalt or concrete batching, asphalt or concrete recycling, and other aggregate recycling;

(d) transporting minerals to and from the mine, on site road maintenance, road maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control.

**Minor leg(s):** for a "T" or 3-leg intersection, the leg of the intersection having the lowest traffic volume. For a 4-leg intersection, the 2 legs having the lowest traffic volumes.

**Minor utility development:** utility developments designed to serve a small local community, are not manned and would be considered normal utility services for the area.

**Mitigation bank:** means a properly developed collection of existing, created, restored or enhanced wetlands and their protective buffers that are created or established using best available science to provide mitigation credits to offset future adverse impacts to wetlands from approved projects elsewhere.

**Mitigation banking:** an approved program including the creation, restoration, or enhancement of wetland or other aquatic habitats and their functional values together with a program of administrative functions expressly for the purpose of providing compensatory mitigation in advance of proposed discharges into water of the United States, including wetlands, where mitigation cannot be achieved at the site of the impact.

**Mitigation plan:** a detailed plan indicating actions necessary to mitigate adverse impacts to critical areas.

**Modified natural watercourse:** that segment of a natural stream that has been modified and is maintained by diking and drainage districts, and where such modification activity was done as a permitted activity that has undergone environmental review (SEPA and/or NEPA), and is in compliance with all necessary permits in effect at the time of its approval.

**Motorized vehicle recreation facility:** A privately owned, publicly used outdoor facility for recreation with minimal associated structures and buildings, which do not involve overnight stays, and include continuous operation of motorized vehicles as an inherent part of the facility's operation. Examples include bumper boats, go-kart tracks, and bumper cars.

**Mount:** the structure or surface upon which personal wireless service facilities are mounted. There are generally 3 types of mounts:

(a) Building mounted. A personal wireless service facility mount fixed to the roof or side of a building;

(b) Ground mounted. A personal wireless service facility mount fixed to the ground, such as a tower.

(c) Structure mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles and bridges.

**National Wetland Inventory:** an inventory that was developed by the U.S. Fish and Wildlife Service, which used aerial photography to map wetlands across the nation. This information has been put on USGS Quadrangle maps and the County has a complete set for Skagit County. The USFWS used its more inclusive definition of wetlands to determine which wetland would be included in the NWI. Ground truthing of this information indicates that the NWI does not include all the wetlands that actually exist. In some areas, only 50% of the existing wetlands are identified in the NWI. Wetlands in forested areas are especially difficult to identify from aerial photographs, and are likely to be missing from the NWI.

**Native vegetation:** plant species which are indigenous to the area.

**Natural resource lands:** lands designated on the official Skagit County Comprehensive Plan/Zoning Map as Agricultural, Industrial Forest, Secondary Forest, Mineral Overlay, and Rural Resource, which have long-term commercial significance.

**Natural watercourse:** any stream in existence prior to settlement that originated from a natural source. An example of a natural watercourse is a stream that originates in the foothills, flows through agricultural and/or urban land, and empties into a saltwater bay or another watercourse.



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**Naturally occurring location:** the location of those channels, swales, and pre-existing and established systems as defined by the first documented topographic contours existing for the subject property. The location shall be determined from maps, photographs, site inspections, decisions of a court of law, or other means determined appropriate by the Director of Public Works. This definition of Naturally Occurring Location shall apply only to SCC 14.32.

**New construction:** structures for which the start of construction commenced on or after the effective date of this Ordinance.

**Nonconformance or nonconforming:** any use, improvement or structure established in conformance with Skagit County rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site's current zone or to the current development standards of the Code due to changes in the Code or its application to the subject property.

**Non-forestry use:** an active use of land that is incompatible with timber growing.

**Non-soil dependent:** any use which is included in the definition of agriculture, but which is not dependent on the use of native, indigenous soil or which does not allow continued and future use of the soil for growing crops.

**Nuisance:** all violations of land use ordinances, statutes and regulations contained in this Code are hereby declared to be detrimental to the public health, safety and welfare and as such shall constitute nuisances.

**Nursery:** land used for the storage, cultivation, or transplanting of live trees, shrubs, or plants offered for sale on or off the premises including products used for gardening or landscaping. Wholesale nurseries do not have associated sales buildings, while retail nurseries may have associated sales buildings.

**Official controls:** legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of a county or any part thereof or any detail thereof. Such official controls may include but are not limited to ordinances establishing zoning, subdivision control, platting, and adoption of detailed maps.

**Official signs:** are directional and other signs or notices erected and maintained by public offices or agencies pursuant to, and in accordance with, city, County, State or Federal law for the purpose of carrying out an official duty or responsibility.

**Off-premises sign:** a sign advertising a business or product not located on the premises where it is produced or sold.

**Off road vehicle park/trails:** designated park/trails for off-road vehicles to serve more than immediate family living on the site.

**Off-site drainage analysis:** a study of those land areas contributing surface runoff to a development site as well as a study of the existing and predicted impacts of surface runoff from the development site on properties and drainage features that have the potential to receive stormwater from the development site.

**Off-site mitigation:** to replace critical areas, critical area buffers or their functions or values away from the site on which the critical area or buffer has been adversely impacted by a regulated activity.

**Ongoing agriculture:** the continuation of any existing agricultural activity on "Agricultural-NRL land" including crop rotations. Activities undertaken for the first time after May 13, 1996, the date Skagit County adopted Ordinance 16156, the Critical Areas Ordinance, do not constitute "ongoing agriculture."

**On-site compensation:** to replace critical areas at or within 200 feet of the site on which a critical area has been impacted by a regulated activity.

**Open space:** any land area, the preservation of which in its present use would conserve and enhance natural or scenic resources; or, protect streams or water supplies; or, promote conservation of soils, wetlands, beaches or tidal marshes; or, enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations; or, sanctuaries or other open space; or, enhance recreation opportunities; or, preserve historic sites. Public Open Space is public owned land that has been or will be set aside for open space and recreational use. Private Open Space is privately owned land that has been or will be set aside by operation of the Critical Areas Ordinance, by voluntary conservation, or by land reserve easements. Current Use Open Space Taxation Program includes properties utilized for agriculture, timber, and open space uses as provided in RCW 84.24.

**Open space in a Conservation and Reserve Development (CaRD):** an open space area which in the case of a CaRD meets the specific requirements of SCC 14.18.310. There are several different CaRD open space types which vary depending on the zoning and characteristics of the site.

**Operation and maintenance of diking and drainage systems:** the clearing of vegetation, the planting and maintenance of sod covering, the use of rock armor, floodwalls, sandbags, and other flood fighting materials to prevent inundation, and the making of necessary repairs to restore existing structures and facilities, such as dikes, levees, ditches, drains, and pump stations within specific areas identified under SCC 14.24.100(9).

**Operation and maintenance manual:** a written manual, prepared by a Professional Engineer that provides a description of operation and maintenance procedures for specific stormwater control facilities for use by operation and maintenance personnel.

**Ordinary high water mark (OHWM)**: the mark on the shores of all water which is found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation; provided that, in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean highest high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water. (WAC 173-22-030)

**Outdoor working area:** the area outside of any enclosed structures where commercial or industrial activities of a Rural Business historically, meaning over several successive years, and predominantly, meaning more than just incidental use, have been conducted.

**Outdoor advertising:** all publicly displayed messages such as signs, billboards, placards, pennants or posters, whose purpose is to provide official and commercial information, direction and advertising.

**Outdoor Outfitters Enterprises (OOE):** are hunting, fishing, bird watching and similar outdoor outfitting enterprises that remain incidental to the primary use of a Natural Resource Land and are allowed as a special use. Outdoor outfitting opportunities may be provided by the farm owner or members of his immediate family on a trip basis or through direct lease to a hunt club, individual or group or through sublease to a professional outdoor outfitter. For the purposes of this definition, incidental shall mean resulting in income and land use that supplements, but does not exceed the primary use of the Natural Resource Land for agricultural or forestry use. A no net loss of the resource land may occur as a result of OOE. These enterprises must comply with specific criteria for special uses outlined in SCC

14.16.900(3)(d). This definition shall not be considered to apply to private hunting and fishing.

**Outdoor recreation facility:** a privately-owned, publicly-used outdoor facility for recreation, with minimal associated structures and buildings, which do not involve overnight stays, or include continuous operation of motorized vehicles as an inherent part of the facility's operation. Examples include public boat launches, U-fish ponds, hot springs, mini-golf, and tennis courts for public use.

**Out-of-kind compensation:** to replace a critical area (e.g. wetland) with a substitute critical area (e.g. wetland) whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.

**Overlay zone:** a zoning district which is applied to a given area in addition to an underlying or base zone. Properties within an overlay zone are subject to the requirements of both the underlying zone and the overlay zone.

**Overload tolerance standard:** the percent of total vehicle miles traveled (VMT) on the County road system that is allowed to exist on roads with an unmet improvement need. This is a part of the Birdsall LOS method. (For a detailed discussion of this concept, *see* Ch. V, Level of Service Standards in the Transportation System Plan).

**Owner:** any person, agent, firm or corporation having a legal or equitable interest in the property.

**Owner occupancy:** when a property owner as reflected in title records who makes his or her legal residence at the site as evidenced by filing an affidavit with the Skagit County Auditor's Office and who resides at the site more than 6 months out of any given year.

**Park, community:** a park planned to provide indoor and outdoor active and structured recreation opportunities primarily for organized activities and sports, although individual and family activities are also encouraged. Sports fields are often the central focus of the park. The service area is typically a 1-2 mile radius in urban areas and can be up to 10 miles in rural areas. Appropriate facilities for community parks are listed in the Skagit County Comprehensive Parks and Recreation Plan.

**Parks, regional:** a park defined in the Skagit County Comprehensive Parks and Recreation Plan by large recreation areas that serve the residents of the entire County as well as residents from outside the immediate region. These parks generally exceed 100 acres in size and focus on unique features or facilities. Typically, regional parks provide areas for trail systems, picnicking, boating, fishing, swimming, environmental education, camping and hiking.

**Park, recreation open space:** a park defined in the Skagit County Comprehensive Park and Recreation Plan that includes undeveloped land primarily left in its natural condition and used for passive recreation purposes, creation of separation and seclusion and as buffers between urban uses. This type of land differs from other open space categories whose primary objective is to preserve wildlife habitat or agricultural farmland. Typical recreation open space includes coastal areas, wetlands, steep hillsides, river corridor bluffs, view points or linear areas primarily designed to accommodate trail areas. These parks are designed to offer a greater level of solitude than day use parks.

**Park, specialized recreation area:** miscellaneous public recreation areas or land occupied by a specialized recreation facility as defined in the Skagit County Comprehensive Parks and Recreation Plan. These parks are generally focused around small or special interest landscaped area, shoreline access sites, community gardens, single purpose sites used for sport fields, or sites occupied by recreation buildings such as community or senior centers.

**Park and ride:** a designated parking facility specifically intended for use by public transportation and ridesharing patrons.

**Parking space, off-street:** an area adequate for parking vehicles, located totally outside of any street or alley right-of-way.

**Party of record:** any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the County with a complete address, or a person who has formally requested to receive information via a written statement with a complete mailing address.

**Peak discharge:** the maximum surface water runoff rate determined for the design storm.

**Perennial stream:** means a stream, the natural flow of which is normally continuous at any given location.

**Performance standards:** criteria or limits related to critical area protection for a particular use or activity. Performance standards refer to the degree of allowed hazard, environmental damage, nuisance from smoke, dust, noise, glare, odor, erosion and sediment, runoff, liquid, solid, or airborne wastes, fumes or traffic or reduction in environmental functions and values resulting from a permitted land use activity.

**Permanent Stormwater Quality Control Plan (PSQCP):** a plan which includes permanent BMPs for the control of pollution from stormwater runoff after construction and/or land disturbing activity has been completed.

**Permit Center:** the Skagit County Planning and Permit Center.

**Permitted use:** any use authorized or permitted alone or in conjunction with another use in a specified zone and subject to the limitations of the regulations of such zone.

**Person:** an individual, corporation, partnership, association, or other legal entity.

**Personal wireless services** and **Personal wireless service facilities:** shall be defined in the same manner as in 47 U.S.C. 332(c)(7)(c), and as they may be amended.

**Planned capacity:** a measure of roadway traffic capacity based on safety and multimodal roadway use. Employed in the Birdsall method, it takes into consideration the paved width of the roadway and shoulders. Planned Capacity is often much lower than the actual physical traffic capacity used in Highway Capacity Manual LOS methods.

**Planning Agency:** the Skagit County Planning and Permit Center.

**Planning Commission:** the Skagit County Planning Commission.

**Planning Department:** the Skagit County Planning and Permit Center.

**Pollution:** contamination or other alteration of the physical, chemical, or biological properties of waters of the State. Pollution includes, but is not limited to, change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the State as will or is likely to create a nuisance or render such waters harmful.

**Pond**: a naturally or artificially created body of deep (generally greater than 6.6 feet) open water, under 20 acres, that persists throughout the year and meets the definitional criteria for a deepwater habitat. Farm ponds are excluded from this definition.

**Porosity:** (1) the ratio, usually expressed as a percentage, of the total volume of voids of a given porous medium to the total volume of the porous medium; (2) the volume percentage of the total bulk not occupied by solid particles.

**Potable water:** water which meets the quality standards for human drinking purposes.



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**Potentiometric surface:** an imaginary surface representing the static head of groundwater and defined by the level to which water will rise in a tightly cased well.

**Pre-development conditions:** site conditions as they existed prior to manmade alterations other than those alterations that have been made with a prior Skagit County approved stormwater drainage plan, or alterations that existed prior to the effective date of this Ordinance.

**Pre-school:** a school for children which is attended prior to kindergarten.

**Primary association:** the fundamental link between a species and land or aquatic area where anadromous fish, endangered, threatened or sensitive species breed or feed.

**Primary or principal building or use:** that structure or use for which a property is primarily used, that may be either permitted outright or through a special use process.

**Primary surface:** a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of the runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway along its length.

**Private road:** a road located within a tract or easement which is owned by a corporation, homeowners association, or held in common interest.

**Professional engineer:** a person who is qualified to practice civil engineering as attested by the engineer's legal registration as a Professional Engineer in the State of Washington.

**Professional land surveyor:** a person who is qualified to practice land surveying as attested by the surveyor's legal registration as a Professional Land Surveyor in the State of Washington.

**Project:** a proposal for development.

**Project area:** that portion of contiguous ownership, included in a site plan, that is the subject of a development proposal.

**Project concurrency review:** A system of reviewing specific development projects to ensure that development permits are issued only after it is demonstrated that the levels of service on Concurrency Facilities and Services will not be degraded below the adopted level of service standards for these facilities and services. This system involves an application filed by the permit Applicant, a Concurrency Determination for Facilities and Services made by the Concurrency Facility and Services Provider and a Final Concurrency Decision made by the project permit decision maker.

**Project engineer:** the Professional Engineer responsible for the design of the project, who will affix his/her seal on project plans and drainage analyses. The project engineer shall be licensed in the State of Washington and qualified by experience or examination.

**Project occupancy:** the time when a development project is ready to be occupied and will use concurrency facilities and services. It shall be assumed that the entire proposed development will be occupied upon issuance of the initial occupancy permit for the project.

**Propagation map:** a map that shows signal strength and/or other engineering evidence from the proposed site in relation to existing and other proposed cell sites.

**Protected Critical Area (PCA):** those critical areas and associated buffers located on a proposed project or activity site that have been identified and designated as PCAs through the critical areas site assessment and review process. PCAs shall be put into separate tracts, easements, or open space designation, all with protective covenants, as part of a development proposal involving a land division (i.e., short subdivision, long subdivision, PUD, binding

site plan, or other form of multiple lot land division). In the case of development proposed on pre-existing lots where no division of land is involved, PCAs shall be identified on site plans and protected by conditions of approval. PCAs shall be clearly shown on the face of recorded plats and site plans and shall be recorded with the County Auditor. PCAs can be included in the total acreage for development and may be used in lot area calculations.

**Provider:** any entity or individual that provides personal wireless services over personal wireless service facilities.

**Public uses:** Government or quasi-government owned and operated facilities which are not unclassified uses or utilities, including, but not limited to, primary and secondary schools, libraries, postal services, offices, training facilities, fire and police stations, and courts.

**Public facilities, impact fees:** for the purpose of determining impacts fees, facilities including all components of the facilities system owned or operated by the County or a district or the facilities and improvements included in the County's or district's capital budget and/or Capital Facilities Plan.

**Public uses, major:** public facilities that include 3,000 or more square feet of gross floor area or that utilize 3 or more full-time employees.

**Public uses, minor:** less intensive public facilities that include less than 3,000 square feet of gross floor area and that utilize 2 or fewer full-time employees.

**Public gardens:** ornamental display gardens or produce farms open to the public.

**Public hearing:** hearing at which evidence is presented and testimony is taken.

**Public services:** include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

**Qualified expert:** a person having substantial demonstrated experience as a practicing specialist and who has a degree in a related field from an accredited college or university or who has equivalent training.

**Race tracks:** a designated course designed to provide competitive racing for motor vehicles, motorcycles, bicycles, animals, etc.

**Race track, recreation:** a race track which serves more than the people residing on site, does not include facilities for spectators, and is meant to serve the local area only.

**Race track, regional:** a race track which provides facilities for spectators and which serves the regional area.

**Receiving water:** means Puget Sound, tidally influenced areas of rivers and streams discharging into Puget Sound where streambank or shoreline erosion will not occur or those rivers, streams, lakes, marine waters, estuaries, wetlands or other bodies of water having been identified as a regional stormwater facility, Water Resource Inventory Area or receiving basin as approved to accept stormwater from a control facility.

**Recreational vehicle:** a vehicular type unit primarily designed for recreational camping, travel, or seasonal use which has its own motor power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, folding camping trailer, park model trailer, truck camper, motor home and multi-use vehicles.

**Redevelopment:** any land disturbing activity occurring on existing developed property.

**Redivision:** any new land division within a lot of an existing land division.

**Regulated wetland:** a wetland area and associated buffers which would be or have been determined through a site assessment review to be subject to the provisions of this Code.

**Remediation:** the cleanup and restoration of groundwater to some acceptable level.

**Requirements (water quality):** a set of predetermined distances (setbacks), design criteria and materials, and other groundwater protection measures such as disallowing the use of dry wells, etc.

**Residential lot:** designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon for residential use.

**Residential structure:** all structures serving or designed as a dwelling unit, residence or for occupation by residents.

**Resource agency personnel:** representatives from State, Federal, local or tribal natural resource agencies having jurisdiction over critical areas, including, but not limited to, the Washington Departments of Ecology, Fish and Wildlife and Natural Resources; the United States Army Corps of Engineers and Department of Fish and Wildlife; and federally recognized Indian tribes.

**Restoration:** the return of a stream or wetland to a state in which its functions and values approach its unaltered state as closely as possible.

**Retention facilities:** drainage facilities designed to store runoff for gradual release by evaporation, plant transpiration, or infiltration into the soil. Retention facilities shall include all such drainage facilities designed so that none of the runoff entering the facility will be discharged as surface water. Retention facilities shall include all appurtenances associated with their designed function, maintenance, and security.

**Rezone:** a change in zone classification from 1 zoning district to another.

**Right-of-way:** a strip of land dedicated for use as a public way.

**Riparian or riparian area:** the portion of habitat extending from the ordinary high-water mark (OHWM) of a stream (i.e., a flowing body of water) to that part of the upland influenced by elevated water tables or flooding. It includes the area that directly influences the aquatic ecosystem (e.g. providing coarse woody debris to the stream, filtering sediments); provided, that riparian areas associated with an existing system of dikes and levees shall not extend beyond the toe of the slope on the landward side of the dike or levee structure.

**Riparian corridor:** an area between the aquatic and terrestrial ecosystems of rivers and streams defined by the presence of vegetation that requires moist conditions and, usually, periodic free flowing water. This includes adjacent wetlands. The benefits of vegetation cover and food sources and the availability of water in riparian corridors means that they are likely to be preferentially used by wildlife and enable wildlife movement between wetlands and along streams, rivers, and lakes.

**Riparian vegetation:** means vegetation that tolerates and/or requires moist conditions and periodic free flowing water, thus creating a transitional zone which provides shade and food sources of aquatic and terrestrial insects for fish. Riparian vegetation and their root systems stabilize river and stream banks, attenuate high water flows, and provide limbs and other natural debris which, in turn, stabilize river and stream beds. The benefits of vegetation cover and food sources and the availability of water in riparian corridors mean that they are likely to be preferentially used by wildlife and enable wildlife movement between wetlands and along streams, rivers and lakes.

**Road system concurrency**: concurrency related to the entire County road system rather than individual road segments or individual road intersections. This concept is used in the Birdsall method.

**Rural center:** small-scale commercial clusters or individual uses at selected locations in the unincorporated portion of the County. They are smaller in size and intensity than Rural Villages.

**Rural character:** refers to the patterns of land use and development established by a county in the rural element of its Comprehensive Plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban government services; and

(g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

**Rural development:** refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

**Rural government services or rural services:** include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

**Rural Village:** predominantly residential unincorporated rural communities or centers supported by limited commercial and compatible industrial, and community services which typically include a post office, church, elementary school, fire hall, grocery store, service station, tavern, restaurant, or other small retail business catering to local rural needs. Compact development within designated boundaries distinguishes a village from surrounding undeveloped land.

**SCC:** the Skagit County Code.

**Screening:** fencing, earth berming, trees and other vegetation.

**Seasonal roadside stand:** seasonal roadside stands dedicated exclusively to the sale of agricultural products produced in Skagit County and at least a portion of the agricultural products must be grown on-site. All non-food products shall be located solely within the stand. Signage is allowed per SCC 14.16.820.



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**Seasonal worker housing:** no more than 10 manufactured homes grouped together to provide temporary housing for seasonal workers. The homes may be occupied no longer than the growing season.

**Seismic hazard areas:** areas mapped as seismic zones 3 and 4 when appropriate in the Uniform Building Code.

**Sensitive species:** a species native to the State of Washington, that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the State without cooperative management or the removal of threats as designated by WAC 232-12-011.

**SEPA:** the Washington State Environmental Policy Act.

**Septic, community:** a sewage disposal system which provides a collection network and disposal system for more than one single-family residence. *See* SCC 12.05 On-site Sewage Code for regulatory jurisdiction.

**Setback:** a line generally parallel with and measured from the lot line, street or road right-of-way or easement (whichever is most restrictive) defining the limits of an area in which no above ground building or structures may be located. Setbacks do not apply to fences 6 feet or less in height, retaining walls, or paved areas.

**Setback, front:** a setback extending across the full width of the lot between the required depth of which shall be measured horizontally and at right angles from the front lot line to a line parallel thereto on the lot.

**Setback, rear:** a setback extending across the full width of the lot between the required depth of which shall be measured horizontally and at right angles from the rear lot line to a line parallel thereto on the lot.

**Setback, side:** a setback extending across the full width of the lot between the required depth of which shall be measured horizontally and at right angles from the side lot line to a line parallel thereto on the lot.

**Sewers, public:** a State-approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**Shooting club:** activity or use of land or a facility for the purposes of discharging firearms in any organized fashion, such as a club or group, as opposed to an individual periodic discharge of a firearm.

**Shorelines of the State:** the total of all shorelines and Shorelines of State-wide Significance within the State as defined in RCW 90.58.030, also known as the Shoreline Management Act.

**Sign:** any display of letters, figures, designs, devices, pictures, logos, emblems, insignia, numbers, lines or colors or any combination thereof, visible to the public for the purpose of making anything known or attracting attention. The flag, emblem, insignia, poster or other display of a nation, political unit, educational, charitable, religious or similar group, campaign, non-profit drive or event or the architectural features or characteristics of a building which do not have an advertising message on, or as an integral part thereof, shall not be included within the meaning of this definition. Signs only visible within the structure shall not be included within this definition.

**Sign, roof:** a sign erected upon, against, or directly above a roof or on top of or above the parapet of a building; signs on mansard roofs shall be considered wall signs.



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**Site assessment:** means a site-specific analysis which identifies the presence of critical areas, classifies and designates the critical area, documents site conditions, analyzes impacts (including long-term impacts) due to short-term or ongoing disturbances, and identifies appropriate mitigative measures. Site assessments include wetland reports, hydrogeologic reports, geotechnical reports and habitat management plans.

**Site development activity:** the alteration of topography, clearing, paving, grading, construction, alteration of stormwater and drainage systems, site preparation, or other activity commonly associated with site development. Site development activity and/or permit includes those activities listed in Section 14.32.040(1) of this Title.

**Site plan:** scale drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces and other principal development features for a specific parcel of property.

**Site visit:** means a preliminary on-site inspection of an area where an activity having the potential to adversely impact critical areas has been proposed in order to determine the likelihood that critical area indicators are present. (*See* site assessment.)

**Six-Year Transportation Improvement Program (Six-Year TIP):** a plan or schedule showing specific expenditures for transportation capital projects over a 6-year period.

**Skagit County Road Standards:** the standards adopted by the Board of County Commissioners for all County roads.

**Skagit County Stormwater Manual:** the Stormwater Management Manual for the Puget Sound Basin or subsequent manuals adopted by Ecology as herein adopted by reference by Skagit County.

**Small Development:** any new development or redevelopment activity that includes:

(a) the creation or addition of less than 5,000 square feet of new impervious surface area;

(b) land disturbing activity of less than 1 acre; and

(c) grading involving the movement of less than 500 cubic yards of material.

**Small Development Erosion and Sediment Control Plan (ESC Plan):** a plan for small development that implements temporary BMPs to control pollution generated during the construction phase only, primarily erosion and sediment.

**Soil Survey of Skagit County:** the most recent U.S. Department of Agriculture Comprehensive Soil Survey of Skagit County. The survey provides detailed soils information useful for wetland detection, including information on soil hydrology and a series of maps using aerial photography.

**Soil dependent:** any use that is included in the definition of agriculture which is dependent on the use of native, indigenous soil and which allows continued and future use of the soil for growing crops.

**Soils engineer:** a practicing engineer licensed as a Professional Engineer in the State of Washington who has at least 4 years of professional employment as an engineer dealing with soil descriptions and characterizations.

**Soils investigation report:** a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils investigation report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.



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**Sole source aquifer:** an area so designated by the Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act.

**Solid waste:** all putrescible and non-putrescible solid and semi-solid waste including garbage, ashes and sludge, industrial wastes, swill, demolition and construction wastes, and any other discarded materials.

**Source Control BMP:** a Best Management Practice (BMP) that is intended to prevent pollutants from entering stormwater. Examples include, but are not limited to erosion control practices, maintenance of stormwater and drainage facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead end sump.

**Special flood risk zone:** an area within the 100-year floodplain, lying between the landward toe of the dikes and levees along the Skagit River and a line 500 feet landward thereof.

**Species of local importance:** those species that may not be endangered, threatened or sensitive from a State-wide perspective, but are of local concern due to their population status, sensitivity to habitat manipulation, or other educational, cultural or historic attributes.

**Sprawl:** the inappropriate conversion of undeveloped land into sprawling low-density development.

**Stabilized:** the application of BMPs or other approved mitigation plan sufficient to protect soil from the erosive forces of raindrop impact and flowing water. Examples include, but are not limited to vegetative establishment, mulching, plastic covering, the early application of gravel base, and outlet and channel protection.

**Stakeholders:** persons or groups who will be directly affected by the actions of a committee.

**Standards, groundwater:** standards established by EPA regulations and/or State of Washington regulations, which are represented by health-based numbers such as the maximum contaminant levels (MCL).

**Start of construction:** includes substantial improvement, and the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start is the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**State:** the State of Washington.

**Steep slopes:** slopes which meet the criteria listed in SCC 14.24.

**Stormwater:** the surface water runoff that results from all natural forms of precipitation.

**Stormwater Design Manual:** the Stormwater Management Manual for the Puget Sound Basin or a subsequent manual adopted by Ecology.

**Stormwater facility:** a component of a manmade drainage feature or features designed or constructed to perform a particular function or multiple functions. These include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, wetponds, constructed wetlands, infiltration devices, catch basins, and sediment basins.

Stormwater facilities shall not include building gutters, downspouts, and drains serving 1 single-family residence.

**Stormwater Quality Control:** the control of the introduction of pollutants into stormwater and the process of separating pollutants from stormwater. Stormwater quality control facilities include, but are not limited to, source controls, biofiltration/biofilter facilities, wetponds, wetland forebays, constructed wetlands, and erosion and sedimentation control facilities.

**Stormwater Quantity Control:** the control of the rate and/or volume of stormwater released from a development site. Stormwater quantity control facilities include, but are not limited to, detention and retention facilities.

**Streambank stabilization to protect designated agricultural lands:** shall include, but not be limited to, log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control consistent with RCW 75.20.103.

**Stream type maps:** a map displaying the Department of Natural Resources classification system developed for waters of the State as part of the State's forest practices regulations. This classification system generally categorizes waters of the State according to domestic use, use by substantial numbers of anadromous or resident game fish, and significance for the protection of downstream water quality. The system is described in WAC 222-16-030.

**Street or road:** a public or private thoroughfare which provides the principal access to abutting properties. Specific street designations are outlined in the Skagit County Road Standards.

**Street, minor access**: a cul-de-sac, dead-end street or loop street as defined herein.

**Structure:** that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Subdivision:** a short or long subdivision.

**Subdivision, final:** is the final drawing of the subdivision and dedication prepared for filing for record with the County auditor and containing all elements of requirements set forth in this Title.

**Subdivision, long:** the division of land into 5 or more lots, tracts, parcels, sites, or divisions, for the purpose of sale, lease, or development, and shall include the re-subdivision of land.

**Subdivision, preliminary:** is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this Title. The preliminary subdivision shall be the basis for the approval or disapproval of the general layout of the subdivision.

**Subdivision, short**: the division of land into 4 or fewer lots, tracts, parcels, or sites for the purpose of sale, lease, or development.

**Sub-flood control zones**: those legally established zones within the County where the County supervises flood control projects and drainage projects that are of special benefit to specified areas of the County, as authorized by RCW 86.15.

**Subject property:** the tract of land which is the subject of the permit and/or approval action, as defined by the full legal description of all parcels involved in the proposed development.

**Substantial improvement:** any rehabilitation, addition, or other improvement of a building when the cost of the improvement equals or exceeds 50% of the market value of the building before start of construction of the improvement. The term includes buildings which have incurred substantial damage or damage of any origin sustained by a building when the cost of restoring the building to its pre-damaged condition would equal or exceed 50% of the market value before the damage occurred. Substantial improvement does not include any project for

improvement of a building to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

**Surface water:** waters that flow over the land surface and frequently interact with groundwater.

**Surficial geology:** the geology of surficial deposit including soils, Quaternary sediments; and/or glacial deposits; the term is sometimes applied to the study of bedrock at or near the earth's surface. Surficial deposits are the earth materials most affecting people in that they influence the nature and severity of such natural hazards as landslides and earthquake induced ground failure and determine the volume, yield and quality of many ground-water supply systems.

**Technical Deviation:** permission granted by the Administrative Official to deviate from the provisions of the Stormwater Design Manual (when technical analysis can support it).

**Technical staff:** a staff person employed by Skagit County who has earned a Bachelor's Degree with specific or related course work in natural resources, geomorphology, geology, physical geography, biology, applied ecology, botany, wetland and/or stream ecology, fisheries, wildlife, hydrology or soils science from an accredited college or university and who has 2 years of related professional experience or an equivalent combination of education and experience.

**Temporary asphalt/concrete batching:** the mixing of asphalt or concrete from the raw ingredients for a discrete project in the vicinity of the batching operation. For the purposes of this definition, "temporary" shall mean no longer than 1 year.

**Temporary Manufactured Home**: a temporary placement of a manufactured home to accommodate the housing needs of disabled or elderly family members or to house 1 farm worker and his immediate family. Documentation of the need for nearby care or that the nature of the employees work requires said employee to be immediately available to the job site is required by a doctor and/or physician or by the farm owner/lessee. This second temporary dwelling unit must be removed from the property when the family member or farm employee is no longer using the manufactured home.

**Temporary outdoor event:** Any musical, cultural, or social outdoors event which occurs less than 1 month out of any 12-month period and which attracts 250 or more people in any 1 day.

**Threatened species:** a species, native to the State of Washington, that is likely to become endangered in the foreseeable future throughout a significant portion of its range within the State without cooperative management or the removal of threats as designated by WAC 232-12-011.

**Tideland:** the land on the shore of marine water bodies between ordinary high water or near high high water and the line of extreme low tide which is submerged daily by tides.

**Timber land:** any parcel of land that is 5 or more acres or multiple parcels of land that are contiguous and total 5 or more acres which is devoted primarily to the growth and harvest of forest crops for commercial purposes. A timber management plan shall be filed with the County legislative authority at the time an application is made for classification as timber land pursuant to this Title, or when a sale or transfer of timber land occurs and a notice of classification continuance is signed.

**Timber:** forest trees standing or down of a commercial species, including Christmas trees.



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**Tower:** any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities towers, microwave towers, common-carrier towers, cellular telephone towers, personal communications services towers, alternative tower structures, and the like.

**Tower site:** a tower site is a portion of a larger parcel that may be utilized for other principal uses. A tower site may mean a parcel of land smaller than the minimum lot size required in the zoning district completely contained within a lot meeting the requirements of the zoning district for the purposes of locating a communication tower.

**Trailheads, primary:** a staging area provided for trail access including trail orientation and information and that provide the necessary unloading features. Primary trailheads should have restrooms and trash receptacles.

**Trailheads, secondary:** trail access points having limited development. Supporting features might include a small unpaved parking area and signage.

**Transit station:** a dedicated transit facility located outside of the public right-of-way where several transit routes converge. A transit station is designed to accommodate several buses at once, and may include passenger shelters and waiting areas.

**Treated:** water quality treatment in accordance with current adopted Skagit County standards.

**TSM Strategies**: may include increased public facility service, ride sharing programs, demand management, and other transportation systems management techniques.

**Type 1-5 Waters:** *see* definitions in WAC 222-16-030.

**Unclassified use:** major, regional facilities with potential significant built and natural environmental impacts on the surrounding area. Unclassified uses are typically major facilities with a presence which may impact or alter the character of the community. They include most of the more intensive uses considered to be essential public facilities in RCW 36.70A.200.

**Unlicensed/inoperable vehicle:** an unlicensed or inoperable vehicle, except a farm vehicle, or any vehicle stored in a legally constructed building.

**Urban governmental services:** include those governmental services historically and typically delivered by cities, and include 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 non-urban areas.

**Urban growth:** refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

**Urban growth areas:** means those areas designated by a county pursuant to RCW 36.70A.110.

**Urban services:** *see* definition for "Urban governmental services" above.

**Use:** the specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**Utilities:** include, but are not necessarily limited to, facilities and services that generate, transport, process, or store water, sewage, solid waste, electrical energy, communications and pipelines for fuel, oil, natural gas, and petroleum products.

**Variance:** a grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.

**Volcanic hazard areas:** areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mudflows, or related flooding resulting from volcanic activity.

**Voluntary agreement:** an agreement between a developer and the County or district as authorized by RCW 82.02.020. (Ord. 15432 § 2, 1994).

**Vulnerability:** the degree to which groundwater may become contaminated depending on the local hydrologic characteristics and amounts of potential groundwater contaminant present.

**Water dependent:** a water-dependent structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

**Water quality design storm event:** The water quality design storm used for the design of water quality treatment facilities shall be the 6-month frequency, 24-hour duration storm event. In that the precipitation data from isopluvial maps is not available for the 6-month frequency, 24-hour duration storm event, the design engineer can use 64% of the 2-year, 24-hour precipitation as equivalent to the 6-month, 24-hour precipitation.

**Water quality sensitive area:** areas where changes in water quality are of particular concern to the natural environment or human health. These include, but are not limited to, lakes groundwater management areas, groundwater special protection areas, sole source aquifers, critical aquifer recharge areas, well head protection areas, closed depressions, fish spawning and rearing habitat, wildlife habitat, and shellfish protection areas.

**Water quantity sensitive areas:** areas which are sensitive to surface water discharge. These include, but are not limited to, areas that are sensitive to flooding and areas that are suspected or known landslide hazards.

**Watershed:** a geographic region within which water drains into a particular river, stream or body of water.

**Wellhead protection area:** the surface and subsurface area surrounding a well or wellfield that supplies a public water system through which contaminants are likely to pass and eventually reach the water well or wellfield, as has been designated pursuant to WAC 246-290.

**Wetland or wetlands**: areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. For the purposes of this Title, those portions of a lake that meet the definitional criteria for "wetland" shall be regulated under the wetland section of this Title. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

**Wetland delineation:** mapping wetlands and establishing a wetland edge or boundary in accordance with the manual adopted under RCW 36.70A.175 pursuant to RCW 90.58.380.

**Wetland functions:** those natural processes performed by wetland, such as facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial or avian species, maintaining the availability and quality of water acting as recharge and discharge areas for groundwater aquifers, moderating surface water and stormwater flows and other functions including but not limited to those identified in CFR 320.4(b)(2).

**Wetland professional:** a person who has earned a minimum of a Bachelor's or Master's degree in biology, natural resources, or physical sciences with specific or related course work in wetland ecology, botany, hydrology or soils science from an accredited college or university, and 2 years of professional experience in wetland delineation, functional assessment, and mitigation techniques or equivalent experience.

**Wetland reconnaissance:** a site assessment of wetlands in accordance with the methodologies stipulated in the manual adopted under RCW 36.70A.175 pursuant to RCW 90.58.380. (Ord. 16960 Attch. A (part), 1998; Ord. 16851 Attch. A (part), 1998; Ord. 16156 Appx. B (part), 1996)

**Wetland and/or stream specialist:** a person who has earned a Bachelor's degree in science with specific or related course work in wetland and/or stream ecology, hydrology or soils science from an accredited college or university and 2 years of professional experience in wetland delineation, and stream and wetland functional assessment and mitigation or equivalent experience.

**Wetpond:** a stormwater basin that is intended to maintain a permanent pool of water sized in accordance with current County standards.

**Wildlife habitat specialist**: a person having specific relevant expertise who has earned a Bachelor's degree in wildlife biology or ecology or has other equivalent professional experience, education and expertise in the scientific disciplines necessary to identify, evaluate and manage habitat.

**Zero lot line:** a lot line where no side setback is required. Generally, an access and maintenance easement or common wall agreement are required with zero lot line development.

**Zone and zoning district**: a legislatively-defined and enacted policy, including standards, a detailed map and other criteria, all of which control and define areas of physical development of the County or any part thereof or any detail thereof and which are classified by the zoning ordinance as available for certain uses and unavailable for certain other uses.

**Zoning Code**: *see* SCC 14.16.

14.06

14.06

# TITLE 14
# SKAGIT COUNTY CODE

17938

## CHAPTER 14.06

## PERMIT PROCEDURES

**Sections:**


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**14.06.010 Intent.**

The intent of this Chapter is to combine and consolidate the application, review, and approval processes for development permits as defined by SCC 14.04. In addition, this Chapter is intended to establish roles and responsibilities of the Administrative Official, Hearing Examiner, Planning Commission, and Board of County Commissioners relating to development permits. It is further intended to comply with State guidelines for combining and expediting development review and integrating environmental review. Procedures for review and approval of Comprehensive Plans, subarea plans, functional plans, development regulations, open space, open space current use applications, and amendments thereto shall be governed by the provisions of SCC 14.08 and not this Chapter. For development permits that require or propose an amendment to a plan or development regulation, the amendment shall first be processed pursuant to the requirements of SCC 14.08 and, if/once that amendment has been approved, the balance of the development permit decisions shall be processed pursuant to the provisions of this Chapter. Procedures for review of interpretations of the provisions of the adopted building codes and fire codes, as may be amended, shall be governed by SCC 15.16 and not this Chapter, provided that the County's decision to issue, to condition or to deny a building permit pursuant to any of the requirements of SCC Title 14 shall be governed by this Chapter.

**14.06.020 Purpose.**

This Chapter describes how the County will process applications for development permits subject to review under SCC Title 14.

**14.06.030 Foundation of Project Review.**

(1) Fundamental land use planning choices made in adopted Comprehensive Plans and development regulations shall serve as the foundation for development permit review. Development permit review shall not be used for Comprehensive Planning purposes. Development permits shall be reviewed for consistency, conformity and compliance with applicable adopted plans and development regulations.

(2) During development permit review, the County shall not re-examine alternatives to or hear appeals from fundamental land use planning choices made in the Comprehensive Plan or adopted development regulations, except for issues of plan or code interpretation. If during development permit review deficiencies are identified in the Comprehensive Plan or in development regulations, development permit review shall continue under existing plans and regulations and any identified deficiencies shall be docketed for consideration on at least an annual basis, consistent with the provisions of SCC 14.08.

**14.06.040 Administration and Interpretation.**

(1) Authority. The Administrative Official is responsible for administering the provisions of SCC Title 14, provided that primary responsibility for some Administrative Decisions may rest with other department heads, such as the Public Works Director or the Assessor. In each case, the relevant Chapter of SCC Title 14 shall specify the particular department head that is responsible for the Administrative Decision.

(2) Counter Information. From time to time, the Administrative Official or other department staff may respond to inquiries from members of the public regarding the applicability and interpretation of various code provisions prior to, or outside of the context of a specific development permit application. Unless an official interpretation is requested in

conjunction with a particular development permit application, as described in Subsection (3) below, these general counter requests for information shall be provided as a public convenience only, and shall not be processed or subject to appeal as a Level I decision pursuant to the provisions of this Chapter.

(3) Administrative Interpretations - Official.

(a) Generally. Administrative interpretations are decisions by the Administrative Official as to the meaning, application, or intent of any of the provisions of SCC Title 14. Administrative interpretations are also available for questions regarding a map boundary or an alleged mapping error that does not involve reconsideration or rebalancing of designation criteria. Procedural provisions and statements of policy shall not be subject to this process. A decision by the Administrative Official that the interpretation request is not subject to this process shall be final and not subject to appeal.

(b) Decision Criteria. The Administrative Official shall research the original intent of the language or provision. The Administrative Official shall also consider relevant provisions of the Comprehensive Plan or other applicable policy documents.

(c) Process. Requests for administrative interpretation shall be written and shall concisely identify the issue and desired interpretation. Notice of decision on interpretations shall be issued within 30 days from the date of receipt, and shall be sent to the party that initiated the request and published in the County's newspaper of record. Fees shall be set by resolution.

(d) Appeals. Appeals of administrative interpretations shall be available, and shall follow the process of SCC 14.06.110(7) through SCC 14.06.110(14), as presently codified or later amended. Standing to bring an appeal shall be limited to aggrieved parties.

(4) Administrative Decision. Administrative Decisions are decisions regarding the applicability of a specific Code Section in situations where typically no other discretionary review is needed. Examples include reductions of required landscape buffers, reductions of required parking or reduction of setbacks. Administrative Decisions shall be processed as a Level I decision.

**14.06.050 Application Level.**

(1) Applications for development permits shall be categorized as 1 of 4 levels as follows, provided that shoreline permits under the Skagit County Shoreline Management Master Program shall be processed as described in that Program:

(a) Level I. Level I applications are those applications for which a final decision is made by the applicable Administrative Staff, either the Director of Public Works or his/her designee, or the Director of the Planning and Permit Center, or his/her designee without a public hearing. That decision may then be appealed in an open record appeal hearing to the Hearing Examiner. The Hearing Examiner decision may then be appealed in a closed record appeal to the Board. Level I Applications include:

(i) Boundary Line Adjustments pursuant to SCC 14.18.

(ii) Short Subdivisions pursuant to SCC 14.18.

(iii) Binding Site Plans pursuant to SCC 14.18 of less than 9 lots, tracts, parcels or units.

(iv) Long subdivisions of fewer than 9 lots, tracts or parcels unless a public hearing has been requested pursuant to SCC 14.06.110(15), in which case they shall be processed as a Level III-HE decision, the same as long subdivisions of between 9 and 50 lots, and provided that the additional notice procedures of SCC 14.06.110(15) for this Administrative Long subdivision must be met. RCW 58.17.095 provides statutory authority for the administrative long development permits subdivision process.

(v) Flood Area pursuant to SCC 14.34.

(vi) Applicability of any of the provisions of Title 14 to the issuance of Building Permits including, but not limited to, application of mitigation pursuant to the authority of the State Environmental Policy Act and SCC 14.12. Appeals of interpretations by the building official pursuant to Title 15 shall be governed by the requirements of SCC 15.16.

(vii) Administrative Special Use Permits, pursuant to SCC 14.16.900(2).

(viii) Concurrency review pursuant to SCC 14.28 (Concurrency).

(ix) Threshold determinations pursuant to SCC 14.12 (SEPA).

(x) Technical Deviations from the requirements of SCC 14.32 (Drainage).

(xi) Administrative interpretations regarding existing permits and land use approvals that did not originally require a public hearing.

(xii) Administrative Decisions.

(xiii) Administrative Variances pursuant to SCC 14.10.020(1).

(xiv) Other actions authorized by SCC Title 14.

(b) Level II. Level II applications are those applications that require an open record pre-decision hearing level before the Hearing Examiner and for which the Hearing Examiner decision is final, unless that decision is appealed to the Board in a closed record appeal. Level II applications include:

(i) Hearing Examiner Variances pursuant to SCC 14.10.020(3).

(ii) Hearing Examiner Special Use Permit.

(iii) Forest Practices Act waivers.

(iv) Request from the County or an owner to review or interpret a previously issued land use permit that required a public hearing by any County entity or Board, including, but not limited to, conditional uses, special uses and variances for the purpose of considering possible revocation, suspension, clarification or modification.

(c) Level III. Level III applications are those applications that require an open record pre-decision hearing before the Hearing Examiner ("Level III-HE") or before the Planning Commission ("Level III-PC"), and for which the Hearing Examiner or Planning Commission action is only a recommendation to the Board. The Board shall make the final decision after a closed record hearing on Level III actions.

(i) Level III-HE:

a) Review of Preliminary Long Subdivisions which contain between 9 and 50 lots, tracts or parcels on contiguous land under the same ownership pursuant to SCC 14.18.

b) Review of Binding Site Plans that contain between 9 and 50 lots, tracts, parcels or units on contiguous land under the same ownership pursuant to SCC 14.18.

c) Recommendations on Development Agreements involving 50 or less lots or residential dwelling units or 50,000 square feet or less of commercial or industrial building space.

d) Board of County Commissioners Variances pursuant to SCC 14.10.020(2) and 14.16.860 (Agricultural Land Preservation).

e) Other recommendations as requested by the Board.

(ii) Level III-PC:

a) Review of Preliminary Long Subdivisions containing more than 50 lots, tracts or parcels on contiguous land under the same ownership pursuant to SCC 14.18.

b) Review of Binding Site Plans that contain more than 50 lots, tracts, parcels or units pursuant to SCC 14.18.

c) Recommendations on Development Agreements of more than 50 lots or residential dwelling units or more than 50,000 square feet of commercial or industrial building space.

d) Other recommendations as requested by the Board.

(d) Level IV. Level IV applications are those development permit applications that do not require a public hearing, but require a final decision by the Board. Level IV applications include: Final Long Subdivisions pursuant to SCC 14.18.

**14.06.060 Consolidation of Development permit Applications.**

The County shall consolidate the development application approval process, unless the Applicant requests otherwise, and review in order to integrate the Development permit and environmental review process and avoid duplication of the review processes. Consolidated permit processing shall follow the review and approval process of the highest numbered permit level represented among the required permits. Level III – PC is considered the highest and Level I is considered the lowest. However, the Applicant may determine whether the multiple permit applications shall be processed concurrently or independently, except that a variance associated with a preliminary land division shall be processed concurrently with the proposed land division. A consolidated hearing will result if the Applicant does not make a request. For applications that are processed individually, the highest numbered permit level shall be acted upon prior to the processing of the lower numbered permit level, unless the higher numbered permit level is dependent on first obtaining a favorable administrative interpretation (Level I), in which case the Level I decision must either be processed concurrently, or must be processed first. Provided, however, that the administration of County road standard alternatives under the Road Standards Manual shall not require consolidation, unless required by the Director of the Planning and Permit Center pursuant to Section 2.10 of the Road Standards Manual.

**14.06.070 Integration of SEPA Review with Development permit Review.**

(1) Developments and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed in accordance with the policies and procedures contained in SCC 14.12 (SEPA), and WAC 197-11.

(2) SEPA and the review of development permit applications shall be combined and integrated in all development permits that are not categorically exempt from SEPA or for which environmental review has not already been completed in the following manner:

(a) SEPA review, if required, should be analyzed in one development permit review process that includes land use, environmental, public and governmental review as established by this Chapter. If applicable development regulations already require studies that adequately analyze a project's specific probable adverse impacts, then additional or redundant studies shall not be required under SEPA.

(b) Documents or studies prepared in the development permit review process under the requirements of SEPA or specific development regulations shall be prepared so that they can be reviewed by the public, the County and other agencies during the applicable comment periods.

(c) A SEPA threshold determination and/or a scoping notice may be issued with a Notice of Development Application, provided that, a final threshold Determination of Nonsignificance may not be issued until after the expiration of the public comment period on the Notice of Application unless the requirements of the optional DNS process (WAC 197-11-355 and SCC 14.12.070) are followed. A final Determination of Significance and a SEPA scoping notice may be issued with the Notice of Development Application and prior to the expiration of the public comment period on the Notice of Development Application.

(d) Any appeal of a Determination of Significance as described in SCC 14.12.210 may proceed in advance of any hearings or appeals of the underlying development permit. Any appeals of a Determination of Nonsignificance shall be combined with and processed at the same time as the hearings or appeals of the underlying development permit.

(3) SEPA review of proposals located wholly or partially within critical areas is discussed at SCC 14.12.260. The interplay between the critical areas review and regulation under SEPA is discussed at SCC 14.24.060.

**14.06.080 Pre-Development and Preapplication Review.**

(1) Pre-Development. Applicants may request and participate in an informal meeting prior to the formal pre-application meeting, although such pre-development meetings are not required. The purpose of the meeting is to discuss, in general terms, the proposed development, application requirements, design standards, design alternatives, other required permits and the approval process.

(2) Pre-Application. Applicants must participate in a pre-application meeting, unless a waiver is requested by the Applicant and approved by the Administrative Official. No pre-application meeting is required for Administrative interpretations, Administrative decisions, Administrative variances, boundary line adjustments, and flood area development permits. A pre-application verification form shall be given to the Applicant upon the conclusion of the meeting. The purpose of the meeting is to conduct a review of the development application prior to submittal to the Department. Pre-application review will include discussion of requirements for application completeness, permit or approval requirements, fees, review process and schedule, and responding to questions from the Applicant. In order to expedite development review, the County may invite all affected jurisdictions, agencies and/or special purpose districts to the pre-application meeting. If a Project is proposed to be located within a municipal urban growth area, a representative from that municipality may be invited to the pre-application meeting with a minimum of a 7-day notice. To schedule the required pre-application meeting, the Applicant shall

submit the information required on the pre-application conference form provided by the County. The meeting shall be held within 14 days of the request by the Applicant.

**14.06.090 Contents of Application.**

(1) The Applicant shall apply for all permits and approvals required by the Skagit County Code. A development application shall be declared complete only when the County has received all of the following:

(a) A fully completed, signed, and acknowledged development application and all applicable review fees for each permit or approval required.

(b) Lot of record certification.

(c) A verified statement by the Applicant that all of the property that is the subject of the Application is either in the exclusive ownership of the Applicant or that the Applicant has submitted the application with the consent of all owners of the property.

(d) A fully completed, signed, and acknowledged environmental checklist for projects subject to review under the State Environmental Policy Act and/or a completed Critical Areas Ordinance checklist.

(e) A concurrency letter pursuant to SCC 14.28.

(f) The information specified for the required development permits and approvals in the appropriate Chapters of the Skagit County Code.

Provided, however, that additional materials may be required based on project specific and site specific issues, as identified in writing by the Administrative Official as part of the pre-application process.

(2) For purposes of vesting to certain land uses proposed in the application, as described in SCC 14.02, the application shall also include a description of the proposed uses, their intensities and their proposed locations within the site, as applicable.

(3) If a pre-application meeting is not waived, the pre-application verification form shall be submitted as part of the application package.

(4) The County shall provide a dated application form for each type of application. During project review, the Department may request additional information or studies in writing if needed to address particular aspects of the project or site. While the project review clock will formally stop during the time that the additional information is being assembled, Department review of other aspects of the project may continue.

**14.06.100 Letter of completeness.**

(1) The provisions of this Section shall apply to all permit applications governed by this Title.

(2) Within 28 days of receiving a date stamped application, the Administrative Official shall review the application as set forth below and provide the Applicant with a written determination that the application is complete or incomplete.

(3) For applications determined to be incomplete, the Administrative Official shall identify, in writing, the specific requirements or information necessary to constitute a complete application. If additional information is required, the Applicant shall have 180 days to submit the required information to the Department. The Department shall notify the Applicant as to when the 180-day-period will end. If the Applicant does not submit the required information within the 180-day-period, the application shall lapse. Prior to the

expiration date, the Applicant may request in writing an extension of time. The Administrative Official may grant 1 or more 3-month extensions if the required studies or information warrants additional time. Upon submittal of the additional information, the Administrative Official shall, within 14 days, issue a letter of completeness or identify what additional information is required.

(4) An application may be deemed complete if the County does not provide a written determination to the Applicant that the application is incomplete within the time required in this Section.

(5) The determination of completeness shall not preclude the Administrative Official from requesting additional information or studies either at the time of the notice of completeness or, subsequently, if new information is required or substantial changes in the proposed action occur.

(6) The determination of completeness may include the following as optional information:

(a) A preliminary determination of those development regulations that will be used for project mitigation.

(b) A preliminary determination that the type of land use is permitted, either outright or under limited or special circumstances on the site.

(c) A preliminary determination of whether the proposed density is consistent with applicable Comprehensive Plan designations, zoning designations and development regulations.

(d) A preliminary determination regarding the availability and adequacy of public facilities and services identified in the Comprehensive Plan.

(e) Other information the County chooses to include.

**14.06.110 Level I Review Procedures.**

(1) Pre-development meetings described in SCC 14.06.080(1) are optional.

(2) Pre-application meetings described in SCC 14.06.080(2) are required before filing an application, unless the Administrative Official has approved a waiver of the pre-application meeting.

(3) Letter of completeness review procedures from SCC 14.06.100 are required.

(4) Unless exempt by SCC 14.06.150(2)(a), the Notice of Development Application and comment period procedures of SCC 14.06.150(2)(b-e) are required.

(5) After the close of any required comment period, including any threshold determination comment period required by RCW 43.21C and SCC 14.12, the Administrative Official shall approve, approve with conditions or deny the Level I application. The Administrative Official's decision shall include a statement of applicable criteria and standards from the Skagit County Comprehensive Plan and development regulations or other applicable law and a statement of facts that the Administrative Official found which shows that the application does or does not comply with each applicable approval criterion and assurance of compliance with applicable standards. The decision shall also contain the Administrative Official's reasons for the decision.

(6) Notice of Decision, unless exempt, shall be issued, consistent with the requirements of SCC 14.06.200. The Administrative Official's decision shall be final unless appealed as provided below.

(7) A Level I decision may be appealed to the Hearing Examiner by the Applicant or by parties who have commented on the proposal by filing a written Notice of Appeal,

together with the applicable appeal fee, with the Administrative Official within 14 days of the date the Notice of Decision was issued. If a Notice of Decision is not required, because the decision is exempt pursuant to SCC 14.06.200(1), then any appeal shall be filed within 14 days of the date the Administrative Official makes the decision.

(8) The Notice of Appeal shall contain a concise statement identifying:
- (a) The decision being appealed.
- (b) The name and address of the appellant and his interest(s) in the matter.
- (c) The specific reasons why the appellant believes the decision to be wrong.
- (d) The desired outcome or changes to the decision.
- (e) Any Skagit County Code Section(s) the appellant deems relevant.

(9) The Notice of Appeal must be accompanied by an appeal fee and will not be considered filed unless the appeal fee accompanies it.

(10) Public Notice of the open record appeal hearing shall be provided as required by SCC 14.06.150(3).

(11) The appeal shall be heard in an open record hearing before the Hearing Examiner, pursuant to the procedures for open record hearings described in SCC 14.06.160. The open record hearing shall be held and a decision rendered within 90 days of the receipt of the written Notice of Appeal. The appellant shall bear the burden of proving that the decision of the Administrative Official was clearly erroneous. The Hearing Examiner shall not overturn or modify the Administrative Official's decision unless he or she finds it was clearly erroneous.

(12) The Hearing Examiner Decision may be subject to a request for reconsideration as provided in SCC 14.06.180.

(13) The decision of the Hearing Examiner on the open record appeal may be appealed to the Board by filing a written Notice of Appeal with the clerk of the Board that meets the requirements of Subsections (8) and (9) above within 14 days after the date of the Hearing Examiner decision, or decision on reconsideration, if applicable. This appeal shall be processed as a closed record appeal, pursuant to the provisions of SCC 14.06.170. The appellant shall bear the burden of proving the decision of the Hearing Examiner was clearly erroneous. The Board shall not overturn or modify the decision of the Hearing Examiner unless it finds it is clearly erroneous. The closed record appeal shall be conducted and a decision rendered within 60 days of the receipt of the Notice of Appeal.

(14) Any appeal of the Board decision shall be to Superior Court, as provided in SCC 14.06.220 (Judicial Appeals).

(15) Administrative Long Subdivisions of fewer than 9 lots, tracts or parcels shall further comply with the following notice and comment provisions:
- (a) The Notice of Development Application shall be made within 10 days of the filing of a letter of completeness.
- (b) The Notice of Development Application shall be posted on or around the parcel being subdivided in at least 5 conspicuous places designed to attract public awareness of the proposal and mailed to the owner of each parcel within 300 feet of the site.
- (c) The Notice of Development Application shall include notification that no public hearing will be held in conjunction with the application, except as provided in this Subsection.

(d) The Notice of Development Application shall set out the procedures and time limitations for persons to require a public hearing and make comments.

(e) Any person shall have 21 days from the date of the Notice of Development Application to comment on the proposed preliminary Long Subdivision. All comments received shall be provided to the Applicant. The Applicant has 7 days from receipt of the comments to respond thereto.

(f) A public hearing on the proposed subdivision shall be held (and the subdivision shall therefore be processed as a Level III-HE decision) if any person files a request for a hearing with the County within 21 days of the publishing of such notice.

(g) On its own initiative within 21 days of the filing of the complete application, the County is authorized to cause a public hearing to be held on the proposed subdivision.

**14.06.120 Level II Review Procedures.**

(1) Pre-development meetings described in SCC 14.06.080(1) are optional.

(2) Pre-application meetings described in SCC 14.06.080(2) are required before filing an application, unless the Administrative Official has approved a waiver of the pre-application meeting.

(3) Letter of completeness review procedures from SCC 14.06.100 are required.

(4) The Notice of Development Application and comment period procedures of SCC 14.06.150(3)(b-e) are required.

(5) Before an application has been set for open record public hearing, before the Hearing Examiner and after the close of any required comment period, including any threshold determination comment period required by RCW 43.21C and SCC 14.12, the Department shall coordinate and assemble the comments and recommendations of other County departments and governmental agencies having an interest in the subject application and shall prepare a staff report summarizing the factors involved, including the Department findings and supportive recommendations. The staff report shall be filed with the Hearing Examiner at least 7 days prior to the scheduled hearing and copies thereof shall be mailed to the Applicant and shall be made available for use by any interested party at the reproduction cost.

(6) Notice of public hearing shall be as required by SCC 14.06.150(3).

(7) The Hearing Examiner shall conduct review of the Development permit in an open record pre-decision hearing, pursuant to the requirements for those hearings in SCC 14.06.160. A Notice of Decision of the Hearing Examiner shall be issued as required in SCC 14.06.200.

(8) The Hearing Examiner Decision may be subject to a request for reconsideration as provided in SCC 14.06.180.

(9) The decision of the Hearing Examiner after the open record hearing shall be final, unless appealed to the Board by filing a written Notice of Appeal with the Planning and Permit Center within 14 days after the date of the Hearing Examiner decision, or decision on reconsideration, if applicable. The appeal fee must accompany the Notice of Appeal, and the Notice of Appeal is not considered filed unless the appeal fee accompanies it.

(10) The Notice of Appeal shall contain a concise statement identifying:

(a) The decision being appealed.

(b) The name and address of the appellant and his interest(s) in the matter.
(c) The specific reasons why the appellant believes the decision to be wrong;
(d) The desired outcome or changes to the decision.
(e) Any Skagit County Code Section(s) the appellant deems relevant.

(11) This appeal shall be processed as a closed record appeal, pursuant to the provisions of SCC 14.06.170. The appellant shall bear the burden of proving the decision of the Hearing Examiner was clearly erroneous. The Board shall not overturn or modify the decision of the Hearing Examiner unless they find it is clearly erroneous. The closed record appeal shall be conducted and a decision rendered within 60 days of the receipt of the Notice of Appeal.

(12) Any appeal of the Board decision shall be to Superior Court, as provided in SCC 14.06.220 (Judicial Appeals).

**14.06.130 Level III Review Procedures.**

(1) Pre-development meetings described in SCC 14.06.080(1) are optional.

(2) Pre-application meetings described in SCC 14.06.080(2) are required before filing an application, unless the Administrative Official has approved a waiver of the pre-application meeting.

(3) Letter of completeness review procedures from SCC 14.06.100 are required.

(4) The Notice of Development Application and comment period procedures of SCC 14.06.150(3)(b-e) are required.

(5) Before an application has been set for open record public hearing before the Hearing Examiner or the Planning Commission, and after the close of any required comment period, including any threshold determination comment period required by RCW 43.21C and SCC 14.12, the Department shall coordinate and assemble the comments and recommendations of other County departments and governmental agencies having an interest in the subject application and shall prepare a staff report summarizing the factors involved, including the Department findings and supportive recommendations. The staff report shall be filed with the Hearing Examiner or the Planning Commission at least 7 days prior to the scheduled hearing and copies thereof shall be mailed to the Applicant and shall be made available for use by any interested party at the reproduction cost.

(6) Notice of public hearing shall be as required by SCC 14.06.150(3).

(7) The Hearing Examiner or the Planning Commission shall conduct review of the Development permit in an open record pre-decision hearing, pursuant to the requirements for those hearings in SCC 14.06.160.

(8) After conducting the open record hearing, the Hearing Examiner or the Planning Commission shall prepare a recommendation to the Board in writing that shall include findings of fact and conclusions based on those facts. The recommendation may include such conditions, modifications and restrictions the Hearing Examiner or the Planning Commission deem necessary to carry out the objectives and goals of the Comprehensive Plan, the Zoning Ordinance, the Subdivision Ordinance, and other Codes and Ordinances of Skagit County. Each recommendation shall be transmitted to the Board and mailed to the Applicant and all parties of record within 14 days following conclusion of all hearings or the date for submittal of all written comment, whichever is later, unless a longer period is mutually agreed to in writing by the Applicant. For Level III Planning Commission

recommendations, the Planning Commission recommendation shall be by recorded motion and shall be by affirmative vote of not less than a majority of the total members.

(9) Upon receiving a recommendation from the Hearing Examiner or Planning Commission, the Board shall, at its next regular public meeting set the date for a closed record hearing pursuant to the requirements of SCC 14.06.170.

(10) The decision of the Board, after conducting a closed record hearing on the matter shall be final. A Notice of Decision of the Board shall be issued as required by SCC 14.06.200.

(11) Any appeal of the Board decision shall be to Superior Court, as provided in SCC 14.06.220 (Judicial Appeals).

**14.06.140 Level IV Review Procedures.**

(1) Pre-development meetings described in SCC 14.06.080(1) are optional.

(2) Pre-application meetings described in SCC 14.06.080(2) are required before filing an application, unless the Administrative Official has approved a waiver of the pre-application meeting.

(3) Letter of completeness review procedures from SCC 14.06.100 are required.

(4) Notice of Development Application and comment period procedures of SCC 14.06.150(2)(b)(viii) are required.

(5) After the close of any public comment period required by SCC 14.06.150(3), the Department shall coordinate and assemble the comments and recommendations of other County departments and governmental agencies having an interest in the subject application and shall prepare a staff report summarizing the factors involved, including the Department findings and recommendations and shall transmit the same in a staff report to the Board for final action.

(6) Upon receipt of the Department recommendation, the Board shall, at its next regular public meeting, set the date for a public meeting where it may, by resolution, adopt or reject the referred action. No public hearing is required. The Board may remand the matter back to the Department for further study and additional staff comments before taking action.

(7) The decision of the Board shall be final and a Notice of Decision, pursuant to SCC 14.06.200 is required.

(8) Any appeal of the Board decision shall be to Superior Court, as provided in SCC 14.06.220 (Judicial Appeals).

**14.06.150 Public Notice Requirements.**

(1) For all public notices that require mailing to property owners or occupants, the Applicant shall use the records of the Skagit County Assessor's Office for determining all of the owner(s) of record within 300 feet of the proposal. The information provided shall be updated within 3 months of the date public notice is required. The Applicant shall provide the Department with preaddressed and stamped envelopes to all of the property owners, and the Department shall mail the notice. This submittal shall be completed by the Applicant within the time frames for notice specified in this Section. The County shall provide a format, both in timeframe and content, for the public notice to the Applicant. Failure to submit the required material could result in continuation of any scheduled hearing or decision.

(2) Notice of Development Application Requirements.

(a) Exemption. A Notice of Development Application pursuant to this Section shall not be required for:

(i) Boundary line adjustments.

(ii) Short subdivisions.

(iii) Building permits, flood area development permits or similar construction permits that are categorically exempt from SEPA, or for which SEPA review has previously been completed in connection with other development permits.

(b) Within 14 days of issuing a Letter of completeness under SCC 14.06.100, the County shall issue a Notice of Development Application for Level I, II, III and IV Applications not exempt under Subsection (a). The notice shall be dated and shall include, but not be limited to, the following information:

(i) The name of the Applicant.

(ii) The date of application.

(iii) The date of the letter of completeness.

(iv) The location of the project.

(v) A project description.

(vi) Identification of other required permits not included in the application to the extent known by the County.

(vii) A list of development permits included in the application and, if applicable, a list of studies requested in the Letter of completeness or final decision.

(viii) A public comment period which shall be not less than 15 days nor greater than 30 days following the date of the Notice of Development Application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. The Notice of Development Application shall also state that failure to submit such comment or request during the comment period or at the public hearing could result in loss of right to appeal. Provided, however, that there exists a 21-day comment period for administrative long plats, under SCC 14.06.110(15).

(ix) An identification of existing environmental documents used to evaluate the proposed application and where they can be reviewed. The Notice of Development Application may be combined with the notice of SEPA threshold determination as described in SCC 14.06.070 and SCC 14.12 (SEPA).

(x) A preliminary determination, if one has been made at the time of the notice, of development regulations that will be used for the project mitigation and consistency with appropriate provisions of the Comprehensive Plan and development regulations and the adequacy of public facilities and services as described in SCC 14.06.100(6).

(xi) A County staff contact and phone number.

(xii) The date, time and place of a public hearing if one has been scheduled.

(xiii) A statement that the decision on the application will be made within 120 days of the date of the Letter of completeness unless such time period is extended consistent with RCW 36.70B.090 and SCC 14.06.210.

(c) The Notice of Development Application shall be issued prior to, and is not a substitute for, the required notice of a public hearing.

(d) Notice of Development Application shall be made as follows:

(i) Published in the official newspaper of the County.

(ii) Posted with an identification sign provided by Skagit County in 1 or more locations on the project site that is visible from the access road giving the name and general description of the proposed project and a contact name and phone number for more information. The posted sign may be removed no earlier than 14 days after the decision on the application.

(iii) Mailed to all owners of record and occupants located within 300 feet of the boundary of the Development permit, or, if the Applicant owns property adjacent to the boundary of the Development permit, notice shall be given to owners and occupants of real property within 300 feet of any portion of the boundaries of such adjacent properties owned by the Applicant. Further provided, however, when the Administrative Official finds that a need exists, and so informs the Applicant at the pre-application meeting, notice shall be given to owners and occupants of real property within 500 feet of any portion of the applicable boundaries.

(iv) Sent to all County departments and agencies with jurisdiction.

(e) The County will not issue a decision or a recommendation on a project until the expiration of the public comment period on the Notice of Development Application and expiration of the appeal period on any threshold determination.

(3) Notice of public hearing. Public notification of hearings under SCC Title 14 shall be made as follows:

(a) Notice of time, place, and purpose of any public hearing pursuant to this Chapter shall be given by one publication at least 14 days before the date of a public hearing or pending action in the official newspaper of the County.

(b) Mailing written notice at least 14 days before the date of a public hearing to the Applicant and all owners (as shown on the records of the County Assessor) of properties within 300 feet, not including street rights-of-way, of the boundaries of the property which is the subject of the hearing, or, if the Applicant owns property adjacent to the boundary of the Development permit, notice shall be given to owners of real property within 300 feet of any portion of the boundaries of such adjacent properties owned by the Applicant.

(c) A notice shall be posted at least 14 days before the hearing in a conspicuous space on or near the property for which the permit is sought.

(d) Content of Notice. The notice shall include a general description of the proposed project, action requested to be taken, a non-legal description of the property (street address/general location) or a vicinity map or sketch, the time, date and place of the public hearing, and the place where further information may be obtained.

(e) Continuations. If for any reason a commenced hearing on a pending action cannot be completed on the date set in the public notice, the hearing may be continued to a date certain and no further notice under this Section is required.

(4) Notice of Decisions. See SCC 14.06.200.

**14.06.160 Open Record Public Hearings Procedures.**

(1) Types. Open Record public hearings may be one of two types:
  (a) Open record appeal hearings of a Level I administrative decision; or
  (b) An open record pre-decision hearing required before making a decision on a Level II or Level III permit decision.

(2) Standing to Appeal.
  (a) Only the Applicant and Parties of Record as defined by SCC 14.04 shall have standing to file an open record appeal.
  (b) Any interested party may participate orally and/or in writing in an open record pre-decision hearing.

(3) Burden of Proof.
  (a) In the case of open record appeal hearings of Level I administrative decisions, the appellant shall bear the burden of demonstrating that the decision of the Administrative Official is clearly erroneous.
  (b) In the case of open record pre-decision hearings for Level II or Level III decisions, the Applicant for the Development permit shall bear the burden of demonstrating that the project complies with applicable goals and policies of the Comprehensive Plan and the applicable criteria and requirements of the Skagit County Code and other applicable law.

(4) Timing for hearings.
  (a) Open record appeal hearings shall be conducted and a decision rendered within 60 days of the receipt of the written Notice of Appeal.
  (b) Open record pre-decision hearings shall be conducted consistent with the time requirements for decisions described in SCC 14.06.210.

(5) Staff Report by Department.
  (a) In an open record appeal hearing, at least 7 days prior to the date set for the open record public hearing, the Department shall transmit to the hearing body all of the records pertaining to the decision being appealed, together with such additional written report that the Administrative Official deems pertinent explaining the decision being appealed or responding to the statements in the Notice of Appeal. If the Administrative Official prepares an additional written staff report, a copy shall also be sent to the Applicant and to any appellants 7 days prior to the date set for the hearing.
  (b) In the case of a pre-decision open record hearing, the Department shall coordinate and assemble the comments and recommendations of other County departments and governmental agencies having an interest in the subject application and shall prepare a staff report summarizing the factors involved, including the Department findings and supportive recommendations. The staff report shall be filed with the Hearing Examiner or the Planning Commission at least 7 days prior to the scheduled hearing and copies thereof shall be mailed to the Applicant and shall be made available for use by any interested party at the reproduction cost.

(6) One Public Hearing. Before rendering a decision or recommendation on the Development permit or appeal, the Hearing Examiner or the Planning Commission shall hold one public hearing pursuant to SCC 14.06.060, however, the public hearing may be continued for more than 1 day. Notice of the public hearing shall be provided as required in SCC 14.06.150(3). The public hearing may be continued to a date, time and place

certain, without requiring additional public notice, as long as the requirements of the Open Public Meetings Act, RCW 42.30, are met.

(7) Open Record Hearing Procedures. Open Record Public Hearings shall be conducted in accordance with the hearing body's rules of procedure as set forth below and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The Chair or Hearing Examiner shall open the public hearing and, in general, observe the following sequence of events:

(a) Staff representation, including submittal of any administrative staff reports. Members of the hearing body may ask questions of the staff.

(b) Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the Applicant.

(c) Testimony or comments by the public germane to the matter. Questions directed to the staff or the Applicant shall be posed by the Chair or Hearing Examiner at its discretion.

(d) An opportunity for parties to cross-examine expert witnesses, if any.

(e) Rebuttal, response or clarifying statements by the staff and the Applicant.

(f) The oral portion of the public hearing shall be closed.

(g) The hearing body may continue the written comment period after the close of the public hearing.

(h) The hearing body shall deliberate on the matter before it.

(8) As described in SCC 14.06.240 and .250, the Hearing Examiner or the Planning Commission may adopt other rules of procedure not inconsistent with these procedures. Further, if deemed appropriate to facilitate review of a particular Development permit, the Hearing Examiner or the Planning Commission may adopt specific procedures for an individual matter.

(9) Decision or Recommendation. Within 15 days after completion of the public hearing or after the date for submittal of all written comments, whichever is later, the Hearing Examiner or the Planning Commission shall render a decision or make a recommendation on the appeal or Development permit. The Hearing Examiner or the Planning Commission decision or recommendation shall be in writing and shall include a statement of the applicable criteria and standards from the Skagit County Comprehensive Plan; the Skagit County Code and other applicable law; a statement of the facts that the Hearing Examiner or the Planning Commission found showing the application does or does not comply with each applicable approval criterion and assurance of compliance with applicable standards; the reasons for the decision or the recommendation to approve or deny the Development permit or appeal; and any conditions or modifications deemed necessary.

**14.06.170 Closed Record Hearings/Appeal Procedures.**

(1) Types. Closed Record Hearings may be one of two types:

(a) Closed record appeal of a Level I or Level II decision.

(b) Closed record pre-decision hearing before acting on a Level III recommendation.

(2) Standing.

(a) Only the Applicant and Parties of Record as defined by SCC 14.04 shall have standing to file a closed record appeal of a Level I or Level II decision.

(b) Any interested party may participate orally and/or in writing in a closed record pre-decision hearing for a Level III decision.

(3) Burden of Proof. The appellant in a closed record appeal hearing of a Level I or Level II decision or any interested party in a closed record pre-decision hearing for a Level III recommendation shall have the burden of demonstrating that the decision or recommendation of the Administrative Official, the Hearing Examiner or the Planning Commission, as applicable, is clearly erroneous.

(4) Closed Record appeals shall be conducted and a decision rendered within 60 days of the date the Notice of Appeal was filed. Closed Record pre-decision hearings shall be conducted consistent with the time frames for Development permit decisions in SCC 14.06.210.

(5) Staff Report by Department. The Department shall transmit to the Board the record from the Hearing Examiner or Planning Commission Open Record hearing, a copy of the decision or recommendation being reviewed, and any supplemental summary or staff report the Department deems necessary at least 7 days prior to the date set for the Closed Record Hearing. The supplemental staff report, if any, shall also be provided to the Applicant and any parties of record at the same time it is provided to the Board.

(6) Notice of Closed Record Appeal Hearing. Notice of the hearing shall be provided to all parties of record and contain the following information:

(a) Mailing written notice at least 14 days before the date of the closed record hearing to the Applicant and all parties of record.

(b) Content of Notice. The notice shall include a general description of the proposed project, action requested to be taken, a non-legal description of the property (street address/general location) or a vicinity map or sketch, the time, date and place of the closed record hearing, and the place where further information may be obtained.

(7) The hearing may be continued to a date, time and place certain, without requiring additional public notice, as long as the requirements of the Open Public Meetings Act, RCW 42.30, are met.

(8) Closed record appeals and hearings shall be conducted in accordance with the Board's rules of procedure as set forth below and shall serve to provide argument and guidance for the Board's decision. Closed record appeals or hearings shall be conducted generally in the following order:

(a) Staff presentation.

(b) Appellant presentation.

(c) Respondent presentation (by parties of record only).

(d) Rebuttal or clarifying statements by staff and the appellant.

(e) Deliberations by the Board.

(9) No new evidence or testimony shall be given or received. The parties to the appeal may submit written statements or arguments prior to the hearing.

(10) The Board shall examine the record, the decision or recommendation and the arguments presented in the closed record hearing and select one of the following courses of action:

(a) Remand the matter for further consideration by the Hearing Examiner or the Planning Commission, depending on which entity made the decision or recommendation being reviewed.

(b) In the case of an appeal of a Level I or II decision, the Board may either deny the appeal and affirm the decision of the Hearing Examiner or, if the Board believes the Examiner's decision is clearly erroneous, the Board may adopt its own findings, conclusions and decision based upon the record made before the Hearing Examiner.

(c) In the case of a Level III recommendation:

(i) If the Board, upon review of the record, agrees with the recommendation of the Hearing Examiner or the Planning Commission, it shall approve the recommendation.

(ii) If the Board, upon review of the record, disagrees with findings, conclusions or recommendation of the Hearing Examiner or Planning Commission, the Board shall adopt its own findings and conclusions based on the record below and modify or deny the Level III permit.

**14.06.180 Reconsideration.**

A party to a hearing before the Hearing Examiner may seek reconsideration only of a final decision by filing a written request for reconsideration at the Planning and Permit Center within 10 calendar days of the date of decision. The request shall set forth the specific errors alleged. The Hearing Examiner shall consider the request, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the Hearing Examiner may revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when a material legal error has occurred or a material factual issue has been overlooked that would change the previous decision. A request for reconsideration shall not be required, however, prior to exercising any rights to appeal.

**14.06.190 Joint Hearings.**

(1) The County may combine any hearing on a Development permit application with any hearing that may be held by another local, State, regional, Federal, or other agency provided that the hearing is held within the geographic boundary of the County.

(2) Such hearings shall be combined if requested by an Applicant as long as the joint hearing can be held within the time periods specified in RCW 36.70B.090 and this Chapter; or, the Applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings.

**14.06.200 Notice of Decisions.**

(1) Exemptions. A notice of decision shall not be required for:

(a) Boundary line adjustments.

(b) Short subdivisions.

(c) Building permits, flood area development permits or similar construction permits that are categorically exempt from SEPA, or for which SEPA review has previously been completed in connection with other development permits.

(2) Whenever a final decision has been made that requires a Notice of Decision, the Administrative Official shall prepare the Notice and include, at a minimum, the following information:

(a) The decision on the development permit.

(b) Any threshold determination made pursuant to RCW 43.21C.
(c) The procedure for any administrative appeal.
(d) The procedure for any judicial appeal if no administrative appeal is available.

(3) The Notice of Decision may be a copy of the report or decision, if such report or decision contains the information required in Subsection (2).

(4) The Notice of Decision shall be provided to the Applicant, to any Parties of Record, to any agencies with jurisdiction over the development permit or any agencies that commented on the development permit, and to any person who, prior to rendering the decision has requested a copy of the Notice of Decision.

(5) A copy of the Notice of Decision shall be sent to the County Assessor.

(6) The Notice of Decision shall also be published in the official newspaper of the County.

**14.06.210 Timing of Decisions.**

(1) In general, all development permit decisions shall be issued within 120 days of the date the Letter of completeness is issued. Final decision on preliminary subdivisions and binding site plans shall be generally be issued within 90 days from the date the Letter of completeness is issued. Final decisions on final plats and short plats shall generally be issued within 30 days from the date the Letter of completeness is issued.

(2) If the County is unable to issue its final decision on a development permit within the time limits provided for in this Subsection, it shall provide written notice of this fact to the Applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the Notice of Decision.

(3) Exceptions to the time limits for a final decision include:

(a) Development permit decisions that are dependent upon amendments to the Comprehensive Plan or development regulations, in which case the amendment shall be processed pursuant to SCC 14.08 (Legislative Actions) first; or

(b) Any time required to correct plans, perform studies or provide additional required information; provided, that within 14 days of receiving the requested additional information, the Administrative Official shall determine whether the information is adequate to resume the project review; and provided further, that the Applicant shall be required to submit corrected plans, studies, or additional required information within 120 days of the written request or said application may be returned without prejudice; or

(c) Substantial project revisions made or requested by an Applicant, in which case the 120 days will be calculated from the time that the County determines the revised application to be complete; or

(d) Any period during which an environmental impact statement is being prepared following a Determination of Significance pursuant to RCW 43.21C; or

(e) Projects involving the siting of an essential public facilities; or

(f) Any period for administrative appeals of development permits if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for these administrative appeals shall not exceed:

(i) 90 days for an open record appeal hearing.

(ii) 60 days for a closed record appeal hearing. The parties to an appeal may agree to extend these time periods.

(g) Any remand to the hearing body.

(4) The provisions of this Section notwithstanding, the failure to issue a final decision within the time frames specified shall not be considered an implicit approval or denial of the Development permit, nor shall it be reason in and of itself for the County to be liable for damages for failure to meet the specified time frames.

**14.06.220 Judicial Appeals.**

(1) The decision of the Board approving or disapproving a recommendation from the Hearing Examiner or the Planning Commission, or granting or denying any appeal from the Hearing Examiner shall be incorporated into a resolution or ordinance and shall be final and conclusive unless within 21 days from the date of adoption of the resolution or ordinance, a person having standing complies with the requirements of the Land Use Petition Act (RCW 36.70C).

(2) A party must first exhaust all available administrative appeals prior to filing a judicial appeal.

(3) Consistent with applicable law, any party filing a judicial appeal shall be responsible for paying the initial costs to prepare the record for filing with the Court.

**14.06.230 Stay of Proceedings.**

An appeal including administrative appeals, stays all proceedings in furtherance of the action appealed from, unless the Administrative Official certifies to the hearing body after the notice of appeal is filed with him or her, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and/or property. In such case, proceedings shall not be stayed other than by direction of a court of competent jurisdiction.

**14.06.240 Office of Hearing Examiner.**

(1) Office Created. The office of the Hearing Examiner is hereby created. The term "Hearing Examiner" shall likewise include any pro tem Hearing Examiner. The Hearing Examiner shall interpret, review and implement regulations as provided in this Chapter.

(2) Appointment and Term. The Board of County Commissioners shall appoint the Hearing Examiner to serve in said office for terms to be determined by the Board.

(3) Removal from Office. The Hearing Examiner may be removed from office at any time by an affirmative vote of 2 of the County Commissioners.

(4) Qualifications. The Hearing Examiner shall be appointed with regard to their qualifications for the duties of the office which shall include, but not be limited to, persons with appropriate educational experience such as in planning, public administration or law. Persons appointed to these positions should have at least 3 years experience in land use planning or administration.

(5) Duties of Pro Tem Hearing Examiner. The Pro Tem Hearing Examiner shall, in the event of absence or the inability of the Hearing Examiner to act, have all the duties and powers of the Hearing Examiner.

(6) Conflict of Interest. The Hearing Examiner shall not conduct or participate in any hearing or decision in which the Hearing Examiner has a direct or indirect personal interest which might influence or appear to influence or interfere with the decision-making process. Any actual or potential conflict of interest shall be disclosed to the parties immediately upon discovery of such conflict.

(7) Freedom From Improper Influence. No County official or any other person shall attempt to interfere with, or improperly influence the Hearing Examiner in the performance of his or her duties.

(8) Promulgation of Procedural Rules. The Hearing Examiner may, from time to time, adopt such procedural rules as are reasonably necessary to carry out the duties and responsibilities of the office, provided such rules shall not be in conflict with this Chapter, or any other relevant provisions of the Skagit County Code. Such rules shall not take effect until they have been reviewed and approved by the Board of County Commissioners.

**14.06.250 Planning Commission.**

(1) The Skagit County Planning Commission, established by Ordinance 3078, consists of 9 members appointed by the Chairman of the Board of County Commissioners and approved by a majority of the Board. The term of office on the Planning Commission is 4 years. Any vacancies are to be filled from the same commissioner district as that of the vacating member.

(2) Removal. After public hearing, any appointed member of the Planning Commission may be removed by the Chairman of the Board, with the approval of the Board, for inefficiency, neglect of duty, or malfeasance in office.

(3) Organization. The Planning Commission shall elect a chairman and vice-chairman from among its members, shall appoint a secretary who need not be a member of the Commission, and shall adopt rules for transaction of business and shall keep a public record of transactions, findings and determinations.

(4) Meetings. Not less than one regular meeting shall be held each month unless no matters are pending on the Commission calendar.

(5) Powers and Duties. The Skagit County Zoning Ordinance hereby adopts by reference the powers and duties of the Planning Commission as expressed in the Planning Enabling Act, RCW 36.70, as now exists or hereafter amended.

(6) Promulgation of Procedural Rules. The Planning Commission may, from time to time, adopt such procedural rules as are reasonably necessary to carry out the duties and responsibilities of the Planning Commission, provided such rules shall not be in conflict with this Chapter, or any other relevant provisions of the Skagit County Code. Such rules shall not take effect until they have been reviewed and approved by the Board of County Commissioners.

14.08

# TITLE 14
# SKAGIT COUNTY CODE

## CHAPTER 14.08

17938

## LEGISLATIVE ACTIONS

**Sections:**


14.08.010 Intent.
14.08.020 Petition for Amendments to the Comprehensive Plan/Rezones.
14.08.030 Initiation of Review of Amendments to the Comprehensive Plan.
14.08.040 Environmental Review.
14.08.050 Adoption of Subarea Plans, Functional Plans, and Shoreline Master Program Amendments and Review of Open Space Current Use Applications.
14.08.060 Initiation of Review of Development Regulations/Amendments to Title 14.
14.08.070 Public Participation Requirements.
14.08.080 Review by Planning Commission.
14.08.090 Review and Decisions by Board.
14.08.100 Emergency or Interim Regulations.
14.08.110 Appeal.





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**14.08.010 Intent.**

The intent of this Chapter is to establish roles and responsibilities of the Planning and Permit Center Staff ("Department"), the Planning Commission ("Commission") and the Board of County Commissioners ("Board") relating to adoption of the Comprehensive Plan, subarea plans, functional plans, development regulations found in SCC Title 14 and amendments thereto pursuant to the requirements of RCW 36.70 and 36.70A. This Chapter shall not apply to review of development permits, or the amendment of County-wide Planning Policies. The responsibilities and procedures for review of development permits are governed by the provisions of Chapter 14.06.

**14.08.020 Petition for Amendments to the Comprehensive Plan/Rezones.**

(1) Comprehensive Plan amendments consist of two types: Policy amendments and map amendments. Any necessary rezones shall be processed in conjunction with map amendments.

(2) Comprehensive Plan policy amendments or map amendments may be initiated by the County or by other entities, organizations, or individuals through petitions filed with the County on or before the last business day in July of each year.

(3) All proposed amendments to the Comprehensive Plan shall be considered on an annual basis (no more frequently than once per year), according to the schedule provided in this Chapter so that the cumulative effect of all proposed amendments may be considered; provided, however, the County may adopt amendments more frequently than once per year if the proposal is the initial adoption of subarea plan or functional plan, if the amendment is to the County's Shoreline Master Program under the procedures set forth in RCW 90.58, if the amendment is to the capital facilities element that occurs concurrently with the adoption or amendment of the County budget, if a declared emergency exists, or in response to an order of the Growth Management Hearings Board. An emergency amendment may only be adopted if the Board finds that the amendment is necessary to address an immediate situation of Federal, State, subarea, or County-wide concern as opposed to a personal emergency on the part of the Applicant or property owner and the situation cannot adequately be addressed by waiting until the annual Comprehensive Plan amendment process.

(4) A petition for a policy amendment shall include, at a minimum, the following information:

- (a) A detailed statement of what is proposed to be changed and why.
- (b) A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.
- (c) A demonstration of why existing Comprehensive Plan policies should not continue to be in effect or why existing policies no longer apply.
- (d) A statement of how the amendment complies with the Comprehensive Plan's community vision statements, goals, objectives, and policy directives.
- (e) A statement of how adopted functional plans and Capital Facilities Plans support the change.
- (f) A statement of how the change affects implementing development regulations SCC Title 14 and the necessary changes to bring the implementing development regulations into compliance with the Plan.

(g) A summary of any public review of the recommended change.

(5) A petition for a map amendment shall include, at a minimum, all of the requirements for a policy amendment, plus the following additions:

(a) A detailed statement describing how the map amendment complies with Comprehensive Plan land use designation criteria.

(b) Any proposed Urban Growth Area boundary changes shall be supported by and dependant on population forecasts and allocated urban population distributions, existing urban densities and infill opportunities, phasing and availability of adequate services, proximity to designated Natural Resource Lands and the presence of critical areas.

(c) Any proposed Rural areas and Natural Resource Land map designation changes shall be supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and Natural Resource Land densities and infill opportunities.

(d) Any proposed Natural Resource Land map designation changes shall recognize that Natural Resource Land designations were intended to be long-term designations and shall further be dependent on one or more of the following:

(i) A change in circumstances pertaining to the Comprehensive Plan or public policy.

(ii) A change in circumstances beyond the control of the landowner pertaining to the subject property.

(iii) An error in initial designation.

(iv) New information on natural resource land or critical area status.

(6) The petition for a Comprehensive Plan policy or map amendment shall be on forms provided by the Department and shall contain suggested amendatory language, where appropriate. If the proposed amendment is a site-specific amendment that applies to a specific number of parcels which are in readily identifiable ownership and is in conjunction with an identifiable development proposal, then the petitioner shall pay a fee with the petition as prescribed by the approved fee schedule as now or hereafter amended.

**14.08.030 Initiation of Review of Amendments to the Comprehensive Plan.**

(1) Within 45 days from the last business day of July of each year, the Department shall review all of the petitions for Comprehensive Plan amendments submitted in the previous year, together with any proposed amendments suggested by the Department, and shall forward a recommendation to the Board as to which of the submitted amendments the Department recommends for further consideration by the County.

(2) Within 15 days of receipt of the Department's recommendation on the package of proposed amendments, the Board shall, in a public meeting, consider the Department recommendation on each proposed amendment and decide whether to initiate plan amendment review of each of the proposed amendments. A decision by the Board to initiate the plan amendment review process for a particular proposed amendment at this stage is procedural only and does not constitute a decision by the Board as to whether the amendment will ultimately be approved.

**14.08.040 Environmental Review.**

(1) After a Board decision to proceed with further review of proposed Comprehensive Plan amendments, the County shall complete environmental review of all of the proposed amendments, consistent with the requirements of RCW 43.21C and SCC 14.12 (SEPA). For any site-specific Comprehensive Plan amendments, the proponent of those amendments shall submit a complete environmental checklist to the County within 20 days of the Board's decision to consider the proposed site-specific amendment.

(2) Within 15 days from receipt of the environmental checklist(s) for the proposed Comprehensive Plan amendments, the Department shall issue a threshold determination on the package of amendments. If necessary, a Draft Environmental Impact Statement (DEIS) should be published no later than the first business day of May of the year following the submitted petition.

(3) Any environmental review shall consolidate, as much as practical, site-specific SEPA review with review of the entire package of proposed Comprehensive Plan amendments to ensure adequate consideration of cumulative effects of the proposed amendments. Costs for SEPA review related to individual site-specific amendments may be charged to the individual Applicant as part of a major development fee.

**14.08.050 Adoption of Subarea Plans, Functional Plans, and Shoreline Master Program Amendments and Review of Open Space Current Use Applications.**

(1) Initial adoption of a sub-area plan or a functional plan shall not be subject to the once-per-year batching requirements or decision of the Board to initiate review requirements described in Sections 14.08.020 and .030 above, but shall be subject to the review procedures and requirements contained in the balance of this Chapter.

(2) A proposed amendment to the Skagit County Shoreline Master Program shall not be subject to the once-per-year batching requirements or decision of the Board to initiate review requirements described in Section 14.08.020 and .030 above. Shoreline Master Program amendments shall instead follow the process required in WAC 173-19 and RCW 90.58.

(3) Open Space Current Use applications requiring review pursuant to a Comprehensive Plan amendment process under SCC 14.40 are not subject to the 1-year batching requirement. Open Space Current Use applications do not result in a Comprehensive Plan change.

**14.08.060 Initiation of Review of Development Regulations/Amendments to Title 14.**

New development regulations or amendments to development regulations may be initiated at any time by a recommendation from the Department to the Board. Within 15 days from the Board's receipt of the Department's recommendation on 1 or more proposed development regulations or amendments, the Board shall, in a public meeting, consider the Department recommendation on the proposed regulation(s) or amendment(s) and decide whether to initiate review of the proposed regulation(s) or amendment(s). If the Board decides to initiate review of the proposed regulation(s) or amendment(s), it shall refer the same to the Planning Commission for review, consistent with the provisions of SCC 14.08.030 through 14.08.090. A decision by the Board to initiate the regulation(s) or amendment(s) review process at this stage is procedural only and does not constitute a decision by the Board as to whether the regulation or amendment will ultimately be approved.



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**14.08.070 Public Participation Requirements.**

The review of all proposed subarea plans, functional plans, development regulations and Comprehensive Plan amendments, including, but not limited to, the roles of Citizen Advisory Committees and Technical Advisory Committees and the minimum requirements for public comment shall be processed according to the provisions of the Skagit County Growth Management Act Public Participation Program, adopted by Resolution No. 16852, as may hereafter be amended.

**14.08.080 Review by Planning Commission.**

(1) After completion of any review by a Citizen's Advisory Committee or Technical Advisory Committee as provided in the Skagit County Growth Management Act Public Participation Program, as amended, the Department shall prepare a staff report on the proposed plans, amendments or development regulation summarizing the comments and recommendations of any Citizen Advisory Committee or Technical Advisory Committee, County departments, affected agencies and special districts, and evaluating the proposed plan, plan amendment, or development regulations' consistency with adopted County plans and regulations. The staff report shall include findings, conclusions and proposed recommendations for disposition of the proposed plan, plan amendments or development regulations. The staff report, together with proposed drafts of the plan, plan amendment or development regulation, shall be available to the public a minimum of 15 calendar days before a public hearing on the proposed plan, plan amendment, or development regulation.

(2) Unless adopted as an interim ordinance under the provisions of RCW 36.70A.390, the Commission shall hold at least 1 public hearing on a proposed plan, plan amendment or development regulation at the beginning of its deliberations prior to forwarding a recommendation to the Board for action, and may hold more than one hearing, if deemed necessary.

(3) Notice of the public hearing shall indicate the time, place and purpose of the public hearing, and shall be published in the official newspaper of the County at least 15 days prior to the hearing.

(4) If, after the Commission's consideration of the public comments and deliberation on the proposed plan, plan amendment or development regulation, the Commission is considering a recommendation that is substantially different from that for which public comment was last received, the Commission shall provide an opportunity for additional public comment (orally, or in writing, or both), and shall consider such comment before making its recommendation to the Board, unless deadlines imposed by orders of the Growth Management Hearings Board or by the Board when sending the proposed plan, plan amendment or development regulation to the Commission for review prevent such additional comment period. In that case, the Commission shall forward its recommendation to the Board without additional public comment, provided the findings of the Commission clearly state that the recommendation has changed from that for which public comment was taken and the recommendation includes a suggestion that the Board take additional public comment before making its decision For purposes of this Section, an additional opportunity for public comment is not required if:

(a) An Environmental Impact Statement (EIS) has been prepared under RCW 43.21C for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the Environmental Impact Statement;

(b) The proposed change is within the scope of the alternatives available for public comment;

(c) The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;

(d) The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or

(e) The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

(5) Commission recommendation to the Board on any plan, plan amendment or development regulation shall be by affirmative vote of not less than a majority of the total members of the Commission. Recommendations shall be by a recorded motion which shall incorporate the findings of fact of the Commission and the reasons for its recommendation, and the motion shall refer expressly to any maps, descriptive material and other matters intended by the Commission to constitute the recommendation. The indication of approval by the Commission shall be recorded on any map and descriptive material, as applicable, by the signatures of the chairperson and the secretary of the Commission.

(6) All or any part of a plan, development regulation or amendment thereto shall be granted only if it is consistent with the community vision statements, goals, objectives, and the policy directives of the Comprehensive Plan and the proposal preserves the integrity of the Comprehensive Plan and assures its systematic execution.

(7) Any Commission recommendation on a proposed plan, regulation or amendment thereto shall include a discussion of whether the proposal is supported by capital facility and functional plans; whether the proposal is consistent with the requirements of the Growth Management Act, (RCW 36.70A), the County-wide Planning Policies and other applicable provisions of the Comprehensive Plan; and whether the proposal bears a substantial relationship to the public general health, safety, morals or welfare. For proposed Comprehensive Plan map changes, the Commission recommendation shall also include findings of fact and conclusions on whether the proposal is justified by changed or changing conditions; whether the proposal would create an isolated land use designation (spot zone) unrelated to adjacent designations; and whether the proposal will be compatible with neighboring properties and not adversely affect the value of those properties.

(8) A copy of any plan, plan amendment or development regulation recommendation, together with the recorded motion shall be submitted to the Board not later than 14 days following the date the recorded motion is signed by the chairperson of the Commission, together with the statement of findings and conclusions.

(9) Any report or recommendation from the Commission, whether on a proposal initiated by it, whether on a matter referred back to it by the Board for further report, or whether on a matter initiated by the Board, shall be advisory only and the final determination shall rest with the Board.

**14.08.090 Review and Decisions by Board.**

(1) Upon receipt of a recommendation on all or any part of a plan, plan amendment or development regulation from the Commission, the Board shall, at its next regular public meeting, set the date for a public meeting where it will consider and take action on the recommendation.

(2) If the Board agrees with the recommendation of the Commission, it shall approve the plan, plan amendment or development regulation by ordinance.

(3) If the Board considers a change in the recommendation of the Commission on a proposed plan, plan amendment or development regulation to be necessary, the Board shall proceed as follows:

(a) Changes to plans or plan amendments. Before acting on a proposed change to a plan or plan amendment, the Board must first refer the proposed change back to the Commission for a report and recommendation. The Commission shall follow the public notice and hearing requirements for consideration of such change as required for the initial Commission review of the proposal. The Board may set a deadline for receipt of the Commission recommendation. After receipt of the report and recommendation of the Commission, or after lapse of the time frame specified by the Board, the Board may approve the plan, without further reference to the Commission, provided:

(i) That the plan or plan amendment conforms either to the proposal as initiated by the Board or the recommendation by the Commission and/or

(ii) If the Commission has failed to report within a 90-day period, the Board shall hold at least 1 public hearing on the proposed plan or plan amendment. Public notice for such hearing shall be the same as that required for public hearings before the Commission, described in SCC 14.08.080(3), above. Thereafter, the Board may proceed to approve the proposed plan or plan amendment.

(b) Changes to development regulations. Before acting on a proposed change to a development regulation recommended by the Commission, the Board shall either refer the proposed change back to the Commission for further public comment and consideration consistent with the procedures for changes to plans or plan amendments described in Subsection (a), above, or the Board shall conduct its own public hearing, giving notice as required in SCC 14.08.080(3), above, and adopt its own findings of fact and a statement setting forth the factors considered at the hearing and its own analysis of findings considered by it to be controlling.

**14.08.100 Emergency or Interim Regulations.**

The provisions of RCW 36.70A.390 for emergency or interim maps or regulations or moratoria, if applicable, shall supersede the requirements of this Chapter.

**14.08.110 Appeal.**

(1) Any action to review the final decision of the Board on a plan, plan amendment or development regulation that is subject to the jurisdiction of the Growth Management Hearings Boards shall be processed according to the law governing such challenges.

(2) If the decision of the Board is not subject to the jurisdiction of the Growth Management hearings Board, appeals shall proceed according to the applicable RCW.

14.10



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# TITLE 14
# SKAGIT COUNTY CODE

17938

## CHAPTER 14.10

## VARIANCES

Sections:


14.10.010 Purpose.
14.10.020 Types of Variances.
14.10.030 Application Procedures.
14.10.040 Findings of Variance.
14.10.050 General Conditions.

**14.10.010 Purpose.**

Variances from the terms of SCC Title 14 may be authorized in specific cases that will not be contrary to the public interest, and where, due to special conditions, literal enforcement of the provisions of this Code would result in unnecessary hardship. Under no circumstances shall a variance be granted that allows a use not permissible under the terms of this Chapter in the district involved, or any use expressly or by implication prohibited by the terms of this Chapter in the district.

**14.10.020 Types of Variances.**

Variances shall generally be 1 of 3 types:

(1) Administrative Variances. The following variances shall be processed as a Level I administrative decision pursuant to the provisions of SCC 14.06 by the respective department indicated.

- (a) Alternatives to the Public Works Standards of SCC 14.36 shall be decided administratively by the Public Works Department, pursuant to Section 2.10 of the Skagit County Road Standards Manual.
- (b) Variances to the Agricultural Siting Criteria of SCC 14.16.400 and 14.16.860 shall be decided administratively by the Planning and Permit Center.
- (c) Appeals of Administrative Variances shall be to the Hearing Examiner as provided in SCC 14.06, except for Alternatives to Public Works Standards of SCC 14.36.

(2) Board of County Commissioner Variances. Variances to any other requirements of the Ag-NRL zone found in SCC 14.16.400 or to Agricultural Resource Land Preservation, SCC 14.16.860 shall be processed as a Level III-HE recommendation by the Hearing Examiner with a final decision by the Board of County Commissioners, as described in SCC 14.06.

(3) Hearing Examiner Variances. All other requests for variances to any of the provisions of SCC Title 14 shall be processed as a Level II Hearing Examiner Decision pursuant to the requirements of SCC 14.06 (Permit Procedures). Appeal of the Hearing Examiner Decision may be made to the Board of County Commissioners as described in SCC 14.06, provided that shoreline variances shall follow the procedures of the Skagit County Shoreline Management Master Program, as may be amended.

**14.10.030 Application Procedures.**

(1) A variance from the requirements of SCC Title 14 shall be submitted on forms provided by the Planning and Permit Center, or, in the case of a request for an alternative from the Public Works Standards, on forms provided by the Public Works Department.

(2) A narrative statement shall be included with the application forms demonstrating that the requested variance conforms to the following standards:

- (a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Topics to be addressed include topographic or critical area constraints that make use of the particular site infeasible without the proposed variance.

(b) Literal interpretation of the provisions of this Chapter would deprive the Applicant of rights commonly enjoyed by other properties in the same district under the terms of SCC Titles 14 and 15.

(c) The special conditions and circumstances do not result from the actions of the Applicant.

(d) The granting of the variance requested will not confer on the Applicant any special privilege that is denied by SCC Titles 14 and 15 to other lands, structures, or buildings in the same district.

(e) An explanation of how the requested variance meets any other specific criteria required for the type of variance requested, where applicable, including, but not limited, to the following:

(i) Explanation of compliance with the criteria for a Critical Areas Ordinance variance under SCC 14.24.140.

(ii) Explanation of compliance with the criteria for a shoreline variance under the Skagit County Shoreline Management Master Program.

(iii) Explanation of compliance with the criteria for a public works alternative under the Skagit County Public Works Standards adopted pursuant to SCC 14.36.

(iv) Explanation of compliance with the criteria for variance from the agricultural siting criteria found in SCC 14.16.400(6).

(v) Explanation of compliance with the criteria for a Flood Hazard Ordinance variance found in SCC 14.34.130.

(f) If applicable, an explanation from the Applicant as to why, if a variance is denied, the Applicant would be denied all reasonable use of his or her property.

**14.10.040 Findings of Variance.**

(1) The Approving Authority shall make findings whether:

(a) The reasons set forth in the application justify the granting of the variance, including findings relating to compliance with any relevant variance criteria found in other sections of Skagit County Code.

(b) The variance is the minimum variance that will make possible the reasonable use of land, building or structure.

(c) The granting of the variance will be in harmony with the general purpose and intent of this Title and other applicable provisions of the Skagit County Code, and will not be injurious to the neighborhood, or otherwise detrimental to public welfare.

**14.10.050 General Conditions.**

(1) In granting any variance, the Approving Authority may prescribe such conditions and safeguards as are necessary to secure adequate protection for the locality in which the use is to be permitted.

(2) All variance decisions of the County shall be recorded with the Auditor. If they contain conditions to be imposed on the property even after it has been sold, the recorded notice shall include the following information:

(a) Owner's name.

(b) Parcel number.

(c) Property address.
(d) Complete legal description.
(e) Conditions to be imposed on the property.

14.12

# TITLE 14
# SKAGIT COUNTY CODE

17938

## CHAPTER 14.12

## SEPA

**Sections:**


| | |
|---|---|
| **Part One:** | **AUTHORITY** |
| 14.12.010 | Authority. |
| **Part Two:** | **GENERAL REQUIREMENTS** |
| 14.12.020 | Purpose. |
| 14.12.030 | Additional Definitions. |
| 14.12.040 | Designation of Responsible Official. |
| 14.12.050 | Lead Agency Determination and Responsibilities. |
| 14.12.060 | Additional Timing Considerations. |
| **Part Three:** | **CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS** |
| 14.12.070 | Purpose. |
| 14.12.080 | Flexible Thresholds for Categorical Exemptions. |
| 14.12.090 | Use of Exemptions. |
| 14.12.100 | Environmental Checklist. |
| 14.12.110 | Mitigated DNS. |
| **Part Four:** | **ENVIRONMENTAL IMPACT STATEMENT (EIS)** |
| 14.12.120 | Purpose. |
| 14.12.130 | Preparation of EIS - Additional Considerations. |
| 14.12.140 | Additional Elements to be Covered in an EIS. |
| **Part Five:** | **COMMENTING** |
| 14.12.150 | Purpose. |
| 14.12.160 | Public Notice. |
| 14.12.170 | Designation of Official to Perform Consulted Agency Responsibilities for the County. |
| **Part Six:** | **USING EXISTING ENVIRONMENTAL DOCUMENTS** |
| 14.12.180 | Purpose. |

**Part Seven:** **SEPA AND AGENCY DECISIONS**
14.12.190 Purpose.
14.12.200 Substantive Authority.
14.12.210 Appeals.
14.12.220 Notice/Statute of Limitations.

**Part Eight:** **DEFINITIONS**
14.12.230 Purpose.

**Part Nine:** **CATEGORICAL EXEMPTIONS**
14.12.240 Adoption by Reference.

**Part Ten:** **AGENCY COMPLIANCE**
14.12.250 Purpose.
14.12.260 Critical Areas.
14.12.270 Fees.

**Part Eleven:** **FORMS**
14.12.280 Adoption by Reference.

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## Part One: Authority

17938

**14.12.010 Authority.**

Skagit County adopts this Chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. This Chapter contains Skagit County's SEPA procedures and policies. The SEPA rules, WAC 197-11, must be used in conjunction with this Chapter.

## Part Two: General Requirements

**14.12.020 Purpose.**

This part contains the basic requirements that apply to the SEPA process. The County adopts the following Sections of Chapter 197-11 of the Washington Administrative Code by reference:

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|---|---|
| WAC 197-11-040 | Definitions. |
| WAC 197-11-050 | Lead agency. |
| WAC 197-11-060 | Content of environmental review. |
| WAC 197-11-070 | Limitations on actions during SEPA process. |
| WAC 197-11-080 | Incomplete or unavailable information. |
| WAC 197-11-090 | Supporting documents. |
| WAC 197-11-100 | Information required of Applicants. |
| WAC 197-11-158 | GMA project review-reliance on existing plans and regulations. |
| WAC 197-11-210 | SEPA/GMA integration. |
| WAC 197-11-220 | SEPA/GMA definitions. |
| WAC 197-11-228 | Overall SEPA/GMA integration procedures. |
| WAC 197-11-230 | Timing of an integrated SEPA/GMA process. |
| WAC 197-11-232 | SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping. |
| WAC 197-11-235 | Documents. |
| WAC 197-11-238 | Monitoring. |
| WAC 197-11-250 | SEPA/Model Toxics Control Act integration. |
| WAC 197-11-253 | SEPA lead agency for MTCA actions. |
| WAC 197-11-256 | Preliminary evaluation. |
| WAC 197-11-259 | Determination of Nonsignificance for MTCA remedial actions. |
| WAC 197-11-262 | Determination of Significance and EIS for MTCA remedial actions. |
| WAC 197-11-265 | Early scoping for MTCA remedial actions. |
| WAC 197-11-268 | MTCA interim actions. |

**14.12.030 Additional Definitions.**

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this Chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) "SEPA rules" means WAC 197-11 adopted by the Department of Ecology.

(2) "Early notice" means the County's response to an Applicant stating whether it considers issuance of a determination of significance likely for the Applicant's proposal (mitigated Determination of Nonsignificance (DNS) procedures).



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**14.12.040 Designation of Responsible Official.**

(1) For those proposals for which the County is the lead agency, the Responsible Official shall be the Director of the Skagit County Planning and Permit Center or his/her designee.

(2) For all proposals for which the County is the lead agency, the Responsible Official shall make the threshold determination, supervise scoping and preparation of any required Environmental Impact Statement (EIS), and perform any other functions assigned to the "Lead Agency" or "Responsible Official" by those Sections of the SEPA rules that were adopted by reference in SCC 14.12.020.

(3) The County shall retain all documents required by the SEPA rules (WAC 197-11) and make them available in accordance with RCW 42.17.

**14.12.050 Lead Agency Determination and Responsibilities.**

(1) The County Department receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050 and WAC 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the County Department is aware that another agency is in the process of determining the lead agency.

(2) When the County is the lead agency for a proposal, the County Department receiving the application shall notify the Responsible Official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

(3) When the County is not the lead agency for a proposal, all County Departments shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No County Department shall prepare or require preparation of a DNS or an EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the County may conduct supplemental environmental review under WAC 197-11-600.

(4) If any County Department receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the County must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. The Planning and Permit Center may initiate any such petition on behalf of the County.

(5) Departments of the County are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944, provided, that the Responsible Official and any County Department that will incur responsibilities as the result of such agreement approve the agreement.

(6) Any County Department making a lead agency determination for a private project shall require sufficient information from the Applicant to identify which other agencies have jurisdiction over the proposal (That is: Which agencies require nonexempt licenses?).

(7) When the County is lead agency for a MTCA remedial action, the Department of Ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-

253(6), the County shall decide jointly with Ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

**14.12.060 Additional Timing Considerations.**

(1) For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the County's staff recommendation to any appropriate advisory body, such as the Planning Commission.

(2) If the County's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the Applicant may request, in writing, that the County conduct environmental review prior to submission of the detailed plans and specifications.

## Part Three: Categorical Exemptions and Threshold Determinations

**14.12.070 Purpose.**

This part contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an Environmental Impact Statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The County adopts the following Sections by reference, as supplemented in this part:

| | |
|---|---|
| WAC 197-11-300 | Purpose of this part. |
| WAC 197-11-305 | Categorical exemptions. |
| WAC 197-11-310 | Threshold determination required. |
| WAC 197-11-315 | Environmental checklist. |
| WAC 197-11-330 | Threshold determination process. |
| WAC 197-11-335 | Additional information. |
| WAC 197-11-340 | Determination of Nonsignificance (DNS). |
| WAC 197-11-350 | Mitigated DNS. |
| WAC 197-11-355 | Optional DNS process. |
| WAC 197-11-360 | Determination of significance (DS)/initiation of scoping. |
| WAC 197-11-390 | Effect of threshold determination. |

**14.12.080 Flexible Thresholds for Categorical Exemptions.**

(1) Skagit County establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b), based on local conditions, except when undertaken wholly or partly on lands covered by water:

(a) For the construction or location of any residential dwelling units in WAC 197-11-800(1)(b)(i): Up to 20 dwelling units.

(b) For the construction of agricultural structures in WAC 197-11-800(1)(b)(ii): Up to 30,000 square feet.

(c) For office, school, commercial, recreational, public service or storage buildings including places of worship in WAC 197-11-800(1)(b)(iii): Up to 12,000 square feet and up to 40 parking spaces.

(d) For parking lots in WAC 197-11-800(1)(b)(iv): Up to 40 parking spaces.

(e) For landfills and excavations up to 500 cubic yards throughout the total lifetime of the fill or excavation and any fill or excavation classified as a Class 1, 2, or 3 Forest Practice under RCW 76.09.050 or regulations thereunder.

(2) These categorical exemptions from SEPA shall not exempt these projects from review under the County's Critical Areas Ordinance.

(3) Whenever the County establishes new exempt levels under this Section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC 197-11-800(1)(c).

**14.12.090 Use of Exemptions.**

(1) Each County Department that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal are exempt. The County Department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this Chapter apply to the proposal. The County shall not require completion of an environmental checklist for an exempt proposal.

(2) In determining whether or not a proposal is exempt, the County Department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the County Department shall determine the lead agency, even if the license application that triggers the County Department's consideration is exempt.

(3) If a proposal includes both exempt and nonexempt actions, the County may authorize exempt actions prior to compliance with the procedural requirements of this Chapter, except that:

(a) The County shall not give authorization for:

(i) Any nonexempt action;

(ii) Any action that would have an adverse environmental impact; or

(iii) Any action that would limit the choice of alternatives.

(b) A County Department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) was/were not approved; and

(c) A County Department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private Applicant when the expenditures would serve no purpose if nonexempt action(s) was/were not approved.

**14.12.100 Environmental Checklist.**

(1) Except as provided in Subsection (3) of this Section, a completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this Chapter; except, a checklist is not needed if the County and Applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The County shall use the environmental checklist to determine the lead agency and, if the County is the lead agency, for determining the Responsible Official and for making the threshold determination.

(2) For private proposals, the County will require the Applicant to complete the environmental checklist, providing assistance as necessary. For County proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

(3) For projects submitted as planned actions under WAC 197-11-164, the County shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action Ordinance; or developed after the Ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the Department of Ecology to allow at least a 30-day review prior to use.

**14.12.110 Mitigated DNS.**

(1) As provided in this Section and in WAC 197-11-350, the Responsible Official may issue a DNS based on conditions attached to the proposal by the Responsible Official or on changes to, or clarifications of, the proposal made by the Applicant.

(2) An Applicant may request, in writing, early notice of whether a DS is likely under WAC 197-11-350. The request must:

(a) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the County Department is lead agency; and

(b) Precede the County's actual threshold determination for the proposal.

(3) The Responsible Official should respond to the request for early notice within 5 working days. The response shall:

(a) Be written;

(b) State whether the County currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the County to consider a DS; and

(c) State that the Applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(4) As much as possible, the County should assist the Applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(5) When an Applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the County shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 days of receiving the changed or clarified proposal.

(a) If the County indicated specific mitigation measures in its response to the request for early notice, and the Applicant changed or clarified the proposal to include those specific mitigation measures, the County shall issue and circulate a DNS under WAC 197-11-340(2).

(b) If the County indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the County shall make the threshold determination, issuing a DNS or DS as appropriate.

(c) The Applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals

to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.

(d) Mitigation measures that justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

(6) A mitigated DNS is issued under either WAC 197-11-340(2), requiring a 14-day comment period and public notice, or WAC 197-11-355(5), which may require no additional comment period beyond the comment period on the notice of application.

(7) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the County.

(8) If the County's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the County should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

(9) The County's written response under Subsection (3) of this Section shall not be construed as a Determination of Significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the County to consider the clarifications or changes in its threshold determination.

## Part Four: Environmental Impact Statement (EIS)

### 14.12.120 Purpose.

This part contains the rules for preparing Environmental Impact Statements (EISs). The County adopts the following Sections by reference, as supplemented by this part:

| | |
|---|---|
| WAC 197-11-400 | Purpose of EIS. |
| WAC 197-11-402 | General requirements. |
| WAC 197-11-405 | EIS types. |
| WAC 197-11-406 | EIS timing. |
| WAC 197-11-408 | Scoping. |
| WAC 197-11-410 | Expanded scoping. |
| WAC 197-11-420 | EIS preparation. |
| WAC 197-11-425 | Style and size. |
| WAC 197-11-430 | Format. |
| WAC 197-11-435 | Cover letter or memo. |
| WAC 197-11-440 | EIS contents. |
| WAC 197-11-442 | Contents of EIS on nonproject proposals. |
| WAC 197-11-443 | EIS contents when prior nonproject EIS. |
| WAC 197-11-444 | Elements of the environment. |
| WAC 197-11-448 | Relationship of EIS to other considerations. |
| WAC 197-11-450 | Cost-benefit analysis. |
| WAC 197-11-455 | Issuance of DEIS. |
| WAC 197-11-460 | Issuance of FEIS. |

### 14.12.130 Preparation of EIS - Additional Considerations.

(1) Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the Planning and Permit Center under the direction of

the Responsible Official. Before the County issues an EIS, the Responsible Official shall be satisfied that it complies with this Chapter and WAC 197-11.

(2) The DEIS and FEIS or draft and final SEIS shall be prepared by County staff, the Applicant, or by a consultant selected by the County or the Applicant. If the Responsible Official requires an EIS for a proposal and determines that someone other than the County will prepare the EIS, the Responsible Official shall notify the Applicant immediately after completion of the threshold determination. The Responsible Official shall also notify the Applicant of the County's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

(3) The County may require an Applicant to provide information the County does not possess, including specific investigations. However, the Applicant is not required to supply information that is not required under this Chapter or that is being requested from another agency. (This does not apply to information the County may request under another Chapter, Title, or statute.)

**14.12.140 Additional Elements to be Covered in an EIS.**

The analysis of the following elements may be included as part of the environment for the purpose of EIS content, but does not add to the criteria for threshold determinations or perform any other functions or purposes under this Chapter.

(1) Economy.

(2) Social policy analysis.

(3) Cost-benefit analysis; and

(4) Any other element that may be dictated by special circumstances associated with the project.

## Part Five: Commenting

**14.12.150 Purpose.**

This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The County adopts the following Sections by reference, as supplemented in this part:

WAC 197-11-500 Purpose of this part.
WAC 197-11-502 Inviting comment.
WAC 197-11-504 Availability and cost of environmental documents.
WAC 197-11-508 SEPA register.
WAC 197-11-535 Public hearings and meetings.
WAC 197-11-545 Effect of no comment.
WAC 197-11-550 Specificity of comments.
WAC 197-11-560 FEIS response to comments.
WAC 197-11-570 Consulted agency costs to assist lead agency.

**14.12.160 Public Notice.**

(1) Whenever possible, the County shall integrate the Public Notice required under this Section with existing notice procedures for the County's nonexempt permit(s) or approval(s) required for the proposal.

(2) Whenever Skagit County issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the County shall give public notice as follows:

(a) If public notice is required for a non-exempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

(b) If a SEPA document is issued concurrently with the notice of application, the public notice requirements for the notice of application will suffice to meet the SEPA public notice requirements.

(c) If no public notice is otherwise required for the permit or approval, the County shall give notice of the DNS or DS by:

(i) Posting the property, for site-specific proposals;

(ii) Publishing notices in a newspaper of general circulation in the County, city, or general area where the proposal is located; and

(iii) Notifying public or private groups that have expressed interest in a certain proposal or in the type of proposal being considered.

(d) Whenever the County issues a DS under WAC 197-11-360(3), the County shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

(3) If a DNS is issued using the optional DNS process, the public notice requirements for the notice of application as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements.

(4) Whenever the County issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

(a) Indicating the availability of the DEIS in any public notice required for a nonexempt license;

(b) Posting the property, for site-specific proposals;

(c) Publishing notices in a newspaper of general circulation in the County, city, or general area where the proposal is located; and

(d) Notifying public or private groups that have expressed interest in a certain proposal or in the type of proposal being considered.

(5) The County may require an Applicant to complete the public notice requirements for the Applicant's proposal at his or her expense.

(6) Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in WAC 197-11-172(3).

**14.12.170 Designation of Official to Perform Consulted Agency Responsibilities for the County.**

(1) The Director of the Skagit County Planning and Permit Center or his/her designee shall be responsible for preparation of written comments for the County in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

(2) The Director of the Skagit County Planning and Permit Center shall be responsible for the County's compliance with WAC 197-11-550 whenever the County is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the County.

## Part Six: Using Existing Environmental Documents 17938

**14.12.180 Purpose.**

This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the County's own environmental compliance. The County adopts the following Sections by reference:

| | |
|---|---|
| WAC 197-11-164 | Planned actions--Definition and criteria. |
| WAC 197-11-168 | Ordinances or resolutions designating planned actions--Procedures for adoption. |
| WAC 197-11-172 | Planned actions--Project review. |
| WAC 197-11-600 | When to use existing environmental documents. |
| WAC 197-11-610 | Use of NEPA documents. |
| WAC 197-11-620 | Supplemental Environmental Impact Statement--Procedures. |
| WAC 197-11-625 | Addenda--Procedures. |
| WAC 197-11-630 | Adoption--Procedures. |
| WAC 197-11-635 | Incorporation by reference--Procedures. |
| WAC 197-11-640 | Combining documents. |

## Part Seven: SEPA and Agency Decisions

**14.12.190 Purpose.**

This part contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. The County adopts the following Sections by reference:

| | |
|---|---|
| WAC 197-11-650 | Purpose of this part. |
| WAC 197-11-655 | Implementation. |
| WAC 197-11-660 | Substantive authority and mitigation. |
| WAC 197-11-680 | Appeals. |

**14.12.200 Substantive Authority.**

(1) The policies and goals set forth in this Chapter are supplementary to those in the existing authorization of Skagit County.

(2) The County may attach conditions to a permit or approval for a proposal so long as:

- (a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this Chapter;
- (b) Such conditions are in writing;
- (c) The mitigation measures included in such conditions are reasonable and capable of being accomplished;
- (d) The County has considered whether other local, State, or Federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
- (e) Such conditions are based on one or more policies in Subsection (4) of this Section and cited in the decision document.

(3) The County may deny a permit or approval for a proposal on the basis of SEPA so long as:

(a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this Chapter;

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(c) The denial is based on one or more policies identified in Subsection (4) of this Section and identified in writing in the decision document.

(4) The County designates and adopts by reference the following policies as the basis for the County's exercise of authority pursuant to this Section:

(a) The County shall use all practicable means, consistent with other essential considerations of State policy, to improve and coordinate plans, functions, programs, and resources to the end that the State and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington State safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The County recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(c) The County adopts by reference the policies in the following County Codes, Ordinances, resolutions, and plans:

(i) 1997 Skagit County Comprehensive Plan, as now adopted or as hereafter amended;

(ii) 1997 Comprehensive Plan Map Portfolio, as now adopted or as hereafter amended;

(iii) All studies and appendices referenced by the 1997 Comprehensive Plan, as now existing or as hereafter amended;

(iv) Title 12, Title 14, and Title 15 of the Skagit County Code; and

(v) The Skagit County Shoreline Management Master Program, as now existing or hereafter amended;

(vi) All municipal Ordinances adopted by Skagit County pertaining to the development of those lands contained in an urban growth area (under

RCW 36.70A.110) from and after the effective date of a County Ordinance adopting such municipal Ordinances.

(d) The County further adopts as substantive authority those interlocal agreements that the County has entered into with the individual cities within its jurisdiction. Those interlocal agreements outline the scope and general procedure for joint County-city cooperation.

**14.12.210 Appeals.**

Skagit County establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

(1) A final environmental threshold determination is administratively appealable as a Level I decision, pursuant to Skagit County Code 14.06.

(2) A decision by a non-elected official to condition or deny a project on the basis of SEPA may be appealed to the appropriate hearing body pursuant to 14.06.

(3) For any appeal under this Subsection, the County shall provide for a record that shall consist of the following:

(a) Findings and conclusions;

(b) Testimony under oath; and

(c) A taped or written transcript.

(4) The procedural determination by the County's Responsible Official shall carry substantial weight in any appeal proceeding.

(5) The County shall give official notice consistent with WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or Ordinance establishes a time limit for commencing judicial appeal. The notice shall include:

(a) The time limit for commencing appeal of the underlying governmental action and SEPA issues, and the statute or Ordinance establishing the time limits;

(b) Where the appeal may be filed; and

(c) Notice shall be given following the County's normal methods of notice found in SCC 14.06.

**14.12.220 Notice/Statute of Limitations.**

(1) The County, Applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The County Auditor, Applicant or proponent pursuant to RCW 43.21C.080 shall publish the notice.

**14.12.230 Purpose.**

This part contains uniform usage and definitions of terms under SEPA. The County adopts the following Sections by reference:

WAC 197-11-700 Definitions.
WAC 197-11-702 Act.
WAC 197-11-704 Action.
WAC 197-11-706 Addendum.
WAC 197-11-708 Adoption.
WAC 197-11-710 Affected tribe.
WAC 197-11-712 Affecting.
WAC 197-11-714 Agency.
WAC 197-11-716 Applicant.
WAC 197-11-718 Built environment.
WAC 197-11-720 Categorical exemption.
WAC 197-11-721 Closed record appeal.
WAC 197-11-722 Consolidated appeals.
WAC 197-11-724 Consulted agency.
WAC 197-11-726 Cost-benefit analysis.
WAC 197-11-728 County/city.
WAC 197-11-730 Decision-maker.
WAC 197-11-732 Department.
WAC 197-11-734 Determination of Nonsignificance (DNS).
WAC 197-11-736 Determination of Significance (DS).
WAC 197-11-738 EIS.
WAC 197-11-740 Environment.
WAC 197-11-742 Environmental checklist.
WAC 197-11-744 Environmental documents.
WAC 197-11-746 Environmental reviews.
WAC 197-11-750 Expanded scoping.
WAC 197-11-752 Impacts.
WAC 197-11-754 Incorporation by reference.
WAC 197-11-756 Lands covered by water.
WAC 197-11-758 Lead agency.
WAC 197-11-760 License.
WAC 197-11-762 Local agency.
WAC 197-11-764 Major action.
WAC 197-11-766 Mitigated DNS.
WAC 197-11-768 Mitigation.
WAC 197-11-770 Natural environment.
WAC 197-11-772 NEPA.
WAC 197-11-774 Nonproject.
WAC 197-11-775 Open record hearing.
WAC 197-11-776 Phased reviews.
WAC 197-11-778 Preparation.

| | |
|---|---|
| WAC 197-11-780 | Private projects. |
| WAC 197-11-782 | Probable. |
| WAC 197-11-784 | Proposal. |
| WAC 197-11-786 | Reasonable alternative. |
| WAC 197-11-788 | Responsible Official. |
| WAC 197-11-790 | SEPA. |
| WAC 197-11-792 | Scope. |
| WAC 197-11-793 | Scoping. |
| WAC 197-11-794 | Significant. |
| WAC 197-11-796 | State agency. |
| WAC 197-11-797 | Threshold determination. |
| WAC 197-11-799 | Underlying governmental action. |

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## Part Nine: Categorical Exemptions

**14.12.240 Adoption by Reference.**

The County adopts by reference the following rules for categorical exemptions, as supplemented in this Chapter, including SCC 14.12.080 (Flexible thresholds), SCC 14.12.090 (Use of exemptions), and SCC 14.12.260 (Critical Areas):

| | |
|---|---|
| WAC 197-11-800 | Categorical exemptions. |
| WAC 197-11-880 | Emergencies. |
| WAC 197-11-890 | Petitioning Department of Ecology to change exemptions. |

## Part Ten: Agency Compliance

**14.12.250 Purpose.**

This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The County adopts the following Sections by reference:

| | |
|---|---|
| WAC 197-11-900 | Purpose. |
| WAC 197-11-902 | Agency SEPA policies. |
| WAC 197-11-916 | Application to ongoing actions. |
| WAC 197-11-920 | Agencies with environmental expertise. |
| WAC 197-11-922 | Lead agency rules. |
| WAC 197-11-924 | Determining the lead agency. |
| WAC 197-11-926 | Lead agency for governmental proposals. |
| WAC 197-11-928 | Lead agency for public and private proposals. |
| WAC 197-11-930 | Lead agency for private projects with one agency with jurisdiction. |
| WAC 197-11-932 | Lead agency for private projects requiring licenses from more than 10 agencies, when one of the agencies is a County/city. |
| WAC 197-11-934 | Lead agency for private projects requiring licenses from a local agency, not a County/city, and 1 or more State agencies. |
| WAC 197-11-936 | Lead agency for private projects requiring licenses from more than 1 State agency. |
| WAC 197-11-938 | Lead agencies for specific proposals. |



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WAC 197-11-940 Transfer of lead agency status to a State agency.
WAC 197-11-942 Agreements on lead agency status.
WAC 197-11-944 Agreements on division of lead agency duties.
WAC 197-11-946 DOE resolution of lead agency disputes.
WAC 197-11-948 Assumption of lead agency status.

**14.12.260 Critical Areas.**

(1) The County shall treat proposals located wholly or partially within a critical area or its buffer no differently from other proposals under this Chapter, making a threshold determination for all such proposals. The County shall not automatically require an EIS for a proposal merely because it is proposed for location in a critical area or its buffer.

(2) Critical Areas Exemptions: The categorical exemptions listed under SCC 14.12.080 and WAC 197-11-800 do not exempt projects from review under the Skagit County Critical Areas Ordinance, SCC 14.24.

**14.12.270 Fees.**

The County shall require the following fees for its activities in accordance with the provisions of this Chapter:

(1) Threshold determination. For every environmental checklist the County will review when it is lead agency, the County shall collect a fee in the amount established by resolution of the Board of Commissioners from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this Chapter for making a threshold determination shall not begin to run until payment of the fee.

(2) Environmental Impact Statement.

(a) When the County is the lead agency for a proposal requiring an EIS and the Responsible Official determines that the EIS shall be prepared by employees of the County, the County may charge and collect a reasonable fee from any Applicant to cover costs incurred by the County in preparing the EIS. The Responsible Official shall advise the Applicant(s) of the projected costs for the EIS prior to actual preparation; the Applicant shall post bond or otherwise ensure payment of such costs.

(b) The Responsible Official may determine that the County will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the County and may bill such costs and expenses directly to the Applicant. The County may require the Applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the County and Applicant after a call for proposals.

(c) If a proposal is modified so that an EIS is no longer required, the Responsible Official shall refund any fees collected under (a) or (b) of this Subsection which remain after incurred costs are paid.

(3) The County may collect a reasonable fee from an Applicant to cover the cost of meeting the public notice requirements of this Chapter relating to the Applicant's proposal.

(4) The County shall not collect a fee for performing its duties as a consulted agency.

(5) The County may charge any person for copies of any document prepared under this Chapter, and for mailing the document, in a manner provided by RCW 42.17.

## Part Eleven: Forms

**14.12.280 Adoption by Reference.** 17938

The County adopts the following forms and Sections by reference:

| | |
|---|---|
| WAC 197-11-960 | Environmental checklist. |
| WAC 197-11-965 | Adoption notices. |
| WAC 197-11-970 | Determination of Nonsignificance (DNS). |
| WAC 197-11-980 | Determination of Significance and scoping notice (DS). |
| WAC 197-11-985 | Notice of assumption of lead agency status. |
| WAC 197-11-990 | Notice of action. |



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# TITLE 14
# SKAGIT COUNTY CODE

## CHAPTER 14.14

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## DEVELOPMENT AGREEMENTS

**Sections:**


14.14.010 Purpose.
14.14.020 Development Agreements - Basic Requirements.
14.14.030 Development Standards to be Addressed in Development Agreements.
14.14.040 Procedures.
14.14.050 Effect of Development Agreement.


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**14.14.010 Purpose.**

This Chapter establishes the mechanism under which the County may enter into Development Agreements as authorized by RCW 36.70B.170.

**14.14.020 Development Agreements - Basic Requirements.**

(1) Discretion to Enter Development Agreement. A Development Agreement is an optional device that may be used at the sole discretion of the County.

(2) Who May Enter. The property owner and the County shall be parties to a Development Agreement, provided that if a proposed development is within an adopted municipal UGA, the applicable town or city shall also be a party to the agreement. The following may be considered for inclusion as additional parties in a Development Agreement: contract purchasers, lenders, third-party beneficiaries and utility service providers.

(3) Content of Development Agreements. A Development Agreement shall set forth the development standards and other conditions that shall apply to and govern the development, use and mitigation of the property subject to the agreement.

(4) When Development Agreements May Be Approved. A Development Agreement may be entered into prior to, concurrent with or following approval of project permits for development of the property.

(5) Consistency with Unified Development Code. The development standards and conditions set forth in a Development shall be consistent with the applicable development regulations set forth in the Unified Development Code.

**14.14.030 Development Standards to be Addressed in Development Agreements.**

(1) A Development Agreement shall include one or more of any of the following types of development controls and conditions:

- (a) Project elements such as permitted uses, residential densities and nonresidential densities, intensities and/or building sizes;
- (b) Impact fees, impact fee reimbursement provisions, other financial contributions by the property owner and dedications;
- (c) Mitigation measures pursuant to environmental review;
- (d) Design standards such as maximum heights, setbacks, drainage and water quality requirements and landscaping;
- (e) Affordable housing;
- (f) Parks and open space preservation;
- (g) Phasing;
- (h) Other appropriate development requirement.

(2) Controls and conditions may be set forth by reference to applicable code sections.

(3) Development Agreements shall:

- (a) Specify a termination date upon which the Agreement expires;
- (b) Establish a vesting period for applicable standards; and
- (c) Reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

**14.14.040 Procedures.**

(1) A Development Agreement shall be initiated by a written request from the property owner to the Planning and Permit Center.

(2) If the Administrative Official determines in his or her discretion that a Development Agreement should be considered by the County, the property owner shall be so informed.

(3) A Development Agreement for a development of more than 51 lots or residential dwelling units or more than 50,000 square feet of commercial or industrial building shall be processed as a Level III-PC application. Development Agreements smaller than these thresholds shall be processed as a Level III-HE application, pursuant to the requirements of SCC 14.06 (Permit Procedures).

(4) When a Development Agreement is being considered prior to project permit approvals, the property owner shall provide the County with the same information that would be required for a complete application for such project permits in order for the County to determine the development standards and conditions to be included in the Development Agreement.

(5) When a Development Agreement is being considered following approval of project permits, the development standards and other conditions set forth in such project permits shall be used in the Development Agreement without modification.

(6) The Board of County Commissioners may, in its sole discretion, approve the Development Agreement.

(7) An approved and fully executed Development Agreement shall be recorded with the County Auditor.

**14.14.050 Effect of Development Agreement.**

(1) A Development Agreement is binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property subject to the Development Agreement.

(2) A Development Agreement shall be enforceable during its term by a party to the agreement.

(3) A Development Agreement shall govern during the term of the agreement all or that part of the development specified in the agreement and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement.

(4) Permits issued by the County after the execution of the Development Agreement shall be consistent with the agreement.

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# TITLE 14
# SKAGIT COUNTY CODE

17938

## CHAPTER 14.16

## ZONING

**Sections:**


14.16.010 Title and Purpose.
14.16.020 Scope.
14.16.030 Districts, Maps and Boundaries.
14.16.100 Rural Village Commercial (RVC).
14.16.110 Rural Center (RC).
14.16.120 Rural Freeway Service (RFS).
14.16.130 Small Scale Recreation and Tourism (SRT).
14.16.140 Cottage Industry/Small Scale Business (CSB).
14.16.150 Rural Business (RB).
14.16.160 Natural Resource Industrial (NRI).
14.16.170 Rural Marine Industrial (RMI).
14.16.180 Bayview Ridge Industrial (BR-I).
14.16.190 Bayview Ridge Heavy Industrial (BR-HI).
14.16.200 Aviation Related (AVR).
14.16.210 Airport Environs Overlay (AEO).
14.16.300 Rural Intermediate (RI).
14.16.310 Rural Village Residential (RVR).
14.16.320 Rural Reserve (RRv).
14.16.330 Residential District (R).
14.16.400 Agricultural – Natural Resource Lands (Ag-NRL).
14.16.410 Industrial Forest – Natural Resource Lands (IF-NRL).
14.16.420 Secondary Forest – Natural Resource Lands (SF-NRL).
14.16.430 Rural Resource – Natural Resource Lands (RRc-NRL).
14.16.440 Mineral Resource Overlay (MRO).
14.16.500 Public Open Space of Regional/Statewide Importance (OSRSI).
14.16.600 Unclassified Use Permit.
14.16.700 Special Use Matrix.
14.16.710 Accessory Dwelling Units.
14.16.720 Personal Wireless Services Facilities.
14.16.730 Home Based Business 1.
14.16.800 Parking.
14.16.810 Setback Requirements.
14.16.820 Signs.
14.16.830 Landscaping Requirements.





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14.16.840 Performance Standards.
14.16.850 General Provisions.
14.16.860 Agricultural Land Preservation
14.16.870 Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.
14.16.880 Nonconforming Uses and Structures.
14.16.900 Rezone and Special Use Permit Requirements.

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**14.16.010 Title and Purpose.**

This Chapter shall be known as the Zoning Code of Skagit County, Washington, constituted by the text and zoning maps. The regulations are intended to carry out the goals and policies of the Skagit County Comprehensive Plan. This Chapter is intended to benefit the public as a whole and not any specific person or group of persons. Applications for permits and approvals are subject to the provisions of this Chapter and other ordinances and laws. This Chapter classifies, designates, and regulates the development of land for agriculture, forest, mineral resource extraction, residential, commercial, industrial and public land uses for the unincorporated area of Skagit County.

**14.16.020 Scope.**

(1) Construction. This Chapter shall be liberally construed to secure and protect the public health, safety, and welfare of the people and the land. When interpreting this code, the minimum requirement necessary to achieve the intent shall prevail. Wherever the requirements of the ordinance conflict with other laws in effect, that which imposes the higher standard while meeting the intent of the codes shall prevail.

(2) Administrative Official. It shall be the responsibility of the Administrative Official, or designated representative, to interpret and apply the provisions of this Chapter pursuant to SCC 14.06.040.

(3) Interpretation of Uses. When a use is not specifically listed in this Ordinance, it shall be understood that the use may be allowed if it is determined by the Administrative Official that the use is similar to other uses listed. It is further recognized that not every conceivable use can be identified. In anticipation that new uses will evolve over time, this Section establishes the Administrative Official's authority to compare a proposed use and measure it against those listed in this Chapter for determining similarity. In determining similarity, the Administrative Official shall make all of the following findings:

(a) The proposed use shall substantially meet the intent of and be consistent with the goals, objectives and policies of the Comprehensive Plan;

(b) The proposed use shall meet the stated purpose and general intent of the zone in which the use is proposed to be located;

(c) The proposed use shall not adversely impact the public health, safety and general welfare of the residents of the County; and

(d) The proposed use shall share characteristics common with and not be of greater intensity, density or generate more environmental impact than those uses listed in the land use zone in which it is to be located.

**14.16.030 Districts, Maps and Boundaries.**

Skagit County is hereby divided into land use districts to carry out the policies and objectives of the Comprehensive Plan. This Chapter describes the limitations and regulations for the use of and construction on properties within each zone. The following table illustrates the relationship between Comprehensive Plan land use designations, allowed residential densities and zoning districts.

TABLE OF LAND USE DISTRICTS

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| Comprehensive Plan Land Use Designation | Residential Densities Dwelling units/acre | Zoning District |
|---|---|---|
| Rural Village Commercial | Not Applicable | Rural Village Commercial (RVC) |
| Rural Center | Not Applicable | Rural Center (RC) |
| Rural Freeway Services | Not Applicable | Rural Freeway Services (RFS) |
| Small Scale Recreation and Tourism | Not Applicable | Small Scale Recreation and Tourism (SRT) |
| Cottage Industry/Small Scale Business | Not Applicable | Cottage Industry/Small Scale Business (CSB) |
| Rural Business | Not Applicable | Rural Business (RB) |
| Natural Resource Industrial | Not Applicable | Natural Resource Industrial (NRI) |
| Rural Marine Industry | Not Applicable | Rural Marine Industry (RMI) |
| Bayview Ridge Industrial | Not Applicable | Bayview Ridge Industrial (BR-I) |
| Bayview Ridge Heavy Industrial | Not Applicable | Bayview Ridge Heavy Industrial (BR-HI) |
| Aviation Related | Not Applicable | Aviation Related (AVR) |
| Airport Environs Overlay | Not Applicable | Airport Environs Overlay (AEO) |
| Rural Intermediate | 1/2.5 acres or 1/256th of a section | Rural Intermediate (RI) |

| Comprehensive Plan Land Use Designation | Residential Densities Dwelling units/acre | Zoning District |
|---|---|---|
| Rural Village Residential | 1/1 acre or 1/640th of a section with public water & septic or 1/2.5 acres or 1/256th of a section with private water & septic | Rural Village Residential (RVR) |
| Rural Reserve | 1/10 acres or 1/64th of a section or 2/10 acre with CaRD | Rural Reserve (RRv) |
| Residential | 8,400 square feet with public sewer; 12,500 square feet without public sewer | Residential (R) |
| Agricultural - Natural Resource Lands | 1/40 acres or 1/16th of a section | Agricultural Natural Resource Land (Ag-NRL |
| Industrial Forest - Natural Resource Lands | 1/80 acres or 1/8th of a section | Industrial Forest Natural Resource Land (IF-NRL) |
| Secondary Forest - Natural Resource Lands | 1/20 acres or 1/32nd of a section | Secondary Forest Natural Resource Land (SF-NRL) |
| Rural Resource - Natural Resource Lands | 1/40 acres or 1/16th of a section or 4/40 acres with CaRD | Rural Resource Natural Resource Land (RRc-NRL) |
| Mineral Resource Overlay | Not Applicable | Mineral Reserve Overlay (MRO) |
| Open Space of Regional/Statewide Importance | Not Applicable | Open Space of Regional/Statewide Importance (OSRSI) |

(4) Zoning Maps. The official zoning maps delineate the land use districts. The official zoning maps together with the explanatory matter thereon are hereby adopted by reference and declared a part of this Chapter. The districts may be redefined from time to time by adoption of amendments (rezones) to the zoning map, in accordance with this text and RCW 36.70 and RCW 36.70A and SCC 14.08 (Legislative Actions) by a map or maps showing the geographical area and location of said amendments. The Board of County Commissioners shall enter changes on the official zoning map promptly after approval. The map, or maps, shall be filed by the County and be permanently displayed

at a location available to the public. Regardless of the existence of copies of the official zoning map, which may from time to time be made or published, the official zoning map shall be located in the office of the Department, and shall be the final authority as to the current boundaries of the land use districts. The official zoning map shall show the zoning of specific parcels of land and the use regulations of the district shall apply to the land and shall be consistent with the Comprehensive Plan land use designations.

(5) Boundary Interpretations. When uncertainty exists as to boundaries of any land use zone shown on the official zone map, the following rules of construction shall apply:

(a) When 2 different zones are separated by a road, the actual centerline of the right-of-way shall be construed to be the zone boundary.

(b) Where zone boundaries are indicated on such maps as approximately following the lot or tract lines, the actual lot tract line shall be construed to be the boundaries of such zone.

(c) Where a zoning district boundary on the official zoning map divides a parcel, the location of such district boundary thereon shall be determined by use of the scale appearing on the zoning map;

(d) Zone boundaries indicated as following shorelines shall be construed to follow such shorelines, and in case of change in the shoreline, shall be construed as moving with the actual shoreline, except in cases where a government meander line exists, in which case the shoreline shall be measured from the meander line.

(e) Boundaries indicated as following railroad lines shall be construed to be the centerline of the right-of-way.

(f) Where a public street or alley is officially vacated or abandoned, the regulations applicable to the abutting property to which the vacated portion reverts shall apply to such vacated or abandoned street or alley.

(g) In case uncertainty exists which cannot be resolved by the application of the foregoing rules, the Administrative Official shall determine the location of such zone boundaries by written decision.

**14.16.100 Rural Village Commercial (RVC).**

(1) Purpose. The Rural Village Commercial zoning districts are located within each Rural Village identified in the Comprehensive Plan. This zoning district provides an activity center where rural residents and others can gather, work, shop, entertain and reside. This district is intended to provide for a range of commercial uses and services to meet the everyday needs of rural residents and natural resource industries, to provide employment opportunities for residents of the rural area, and to provide goods, services, and lodging for travelers and tourists to the area.

(2) Permitted Uses. The following uses that primarily serve the needs of the surrounding rural population, visitors to the rural area, or natural resource industrial uses in the rural area:

(a) Art galleries and studios;

(b) Business offices;

(c) Caretaker quarters or owner/operator dwelling unit accessory to main use;

(d) Community club/grange hall;

(e) Family day care provider;

(f) Gas stations;

(g) Historic sites open to the public;
(h) Loft living quarters above store fronts; 17938
(i) Mini-storage;
(j) Minor public uses;
(k) Natural resource support services, including office uses and wholesale, retail and service businesses serving local natural resource industries, and sales, storage, parts and repair of equipment and supplies for natural resource industries;
(l) Overnight lodging and related services for visitors to the rural area;
(m) Pre-school;
(n) Professional offices;
(o) Retail and wholesale nurseries/greenhouses;
(p) Small animal clinic/hospital; and
(q) Small retail and service businesses, including restaurants.

(3) Administrative Special Uses.
(a) Expansion of existing major public uses up to 3,000 square feet.
(b) Large animal clinic/hospital.
(c) Minor utility developments.
(d) Parks - specialized recreational facility.
(e) Personal wireless services towers, subject to SCC 14.16.720.
(f) Temporary outdoor events.
(g) Trails and primary and secondary trailheads.

(4) Hearing Examiner Special Uses.
(a) Churches.
(b) Group care facility.
(c) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(d) Major utility developments.
(e) Storage of unlicensed/inoperable vehicles.

(5) Dimensional Standards.
(a) Setbacks:
(i) Front: 15 feet.
(ii) Side and rear: None on interior lots adjacent to other commercial designations. Adjacent to other land use designations, the side setback shall be 8 feet and the rear setback shall be 20 feet.
(iii) Accessory Structures: Front: 15 feet.
Side: 15 feet.
(iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
(b) Maximum Size Limits.
(i) Except for overnight lodging facilities and fire stations, total gross floor area of primary uses shall not exceed 6,000 square feet per parcel.
(ii) Fire stations shall not exceed 8,000 square feet.
(iii) Overnight lodging facilities shall not exceed 35 units and shall not exceed 12,000 square feet of gross floor area per parcel including any related commercial services. Operators may not allow any person to occupy overnight lodging on the premises for more than 4 months in any year.

(iv) Storage or other non-commercial uses that are accessory to the permitted use, including an owner operator dwelling unit, up to a total of 1,500 square feet per parcel, shall also be permitted.

(c) Maximum Height: 30 feet or shall conform to the Skagit County Building Code.

(i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.

(d) Maximum Lot Coverage: Gross building area shall not exceed 50% of the lot area.

(6) Pedestrian circulation. Pedestrian walkways shall be provided between parking areas and the uses served by that parking. Pedestrian facilities shall be also provided as specified by an applicable rural village plan.

(7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.110 Rural Center (RC).**

(1) Purpose. The Rural Center district recognizes centers or clusters of small retail and service businesses which serve a limited area and rural population outside of established Urban Growth Areas and Rural Villages as designated by the Comprehensive Plan. Rural Centers are intended to serve, to a limited extent, the traveling public at existing crossroads.

(2) Permitted Uses. The following uses that primarily serve the needs of the surrounding rural population and visitors to the rural area in areas which are distant from Rural Village Commercial districts and other commercial centers:

(a) Bed and breakfast;
(b) Caretaker quarters or owner/operator dwelling unit accessory to the primary commercial use;
(c) Community club/grange hall;
(d) Family day care provider;
(e) Gas stations;
(f) Historic sites open to the public;
(g) Loft living quarters;
(h) Laundromat;
(i) Mini-storage;
(j) Minor public uses;
(k) Pre-schools;
(l) Retail and wholesale nurseries/greenhouses; and
(m) Small retail and service businesses, including restaurants.

(3) Administrative Special Uses.

(a) Expansion of existing major public uses up to 3,000 square feet total.
(b) Minor utility developments.
(c) Parks - specialized recreational facility.
(d) Personal wireless services towers, subject to SCC 14.16.720.
(e) Temporary outdoor events.
(f) Trails and primary and secondary trailheads.

(4) Hearing Examiner Special Uses.

(a) Animal clinic/hospital.
(b) Churches.
(c) Group care facility.
(d) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(e) Major utility developments.
(f) Storage of unlicensed/inoperable vehicles.

(5) Dimensional Standards.
(a) Setbacks:
(i) Front: 35 feet. Where parking is located in front of structure, or on sides, 55 feet.
(ii) Side and rear: 20 feet.
(iii) Accessory Structures: Front: 35 feet.
Rear: If adjacent to an RVR, RI zone, 20 feet, or the height of the back wall of the building, whichever is greater. Otherwise, the setback shall be equal to the height of the back wall of the building.
(iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
(b) Maximum Size Limits.
(i) Retail and service uses, including mini-storage, shall not exceed 3,000 square feet of gross floor area per establishment, except for fire stations which shall not exceed 8,000 square feet, with a maximum of 2 establishments per parcel. Storage or other non-commercial uses that are accessory to the permitted use and do not exceed 50% of the square footage of the permitted use up to a total of 1,500 square feet per parcel shall also be permitted.
(c) Maximum Height: Shall conform to the Skagit County Building Code.
(i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in 14.16.720.
(d) Maximum Lot Coverage: Gross building area shall not exceed 50% of the lot area.

(6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.120 Rural Freeway Service (RFS).**

(1) Purpose. The purpose of the Rural Freeway Services district is to provide for small scale commercial uses at certain Interstate 5 freeway interchanges outside of urban growth areas as designated by the Comprehensive Plan to serve local populations and the traveling public with necessary goods and services.

(2) Permitted Uses. The following uses that primarily serve the local rural population and the traveling public with freeway-oriented goods and services limited to:
(a) Caretaker quarters or owner/operator dwelling unit accessory to a commercial operation;
(b) Gas and fueling stations and vehicle repair garages;
(c) Historic sites open to the public;

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(d) Minor public uses;
(e) Museum;
(f) Park and ride;
(g) Restaurants and drive-ins;
(h) Retail food markets and convenience stores, including farmer's market;
(i) Tourist information centers; and
(j) Transit station/stop.

(3) Administrative Special Uses.
(a) Billboard.
(b) Campground, developed.
(c) Campground, primitive.
(d) Commercial equipment storage.
(e) Expansion of existing major public uses up to 3,000 square feet.
(f) Minor public facilities.
(g) Minor utility developments.
(h) Outdoor recreation facility.
(i) Personal wireless services towers, subject to SCC 14.16.720.
(j) Retail nurseries and accessory greenhouse.
(k) Temporary outdoor events.
(l) Trails and primary and secondary trailheads.

(4) Hearing Examiner Special Uses.
(a) Hotel/motels. Hotel/motel buildings shall be no closer than 200 feet from agricultural zoned lands.
(b) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(c) Major utility developments.
(d) Motorized vehicle recreational facility.
(e) Storage of unlicensed/inoperable vehicles.

(5) Dimensional Standards.
(a) Setbacks.
(i) Front: 35 feet. Where parking is located in front of structure, 55 feet.
(ii) Side and rear: 35 feet. Where parking is located in front of structure, 55 feet.
(iii) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
(b) Size Limitations.
(i) A use shall not exceed 6,000 square feet of gross floor area with a maximum of 1 establishment per parcel.
(ii) Retail shall not exceed 4,500 square feet and 1,500 square feet of storage.
(iii) Overnight lodging facilities shall not exceed 35 units and shall not exceed 12,000 square feet of gross floor area per parcel including any related commercial services. Operators may not allow any person to occupy overnight lodging on the premises for more than 4 months in any year. Storage or other non-commercial uses that are accessory to a permitted use up to a total of 1,500 square feet per parcel shall also be permitted.
(d) Maximum Height: Shall conform to Skagit County Building Code.

(e) Maximum Lot Coverage: Gross building area shall not exceed 25% of the lot area.

(6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.130 Small Scale Recreation and Tourism (SRT).**

(1) Purpose. This district provides for small scale recreational and tourist uses that make available opportunities to diversify the economy of rural Skagit County by utilizing, in an environmentally sensitive manner, the County's abundant recreational opportunities and scenic and natural amenities.

(2) Permitted Uses.

(a) Bed and breakfast.

(b) Cabins and other forms of overnight lodging that are rural in scale. New residential development shall not be permitted. New residential development includes the subdivision or sale of land for year-round or second-home residential housing that is owner-occupied or rented. Lodging operators may not allow any person to occupy overnight lodging on the premises for more than 4 months in any year.

(c) Campground, destination.

(d) Campground, developed.

(e) Campground, primitive.

(f) Commercial boathouses.

(g) Commercial facilities, such as restaurants and small retail shops, if they serve the primary recreational or tourist use.

(h) Conference center.

(i) Display gardens.

(j) Grange/community center.

(k) Historic sites open to the public.

(l) Institutional camps.

(m) Marinas with less than 20 slips.

(n) Off-road vehicle park.

(o) Outdoor Outfitters Enterprises.

(p) Outdoor recreation facilities.

(q) Outdoor recreational equipment rental and/or guide services.

(r) Parks - community.

(s) Recreational, cultural or religious retreats (non-residential).

(t) Stables/riding clubs.

(u) Trails and primary and secondary trailheads.

(3) Accessory Uses.

(a) Office use, accessory to the primary permitted use.

(b) Owner operator dwelling unit.

(4) Administrative Special Uses.

(a) Expansion of existing major public uses up to 3,000 square feet.

(b) In remote areas only, such as east of Concrete and on saltwater islands without ferry service, employee housing sufficient to operate the SRT operation.

(c) Kennels.

(d) Minor public uses.
(e) Minor utility developments.
(f) Parks - specialized recreational facility.
(g) Retail nurseries/greenhouses.
(h) Temporary outdoor events.

(5) Hearing Examiner Special Uses.
(a) Animal preserve.
(b) Festival sites.
(c) Impoundments greater than 1-acre feet in size.
(d) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(e) Major utility developments.
(f) Marinas with greater than 20 slips.
(g) Personal wireless services towers, subject to SCC 14.16.720.
(h) Racetrack - recreational.
(i) Shooting clubs, indoor and outdoor.
(j) Storage of unlicensed/inoperable vehicles.

(6) Dimensional Standards.
(a) Setbacks:
(i) Front: 35 feet. Where parking is located in the front or sides of a structure, 55 feet.
(ii) Side and rear: 35 feet.
(iii) Accessory: Front: 35 feet.
Rear/Side: 35 feet.
(iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
(b) Maximum Size Limits.
(i) The maximum number of acres that may be devoted to the built environment within an SRT designation is 20 acres of contiguous developable land. Additional land may be associated with an SRT-designated area provided it remains substantially undeveloped and used for passive recreation purposes only.
(ii) The maximum number of units of overnight lodging is 35 units of built lodging (meaning fixed or mobile structures). This limit does not apply to the number of camping sites or recreational vehicle hook-ups within a campground or resort.
(iii) Retail and service uses shall not exceed 3,000 square feet of gross floor area per establishment with not more than 2 establishments in any contiguous zoned SRT district. Storage or other uses that are accessory to the permitted use and do not exceed 50% of the square footage of the permitted use or a total of 1,500 square feet for any contiguous zoned SRT district shall also be permitted.
(c) Maximum Height: 30 feet or shall conform to the Skagit County Building Code.
(i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
(d) Maximum Lot Coverage: Gross building area shall not exceed 5% of the lot area.

(7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.140 Cottage Industry/Small Scale Business (CSB).**

(1) Purpose. The Cottage Industry/Small Scale Business zoning district supports existing and new small scale business and cottage industries, that are not principally designed to serve the existing and projected rural population and non-residential uses, but that do enhance rural economic development opportunities and job opportunities for rural residents.

(2) Permitted Uses. The following small scale commercial or industrial uses that provide job opportunities for rural residents, but are not principally designed to serve the existing and projected rural population, limited to:

(a) Historic sites open to the public;
(b) Production, repair and servicing of specialized tools and equipment;
(c) Provision of services, including professional, management, consulting, construction, and repair services;
(d) Retail sales, limited to products produced on site or which are accessory to products produced on site; and
(e) Small-scale production or manufacture of products and goods, including food products, furniture, apparel, artwork, metal products, and wood products.

(3) Accessory Uses.

(a) Caretaker quarters or owner/operator dwelling unit.

(4) Administrative Special Uses.

(a) Expansion of existing public uses up to 3,000 square feet.
(b) Minor public uses.
(c) Minor utility developments.
(d) Retail nurseries/greenhouses.
(e) Temporary outdoor events.
(f) Trails and primary and secondary trailheads.

(5) Hearing Examiner Special Uses.

(a) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(b) Major utility developments.
(c) Personal wireless services towers, subject to SCC 14.16.720.
(d) Storage of unlicensed/inoperable vehicles.

(6) Dimensional Standards.

(a) Setbacks:
  (i) Front: 35 feet, 55 feet if off-street parking is in front or sides of a structure.
  (ii) Side: None on interior lots; 20 feet on a street right-of-way; 35 feet on corner lots.
  (iii) Rear: 35 feet adjacent to RVR, RI or Agricultural zones.
  (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
(b) Accessory: Same as principal structures.
(c) Maximum Size Limits.

(i) Permitted uses shall not exceed 10,000 square feet of gross floor area with a maximum of 1 establishment per parcel.

(ii) Uses shall have no more than 20 full-time equivalent (FTE) on-site employees. This limitation does not apply to off-site employees. For the purposes of this Subsection, "FTE" on-site employee shall mean an employee that visits the site more than 2 times per week, including solely for purposes of vehicle transfer and shall be calculated over the course of a full year, based on a full-time equivalent of 40 hours per week, 50 weeks per year. Seasonal employee full-time equivalents shall be determined by multiplying the number of seasonal employees times the total hours worked per employee per season, divided by 2,000 hours (40 hours times 50 weeks).

(d) Maximum Height: 30 feet or shall conform to the Skagit County Building Code.

(i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.

(e) Maximum Lot Coverage: 25%.

(7) Special Provisions.

(a) All proposed CSB uses shall comply with the following:

(i) All structures and outside activities shall be so located or screened from adjacent properties to avoid disturbance through glare, shading, noise, dirt or other nuisances or hazards.

(ii) No petroleum pumps or aboveground petroleum storage shall be closer than 30 feet from any street right-of-way.

(iii) All development proposals within the CSB district shall include a plan, which shall be reviewed by and acceptable to the Planning and Permit Center. This plan shall diagram and explain how open areas shall be maintained during and after construction to avoid sewage, drainage and dust nuisances to adjacent properties, uses, and critical areas. The plan shall also demonstrate how existing easement rights or other property ownership interests in the property are protected.

(iv) All open portions of any lot shall have adequate grading and drainage consistent with the requirements of SCC 14.32. Non-accessory residential uses are prohibited.

(v) Impacts of the use on the off-site road system shall be mitigated, particularly with regard to the impacts of trucks on substandard roads between the site and the arterial system.

(8) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.150 Rural Business (RB).**

(1) Purpose. The Rural Business zone is intended to provide reasonable expansion and change of use opportunities for existing isolated nonresidential uses in the rural area that provide job opportunities for rural residents and that are not consistent with the other commercial and industrial Comprehensive Plan designations and zoning districts.

(2) Permitted Uses.

(a) Continuation of an existing commercial use.

(b) Subject to an Administrative Decision, a change of use from the existing use to a use which is substantially similar to the existing use in terms of the type of commercial activity performed. A substantially similar use shall fall within the same broad use category as the existing use (retail, service, restaurant, or manufacturing), shall generate equal or less traffic as the existing use, and shall continue the same basic operational characteristics as the existing use (for example, a change of use from a convenience store to a gas station would not be permitted, but a change from a convenience store to a video store would).

(c) A use designated Rural Business may expand, subject to the following: Expansion is limited to a maximum of 50% of the existing building footprint provided that the total expansion does not exceed a total of 1,500 square feet of gross floor area and/or 50% of the existing outdoor working area. The total square footage of allowable expansion is determined on a one-time basis, based on the area of use as of June 1, 1997. The expansion must occur on the same lot upon which the existing use is located.

(d) Owner/operator dwelling as accessory to a business use.

(3) Administrative Special Uses.

(a) Expansion of existing major public uses up to 3,000 square feet.

(b) Minor public uses.

(c) Minor utility developments.

(d) Personal wireless services towers, subject to SCC 14.16.720.

(e) Temporary outdoor events.

(4) Hearing Examiner Special Uses.

(a) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.

(b) Major utility developments.

(c) Storage of unlicensed/inoperable vehicles.

(d) With an approved Hearing Examiner Special Use Permit, a use designated Rural Business which was established prior to July 1, 1990, may be expanded beyond the 1,500 square foot limit established in SCC 14.16.150(2)(c), provided that the 50% maximums of that Subsection are met and the following criteria are met:

(i) The expansion will occur on the same lot upon which the existing use is located;

(ii) The expansion is visually compatible with the surrounding neighborhood and rural area;

(iii) Detrimental impacts to adjacent properties or to existing easement rights on the property will not be increased or intensified;

(iv) The expansion does not result in a formerly small operation dominating the area;

(v) The expansion will not constitute new urban growth in the rural area, except that uses may utilize urban services that are historically already available to the site; and

(vi) Public services and facilities are limited to those necessary to serve the isolated non-residential use and are provided in a manner that does not permit low density sprawl.

The Applicant shall have the burden of proof in demonstrating that the use was established prior to July 1, 1990.

(e) A Hearing Examiner special use permit is required to change from one use to another use when SCC 14.16.150(2)(b) does not apply. The Hearing Examiner shall not grant a special use permit if he/she determines that the change of use would:

(i) Result in a substantially increased impact on any one of the following criteria; or

(ii) Result in smaller impacts across a number of criteria that combined, result in a substantially increased overall impact. Information in parentheses defines "substantial impact" for that particular measure.

a) Traffic generation (more than 10% increase in vehicle trips per day = substantial increase).

b) Parking requirements (the need to expand existing parking facilities or the likelihood that parking would flow over to adjacent roads or properties = substantial increase).

c) Hours of operation (10% increase in hours of operation, or any measurable increase in evening and weekend hours = substantial increase).

d) Visitors/customers visiting the site (10% increase in visitors to the site = substantial increase).

e) Need for expanded septic, sewer, water, power, or other services.

f) Need for increased infrastructure, such as road widening or access improvements.

g) Noise, light, glare and related impacts from business operations on adjacent properties.

h) Detrimental impacts on productive use of surrounding natural resource lands.

i) Detrimental impacts to surrounding critical areas.

j) Change to the visual character of the structure or property that would significantly and negatively affect the visual character of the surrounding rural area.

k) Be inconsistent with an applicable community development plan, if one has been adopted.

(iii) Any use requiring the installation or extension of urban services, including sewer and storm water, would be considered an urban use rather than a rural use and would be disqualified.

(iv) A new use may take advantage of the one-time expansion opportunity provided to existing RB uses, provided it satisfies the expansion criteria in the Comprehensive Plan and development regulations. However, a change to a new use does not create any new expansion opportunities or rights.

(5) Dimensional Standards.

(a) Setbacks:

(i) Front: 35 feet, where parking is located in front of structure or on sides, 55 feet.

(ii) Side and rear: 35 feet.
(iii) Accessory: Front: 35 feet.
Side and Rear: 35 feet.
(iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

(b) Maximum height: 30 feet or shall conform to the Skagit County Building Code.
(i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.

(c) Maximum Lot Coverage: Gross building area shall not exceed 50% of the lot area.

(6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.160 Natural Resource Industrial (NRI).**

(1) Purpose. Natural resource related industrial uses that are commonly accepted in the rural area which facilitate the production of agricultural, forest, and aquatic products are permissible in the NRI zoning classification. This zoning designation allows related processing facilities, limited direct resource sales and limited natural resource support services that support local natural resource activities and which are not detrimental to the natural resource base in the long term.

(2) Permitted Uses.

(a) Uses related to agriculture including, but not limited to:
(i) Agricultural implement sales.
(ii) Agricultural processing facilities.
(iii) Animal clinic/hospital.
(iv) Cold storage.
(v) Commercial composting.
(vi) Fabrication of farm related items.
(vii) Farm management services.
(viii) Farm product processing.
(ix) Fertilizer manufacturing.
(x) Irrigation systems sales, repair and storage.
(xi) Livestock auction facility.
(xii) Sale of agriculture products produced in the agricultural area.
(xiii) Sorting and storage of agricultural products.
(xiv) Stockyards less than 40 acres or slaughterhouse.
(xv) Storage and distribution of animal feeds, fertilizers, pesticides and seed.
(xvi) Wholesale nurseries/greenhouses.

(b) Uses related to forestry including, but not limited to:
(i) Fabrication of forestry related items;
(ii) Forest industry storage and maintenance facility;
(iii) Forestry management services and forest industry support services.
(iv) Log scaling station;
(v) Manufacturing wood containers and products;

(vi) Operation of sawmills, chippers, shake and shingle mills, scaling stations, log dumps and sorting areas, forest industry equipment maintenance, buildings and storage yards, and forest industry residue dumping areas;
(vii) Prefabricated wood building and components; and
(viii) Wood waste recycling.

(c) Uses related to aquatic resources including, but not limited to, the following:
(i) Fabrication, maintenance, and repair of equipment, vessels, and structures associated with aquatic natural resource industries;
(ii) Management and propagation of fish and wildlife;
(iii) Seafood processing and accessory on-site sales;
(iv) Shellfish processing and accessory on-site sales;
(v) Treatment and bottling of water for commercial sales; and
(vi) Upland fish farm.

(d) Historic sites open to the public.
(e) Minor public uses.

(3) Accessory Uses. The following uses are an accessory use to a permitted or special use. All accessory uses may only be used to serve the on-site primary permitted natural resource industrial use:
(a) Caretaker or owner/operator dwelling unit;
(b) Explosives storage for use on NRL lands;
(c) Industrial vehicle storage facility for vehicles which only serve natural resource industries;
(d) Metal working shop for the maintenance and repair of equipment used by the primary permitted natural resource industrial use;
(e) On-site hazardous waste storage and treatment facilities as an accessory use to a permitted or special use;
(f) Offices in conjunction with the permitted use;
(g) Retail sales of finished timber products; and
(h) Retail nurseries/greenhouses.

(4) Administrative Special Uses.
(a) Expansion of existing major public uses up to 3,000 square feet.
(b) Minor utility developments.
(c) Outdoor storage of materials in quantities greater than 50 cubic yards that may have a potential health hazard (for example, animal carcasses). Does not include storage of hazardous materials.
(d) Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.
(e) Storage of unlicensed/inoperable vehicles.
(f) Temporary outdoor events.
(g) Trails and primary and secondary trailheads.

(5) Hearing Examiner Special Uses.
(a) Billboards.
(b) Home Based Business 2.
(c) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(d) Major utility developments.

(e) Permanent or temporary asphalt or concrete batching and recycling.
(f) Petroleum products and gas storage – bulk.
(g) Personal wireless services towers, subject to SCC 14.16.720.
(h) Stockyards greater than 40 acres.

(6) Dimensional Standards.

(a) Front, Side and Rear Setbacks: All uses on the property (except landscaping, open space, and driveways without parking) shall be setback a minimum of 50 feet from the property boundary, and edges of existing and planned public right-of-ways.

(b) Special Setbacks: Explosive storage, on-site hazardous waste storage and treatment facilities, and petroleum products and gas bulk storage shall be setback a minimum of 300 feet from the property boundary, and edges of existing and planned public right-of-ways.

(c) Maximum Size Limits. The maximum size for a contiguous NRI district is 40 acres unless adjacent to a UGA. The maximum gross floor area for all buildings, except greenhouses, in a NRI District is 15% of total lot area for NRI Districts adjacent to UGAs, Rural Villages, or Rural Centers and 10% of total lot area if not adjacent to a UGA, Rural Village, or Rural Center. Maximum gross floor area for greenhouses shall be 70, so long as all other requirements of the Skagit County Code are met.

(d) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

(e) Maximum Height: Shall conform to the Skagit County Building Code.

(i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.

(7) Special Provisions.

(a) All sides of a proposed NRI use adjacent to a Rural Village shall comply with the following:

(i) All structures and outside activities shall be so located or screened from adjacent properties to avoid disturbance through glare, shading, noise, dirt or other nuisances or hazards;

(ii) No petroleum pumps or above-ground petroleum storage shall be closer than 30 feet from any street right-of-way; and

(iii) All development proposals within the Natural Resource Industrial district shall include a plan, which shall be reviewed by and acceptable to the Planning and Permit Center. This plan shall diagram and explain how open areas shall be maintained during and after construction to avoid sewage, drainage and dust nuisances to adjacent properties, uses, and critical areas. The plan shall also demonstrate how existing easement rights or other property ownership interests in the property are protected.

(b) All open portions of any lot shall have adequate grading and drainage consistent with the requirements of SCC 14.32.

(c) Impacts of the use on the off-site road system shall be mitigated, particularly with regard to the impacts of trucks on substandard roads between the site and the arterial system.

(8) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.170 Rural Marine Industrial (RMI).**

(1) Purpose. The Rural Marine Industrial zoning district is intended to recognize existing rural marine industrial facilities and to permit water and shoreline dependent or related marine industrial activities in Skagit County, and provide limited expansion opportunities and limited changes of use.

(2) Permitted Uses.

(a) Activities related to seaplane storage, moorage, testing, repair, fabrication, loading, and offloading.

(b) Fabrication, construction, maintenance, repair, storage, testing, and outfitting of products, equipment, vessels, and structures used in, directly related to, or supporting marine industry and commerce.

(c) Historic sites open to the public.

(d) Personal wireless services towers, subject to SCC 14.16.720.

(e) Retail sales and rental of marine-related and water-dependent products consisting of, but not limited to, vessels, marine hardware, and marine structures.

(f) Waterborne commerce and shore/water transfer of marine related and raw natural resource materials.

(3) Accessory Uses.

(a) Caretaker quarters or owner/operator dwelling unit.

(b) Moorage of marine vessels and structures associated with a permitted use.

(4) Hearing Examiner Special Uses.

(a) Marinas.

(5) Dimensional Standards.

(a) Front, Side and Rear Setbacks: All uses on the property (except landscaping, open space, and driveways without parking) shall be setback a minimum of 50 feet from the property boundary, and edges of existing and planned public rights-of-way.

(b) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

(c) Maximum Height: Shall conform to the Skagit County Building Code.

(i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.

(d) Maximum Lot Coverage and Impervious Surface Limit: Maximum lot coverage and impervious surface shall be limited to the following square footages, based on the acreage of the contiguous RMI zoned area. If after adoption of this Chapter, additional parcels are re-zoned to RMI, which are contiguous, and in separate ownership, these parcels may utilize the square footage outlined below for each separate ownership. If an RMI parcel is adjacent to a designated Rural Village, these limits may be modified based on an applicable adopted Rural Village Plan.

| RMI Zoned Area, Acreage | Maximum Lot Coverage, Square Feet | Maximum Impervious Surface, Square Feet |
|---|---|---|
| 1 or less | 10,000 | 30,000 |
| 2 or less | 16,000 | 48,000 |
| 3 or less | 23,000 | 69,000 |
| 4 or less | 29,000 | 87,000 |
| 5 or less | 35,000 | 105,000 |
| 6 or less | 41,000 | 123,000 |
| 7 or less | 48,000 | 144,000 |
| 8 or less | 54,000 | 162,000 |
| 9 or less | 60,000 | 180,000 |
| 10 or less | 66,000 | 198,000 |
| 12.5 or less | 80,000 | 240,000 |
| 15 or less | 100,000 | 300,000 |
| 20 or less | 115,000 | 345,000 |
| 25 or less | 130,000 | 390,000 |
| 30 or less | 150,000 | 450,000 |

(6) Special Provisions.

(a) All sides of proposed RMI uses or expansions of use shall comply with the following:

(i) All structures and outside activities shall be so located or screened from adjacent properties to avoid disturbance through glare, shading, noise, dirt or other nuisances or hazards;

(ii) No petroleum pumps or above ground petroleum storage shall be closer than 15 feet from any street right-of-way; and

(iii) All development proposals within the Rural Marine Industrial district shall include a plan, which shall be reviewed by and acceptable to the Planning and Permit Center. This plan shall diagram and explain how open areas shall be maintained during and after construction to avoid sewage, drainage and dust nuisances to adjacent properties, uses, and critical areas. The plan shall also demonstrate how existing easement rights or other property ownership interests in the property are protected.

(b) Non-accessory residential uses are prohibited.

(c) Impacts of the use on the off-site road system shall be mitigated, particularly with regard to the impacts of trucks on substandard roads between the site and the arterial system.

(d) All proposed uses shall be reviewed for consistency with the State Shoreline Management Act and the Skagit County Shoreline Management Master Program.

(7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.180 Bayview Ridge Industrial (BR-I).**

(1) Purpose. The purpose of the Bayview Ridge Industrial zone is to allow light manufacturing, limited commercial uses, wholesale, warehousing, distribution and

storage, equipment storage and repair, and other uses compatible with a light manufacturing district.

(2) Permitted Uses.

(a) Agricultural uses, on an interim basis until industrial development; provided that residences shall not be allowed as a principal use.

(b) Commercial uses, including offices, but excluding retail uses such as the sales of goods or services, except that incidental retail sales and services are permitted as accessory uses under Subsection (4), below.

(c) Historic sites open to the public.

(d) Manufacture, processing, treatment, storage, fabrication, assembly or packaging of any product from natural or synthetic materials.

(e) Off-premises sign.

(f) Personal wireless services towers, subject to SCC 14.16.720.

(g) Repair and storage facilities for equipment, including heavy equipment, marine equipment, boats, airplanes and trucks.

(h) Research, development and testing facilities.

(i) Warehousing, distribution and storage facilities not open to retail customers.

(j) Retail and wholesale nurseries/greenhouses.

(3) Limitations on Permitted Uses in BR-I. Permitted uses shall not include uses that meet the criteria for an additional special use permit in the BR-HI zone, SCC 14.16.190(6), except if the use meets the criteria for continuation and expansion of an existing non-conforming use, as follows. Any existing use currently in operation or for which a complete building permit application has been filed on or before January 23, 1998, shall be allowed to continue, and to expand consistent with the development standards in SCC 14.16.190(6), below for any expansion, to the limits of the boundaries of the legal lot of record that the use is located on, as that legal lot of record exists as of the date of this Ordinance, provided that any expansion shall require a Hearing Examiner Special Use Permit.

(4) Accessory Uses.

(a) Caretaker's quarters.

(b) Eating and drinking establishments serving facilities and employees located in the Bayview Ridge UGA.

(c) Incidental retail sales of products manufactured, processed, or assembled on-site.

(d) On-site recreational facilities.

(e) Outdoor storage of processed and unprocessed natural materials, waste materials or other similar materials used in conjunction with a permitted, accessory or special uses in quantities that total less than 500 cubic yards.

(5) Administrative Special Uses.

(a) Expansion of existing major public uses up to 3,000 square feet.

(b) Minor public uses.

(c) Minor utility developments.

(d) Outdoor storage of materials in quantities greater than 50 cubic yards that may have a potential health hazard (for example, animal carcasses). Does not include storage of hazardous materials.

(e) Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.

(f) Temporary asphalt/concrete batching.
(g) Temporary outdoor events.
(h) Trails and primary and secondary trailheads.

(6) Hearing Examiner Special Uses.
(a) Adult entertainment.
(b) Auto wrecking.
(c) Billboards.
(d) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(e) Major utility developments.
(f) On-site hazardous waste treatment and storage facilities that are an accessory use to an otherwise permitted use on the site, provided such facilities comply with the State Hazardous Waste Siting Standards and County and State Environmental Policy Act requirements.
(g) Recreational racetracks.
(h) Salvage yards.
(i) Storage of unlicensed and/or inoperable vehicles.
(j) Structures greater than 40 feet in height.

(7) Dimensional Standards.
(a) Setbacks:
(i) Front: 35 feet.
(ii) Side: None if adjacent to other commercial/industrial zoning designations, and 35 feet if adjacent to other zoning designations
(iii) Rear: None where the rear yard is on the airfield side of the building. In other cases, a distance of up to a maximum of 35 feet except when said rear line abuts a BR-I, BR-HI or NRI zone. Setbacks shall then be a minimum of 35 feet.
(iv) Accessory: Same as principal buildings. Canopies or gasoline pumps may be setback within 15 feet from the street right-of-way.
(v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
(b) Maximum Height: Structures that exceed 40 feet in height shall be considered a Hearing Examiner Special Use unless otherwise exempt from this provision.
(i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.

(8) Buffering of Industrial and Non-industrial Land: A substantially sight-obscuring buffer shall be required on any industrially designated land located adjacent to non-industrially designated land as a condition of any industrial development approval on that land. Provisions for a substantially sight obscuring buffer on any non-industrially designated land adjacent to industrially-designated land shall be required as a condition of any proposed CaRD development on that non-industrially designated land. The requirement for the sight obscuring buffer shall pertain to the first of the adjacent industrial/non-industrial parcels described above to develop, and if such a buffer already exists between adjacent industrial/non-industrial parcels, duplication of such buffer is not required. For purposes of this Subsection, "adjacent" includes lands separated only by a road or easement.

(9) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.190 Bayview Ridge Heavy Industrial (BR-HI).**

(1) Purpose. The purpose of the Bayview Ridge Heavy Industrial zone is to allow for industrial developments that have the potential for more than a minimal level of disturbance to adjacent properties.

(2) Permitted uses.

(a) Agricultural uses, on an interim basis until industrial development; provided that residences shall not be allowed as a principal use.

(b) Commercial uses, including offices, but excluding retail uses such as the sales of goods or services, except that incidental retail sales and services are permitted as accessory uses under Subsection (3) below.

(c) Historic site open to the public.

(d) Manufacture, processing, treatment, storage, fabrication, assembly or packaging of any product from natural or synthetic materials.

(e) Off-premises sign.

(f) Other light industrial uses not already described above.

(g) Personal wireless services towers, subject to SCC 14.16.720.

(h) Repair and storage facilities for equipment, including heavy equipment, marine equipment, boats, airplanes and trucks.

(i) Research, development and testing facilities.

(j) Warehousing, distribution and storage facilities not open to retail customers.

(3) Accessory Uses.

(a) Caretaker's quarters

(b) Eating and drinking establishments serving facilities and employees located in the Bayview Ridge Interim UGA.

(c) Incidental retail sales of products manufactured, processed, or assembled on-site.

(d) On-site day care.

(e) On-site hazardous waste treatment and storage facilities that are an accessory use to an otherwise permitted use on the site, provided such facilities comply with the State Hazardous Waste Siting Standards and County and State Environmental Policy Act requirements.

(f) On-site recreational facilities.

(g) Outdoor storage of processed and unprocessed natural materials, waste materials or other similar materials used in conjunction with a permitted, accessory, or special uses in quantities that total less than 500 cubic yards.

(4) Administrative Special Uses.

(a) Expansion of existing major public uses up to 3,000 square feet.

(b) Minor public uses.

(c) Minor utility developments.

(d) Outdoor storage of materials in quantities greater than 50 cubic yards that may have a potential health hazard (for example, animal carcasses). Does not include storage of hazardous materials.

(e) Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.

(f) Temporary outdoor event.
(g) Trails and primary and secondary trailheads.

(5) Hearing Examiner Special Uses.
(a) Adult entertainment.
(b) Auto wrecking.
(c) Billboards.
(d) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(e) Major utility developments.
(f) On-site hazardous waste treatment and storage facilities that are an accessory use to an otherwise permitted use on the site, provided such facilities comply with the State Hazardous Waste Siting Standards and County and State Environmental Policy Act requirements.
(g) Recreational racetracks.
(h) Salvage yards.
(i) Storage of unlicensed and/or inoperable vehicles.
(j) Structures greater than 40 feet in height.

(6) Additional Special Uses in Heavy Industrial Overlay. The following additional special uses shall be permitted, subject to a Hearing Examiner review and recommendation, provided that the Hearing Examiner must find that the proposed special use on-site operations do not pose any demonstrable threat of contamination to the adjacent AG-NRL designated lands, provided that all other applicable local, State and Federal regulations regarding environmental disturbance are met, and provided that permanent land disposal of hazardous waste, oil refinery, mineral smelting and other similar operations shall not be allowed:
(a) All uses classified as a Group H occupancies as specified under Section 301 of the Uniform Building Code.
(b) On-site and off-site hazardous waste treatment and storage facilities that are a principle use of the property are permitted provided that such facilities comply with the State Hazardous Waste Siting standards and County and State Environmental Policy Act requirements; and
(c) Solid waste processing, recycling and transfer facilities.

(7) Dimensional Standards.
(a) Setbacks:
(i) Front: 35 feet.
(ii) Side: None if adjacent to other commercial/industrial zoning designations, and 35 feet if adjacent to other zoning designations.
(iii) Rear: None where the rear yard is on the airfield side of the building. In other cases, a distance of up to a maximum of 35 feet except when said rear line abuts a BR-I, BR-HI or NRI zone. Setbacks shall then be a minimum of 35 feet.
(iv) Accessory: Same as principal buildings. Canopies or gasoline pumps may be setback 15 feet from the street right-of-way.
(v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
(b) Maximum Height: Structures that exceed 40 feet in height shall be considered a Hearing Examiner Special Use unless otherwise exempt from this provision.

(i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.

(8) Buffering of Industrial and Non-industrial Land: A substantially sight-obscuring buffer shall be required on any industrially designated land located adjacent to non-industrially designated land as a condition of any industrial development approval on that land. Provisions for a substantially sight-obscuring buffer on any non-industrially designated land adjacent to industrially-designated land shall be required as a condition of any proposed CaRD development on that non-industrially designated land. The requirement for the sight obscuring buffer shall pertain to the first of the adjacent industrial/non-industrial parcels described above to develop, and if such a buffer already exists between adjacent industrial/non-industrial parcels, duplication of such buffer is not required. For purposes of this Subsection, "adjacent" includes lands separated only by a road or easement.

(9) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.200 Aviation Related (AVR).**

(1) Purpose. The purpose of the Aviation Related district is to provide a place for regional airfields and uses which require proximity and access to an established airfield. Land designated as AVR should be located adjacent and accessible to airport terminals, hangar areas, taxiways, and related facilities. Federal Aviation Administration regulations and the applicable Airport Master Plan for the airport facility under review further restrict building and site development within the AVR zone.

(2) Permitted Uses.
- (a) Historic sites open to the public.
- (b) Regional airfields.
- (c) Uses accessory or related to aviation.
- (d) Uses that require or utilize aviation access and those that serve the aviation industry and/or air passengers.

(3) Administrative Special Uses.
- (a) Expansion of existing major public uses up to 3,000 square feet.
- (b) Minor public uses.
- (c) Minor utility developments.
- (d) Temporary outdoor events.
- (e) Trails and primary and secondary trailheads.

(4) Hearing Examiner Special Uses.
- (a) Billboards.
- (b) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
- (c) Major utility developments.
- (d) Outdoor storage of materials in quantities greater than 50 cubic yards that may have a potential health hazard (for example, animal carcasses). Does not include storage of hazardous materials.
- (e) Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.

(f) Personal wireless services towers, subject to SCC 14.16.720. 17938
(g) Storage of unlicensed and/or inoperable vehicles.
(h) Structures greater than 40 feet in height.

(5) Dimensional Standards.

(a) Setbacks:

(i) All setbacks shall conform to the FAA standards.

(ii) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

(b) Maximum Height: Structures that exceed 40 feet in height shall be considered a Hearing Examiner Special Use unless otherwise exempt from this Section.

(i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.

(6) Special Provisions.

(a) All improvements shall conform to applicable Federal regulations concerning dimensional restriction on air operations including height restrictions and required setbacks from air operations areas.

(b) Uses within the AVR zone located at Skagit Regional Airport are further subject to the requirements of SCC 14.16.210 (Airport Environs).

(c) All proposed uses within properties abutting Agricultural - Natural Resource Lands or residential districts shall be reviewed by the Administrative Official to assure conformance with the following:

(i) All structures and outside activities shall be so located or screened from residential or Agricultural - Natural Resource Lands districts to best avoid the disturbance of glare, shading, noise, dirt or other nuisance or hazards created during normal business operations;

(ii) No petroleum pumps or above-ground petroleum storage shall be closer than 15 feet from any street right-of-way; and

(iii) Parking and design shall be guided by the Federal Aviation regulations guidelines for object free areas.

(7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.210 Airport Environs Overlay (AEO).**

(1) Purpose. The purpose of the Airport Environs Overlay district is to promote land uses compatible with the Skagit Regional Airport within the airport's designated environs and to protect public health, safety and general welfare within aforementioned designated environs.

(2) Determination of Airport Environs. For purposes of this Section, the airport environs is that geographic area affected by the airport and defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development plans. The boundaries of the Airport Environs are shown in the Airport Environs Overlay map. Maps portraying the airport environs shall be on file and open for public inspection in the offices of the Port of Skagit County and the Skagit County Planning and Permit Center. These maps will be provided by and updated by the Port of Skagit County.

(3) Application of Airport Environs Review Ordinance.

(a) New buildings and structures. All new buildings or structures, which lie wholly or in part within the airport environs, shall be subject to the provisions of this Section.

(b) Outdoor activities. All activities, which are to occur in unenclosed space involving human use or assembly, which lie wholly or in part within the airport environs, shall be subject to the provisions of this Section. Such activities include, but are not limited to:

(i) Open storage areas, roofed or unroofed, separate or adjoining another structure.

(ii) Parks, playgrounds and playing fields; and

(c) Zone A. Development review for:

(i) Noise;

(ii) Height;

(iii) Avigation easement; and

(iv) Notice to purchasers.

(d) Zone B.

(i) Avigation easement.

(ii) Notice to purchasers.

(4) Exemptions. The provisions of this Section shall not be deemed applicable to the following when allowed in the underlying zone:

(a) Existing Uses. Uses existing on the effective date of the Ordinance codified in this Section shall not be required to change operations to comply with these regulations. However, any use shall not be so changed as to result in a greater degree of nonconformity with respect to these regulations.

(b) Temporary uses. Temporary uses including, but not limited to, circus, carnival or other outdoor entertainment events and religious assemblies as long as the period of operation does not exceed 5 days.

(c) Temporary Structures. Temporary buildings and structures auxiliary to residential development and major construction and temporary uses in new subdivisions and other residential developments which support the sale of dwellings and lots within the same subdivision or residential development, so long as such uses and associated structures are constructed or erected as incidental to a development, do not involve any significant investment, are solely used for the designated purpose and remain for a maximum of 1 year.

(d) Agricultural Structures. Bona fide agricultural buildings, structures, improvements and associated developments so long as not more than 1 single-family dwelling occurs within that portion of the parcel located within the airport environs.

(e) Other Uses. As determined by the Department to be minor or incidental and within the intent or objective of these regulations.

(5) Interior Noise Levels Established. (Zone A) Interior Day-Night Average Sound Level (Ldn) with windows closed, attributable to exterior sources, shall not exceed the levels described in this Section. For uses not specifically identified, the Department shall make a determination of the applicable standards using this Section as the basis for that decision. The Applicant bears the responsibility of demonstrating compliance through documentation from a qualified professional.

| | | | |
|---|---|---|---|
| (a) | Residential uses. | | |
| | (i) | Single or Multiple Family | 45 Ldn |
| | (ii) | Manufactured Homes | 50 Ldn |
| (b) | Commercial/Industrial uses. | | |
| | (i) | Offices | 60 Ldn |
| | (ii) | Retail/Restaurant | 60 Ldn |
| | (iii) | Other uses as guided by regulations of the State of Washington and/or the U. S. Occupational Safety and Health Administration (OSHA) | 60 Ldn |
| (c) | Civic uses. | | |
| | (i) | Schools, Churches, Libraries | 45 Ldn |
| | (ii) | Hospitals, Convalescent Homes (sleeping area only) | 45 Ldn |

Field-testing may be required by the Department or by an individual with vested interest in the structure(s). Where a complaint as to noncompliance with this Section requires a field test to resolve the complaint, the complainant shall post a bond or adequate funds in escrow for the cost of such testing. Such cost shall be chargeable to the complainant when such field tests show that compliance with these regulations is in fact present. If such tests show noncompliance, then such testing costs shall be borne by the owner or builder. Actions shall be taken by the owner or builder to comply with the sound attenuation provisions of this Section. Interior noise measurements shall be taken under conditions of typical maximum exterior noise levels.

(6) Height (Zone A). An obstruction has the potential for endangering the lives and property of users of the Skagit Regional Airport and property or occupants of land in its vicinity. An obstruction may affect existing and future instrument approach minimums of Skagit Regional Airport. An obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft thus tending to destroy or impair the utility of the Skagit Regional Airport and the public investment therein. All development within this zone shall conform to Federal Aviation Administration (FAA) guidelines including height elevations/slopes as discussed in the Skagit Regional Airport Master Plan, dated June 1995, as amended or updated so as to not interfere with the current and future use of the Skagit Regional Airport. The Applicant bears the responsibility of demonstrating compliance through documentation from a qualified professional.

(7) Avigation Easement Required. (Zone A and B). No permit of any type shall be issued for any development or activity subject to this Section until the Port of Skagit County is provided an avigation easement permitting the right of flight in the airspace above the subject property. Such easement shall be recorded on the title of the subject property.

(8) Notice to Purchasers Required (Zone A and B). No permit of any type shall be issued for any development or activity subject to this Section until purchasers of property within the Airport Environs sign a notice to purchasers.

(9) Use Restrictions (Zone A and B). Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish

between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(10) Content of Development Plan. The required development plan shall include technical substantiation, maps, plans, drawings and such other information as is necessary to show:

(a) Ldn contours. Average Day-Night Sound Level (Ldn) contours, as provided in the most current airport master plan, shall be superimposed on a topographic map of the development site to show both present and future aircraft generated sound levels projected for the property.

(b) Location of structures. The placement of all existing and proposed buildings and structures shall be identified on the site/contour map. All maps shall be drawn at a scale designated by the Department. A vicinity map shall also be provided.

(c) Specifications of uses. Identification of the uses to occur within each structure or activity area shall be designated on the site/contour map.

(d) Noise Mitigation Measures. Noise attenuation measures to be applied in the development shall be identified, together with the analysis of the noise insulation effectiveness of the proposed construction, showing that the prescribed interior noise level requirements are met. Said analysis shall be prepared by or under the supervision of a person experienced in the field of acoustical engineering who shall be identified. If interior allowable noise levels are met by requiring that windows be fixed or closed, the design for the structures must also specify the means that will be employed to provide ventilation and cooling, if necessary, to provide a habitable interior environment.

(e) Narrative description. A narrative shall be provided describing the location of the site; its total acreage; existing character and use; the concept of the proposed development or use including as appropriate proposed residential density, number of employees and/or estimated number of people who will be engaged in transactions at the site over a 24-hour period such as, but not limited to, retail store customers; and the relation of the proposed plan to the Skagit County Comprehensive Plan.

(f) Height of all proposed structures and outdoor lighting design.

(11) Development Plan Review Criteria. The development plan described in Subsection (10) shall be reviewed and evaluated by the Department for conformance with the following criteria.

(a) Permitted Uses. All elements of the proposed development are consistent with the land use compatibility standards for the Skagit Regional Airport environs and with the requirements of this Section.

(b) Height. Buildings and structures are located such that their height does not impact any airspace surfaces as depicted in the Skagit Regional Airport Master Plan, dated June 1995, as amended or updated.

(c) Siting. Buildings and structures are located when reasonable and feasible at the greatest distance from the noise source, taking maximum advantage of existing topographical features to minimize noise impact.

(d) Design Consideration Regarding Noise. The amount of passive outdoor recreational space where individuals would be subject to high levels of noise is

minimized; construction materials utilized are such that sound attenuation yields an interior average sound level as described in Subsection (5).

(12) Marking and Lighting. The owner of any existing nonconforming structure or tree is hereby required to permit the removal, or installation, operation and maintenance hereon of such markers and lights as shall be deemed necessary by the Port of Skagit County to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Port of Skagit County.

**14.16.300 Rural Intermediate (RI).**

(1) Purpose. The purpose of the Rural Intermediate district is to provide and protect land for residential living in a rural atmosphere, taking priority over resource land uses. Long-term open space retention and critical area protection are encouraged. CaRDs are the preferred development pattern within this district.

(2) Permitted Uses.
- (a) Agriculture.
- (b) Agricultural accessory uses.
- (c) Co-housing as part of a CaRD, subject to SCC 14.18.300-330.
- (d) Detached single-family dwelling units.
- (e) Family day care provider.
- (f) Home Based Business 1.
- (g) Residential accessory uses.

(3) Administrative Special Uses.
- (a) Bed and breakfast, subject to SCC 14.16.900(3)(c).
- (b) Minor utility developments.
- (c) Parks - specialized recreational facilities.
- (d) Temporary manufactured home.
- (e) Temporary outdoor events.
- (f) Trails and primary and secondary trailheads.

(4) Hearing Examiner Special Uses.
- (a) Adult group care facility.
- (b) Aircraft landing field, private.
- (c) Animal clinic/hospital.
- (d) Animal preserve.
- (e) Campgrounds, primitive or developed.
- (f) Cemetery.
- (g) Church.
- (h) Community club/grange hall.
- (i) Display gardens.
- (j) Expansion of existing major public uses up to 3,000 square feet.
- (k) Fish hatchery.
- (l) Group care facility.
- (m) Historic sites open to the public.
- (n) Home Based Business 2.
- (o) Indoor shooting club.
- (p) Impoundments greater than 1-acre feet in size.



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(q) Kennels.
(r) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(s) Major utility developments.
(t) Minor public uses.
(u) Mortuary.
(v) Outdoor recreational facilities.
(w) Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.
(x) Outdoor storage of processed and unprocessed natural materials in quantities greater than 50 cubic yards that may have a potential health hazard. Does not include storage of hazardous materials.
(y) Parks – community.
(z) Personal wireless services towers, subject to SCC 14.16.720.
(aa) Pre-school.
(bb) Public marinas, with no more than 20 slips.
(cc) Retail and wholesale nurseries/greenhouses.
(dd) Retriever/dog training facility.
(ee) Seasonal worker housing.
(ff) Seasonal roadside stands over 300 square feet.
(gg) Stables and riding clubs.
(hh) Storage of unlicensed and/or inoperable vehicles.

(5) Dimensional Standards.

(a) Setbacks:

(i) Front: 35 feet, 25 feet on minor access and dead-end streets.
(ii) Side: 8 feet on interior lot, 20 feet on street right-of-way.
(iii) Rear: 25 feet.
(iv) Accessory: Front: 35 feet.
Side: 8-feet, however, a 3-foot setback is permitted when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line providing that the structure is less than 1,000 square feet in size and 16 feet or less in height.
(v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

(b) Maximum Height: 30 feet or if adjacent to a BR-I zone, the maximum height shall not exceed 40 feet, unless limited by SCC 14.16.210 (Airport Environs).

(i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.

(c) Minimum Lot Size: 2.5 acres or 1/256th of a section, unless created through a CaRD.
(d) Minimum Lot Width: 150 feet.
(e) Maximum Lot Coverage. The gross building area shall not be greater than 35% of the lot area.

(6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.310 Rural Village Residential (RVR).**

(1) Purpose. The purpose of the Rural Village Residential district is to preserve the residential character of identified Rural Villages. Allowed densities within this district are based on the availability of public water and on environmental considerations.

(2) Permitted Uses.
- (a) Co-housing as part of CaRD, subject to SCC 14.18.300-330.
- (b) Detached single-family dwelling units.
- (c) Family day care provider.
- (d) Home Based Business 1.
- (e) Residential accessory uses.

(3) Administrative Special Uses.
- (a) Bed and breakfast, subject to SCC 14.16.900(3)(c).
- (b) Minor utility developments.
- (c) Parks - specialized recreation facilities.
- (d) Temporary manufactured home.
- (e) Temporary outdoor events.
- (f) Trails and primary and secondary trailheads.

(4) Hearing Examiner Special Uses.
- (a) Animal clinic/hospital.
- (b) Cemetery.
- (c) Community club/Grange hall.
- (d) Expansion of existing major public uses up to 3,000 square feet.
- (e) Group care facility.
- (f) Historic sites open to the public.
- (g) Home Based Business 2.
- (h) Indoor shooting clubs.
- (i) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
- (j) Major utility developments.
- (k) Minor public uses.
- (l) Mortuary.
- (m) Parks - community.
- (n) Personal wireless services towers, subject to SCC 14.16.720.
- (o) Pre-school.
- (p) Retail and wholesale nurseries/greenhouses.
- (q) Seasonal roadside stands over 300 square feet.
- (r) Storage of unlicensed/inoperable vehicles.

(5) Dimensional Standards.
- (a) Setbacks:
  - (i) Front: 35 feet, 25 feet on minor access and dead end streets.
  - (ii) Side: 8 feet on interior lot, 20 feet on street right-of-way.
  - (iii) Rear: 25 feet.
  - (iv) Accessory: Front: 35 feet.
    Side: 8 feet, however, a 3-foot setback is permitted when the accessory building is a minimum of 75 feet from the

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front property line or when there is an alley along the rear property line providing that the structure is less than 1,000 square feet in size and 16 feet or less in height.

(v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

(b) Maximum Height: 30 feet or shall conform to the Skagit County Building Code.

(i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.

(c) Minimum Lot Size: 1 acre or 1/640th of a section with public water and septic, 2.5 acres or 1/256th of a section with private water and septic. Smaller lot sizes are permissible through CaRDs.

(d) Minimum Lot Width: 75 feet with public water and septic, 150 feet with private water and septic.

(e) Maximum Lot Coverage: Gross building area shall not exceed 50% of the lot area.

(6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.320 Rural Reserve (RRv).**

(1) Purpose. The purpose of the Rural Reserve district is to allow low-density development and to preserve the open space character of those areas not designated as resource lands or as urban growth areas. Lands in this zoning district are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage. They establish long-term open spaces and critical area protection using CaRDs as the preferred development pattern.

(2) Permitted Uses.

(a) Agriculture.
(b) Agricultural accessory uses.
(c) Campground, primitive.
(d) Co-housing, as part of a CaRD, subject to SCC 14.18.300-330.
(e) Cultivation, harvest and production of forest products or any forest crop, in accordance with the Forest Practice Act of 1974, and any regulations adopted pursuant thereto.
(f) Detached single-family dwelling units.
(g) Family day care provider.
(h) Home Based Business 1.
(i) Residential accessory uses.

(3) Administrative Special Uses.

(a) Bed and breakfast, subject to SCC 14.16.900(3)(c).
(b) Minor utility developments.
(c) Parks - specialized recreational facility.
(d) Temporary manufactured home.
(e) Temporary outdoor events.
(f) Trails and primary and secondary trailheads.

(4) Hearing Examiner Special Uses.

(a) Adult group care facility.


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(b) Aircraft landing field, private.
(c) Animal clinic hospital.
(d) Animal preserve.
(e) Campground, developed.
(f) Cemetery.
(g) Church.
(h) Community club/Grange hall.
(i) Display gardens.
(j) Expansion of existing major public uses up to 3,000 square feet.
(k) Festival site.
(l) Fish hatchery.
(m) Golf course.
(n) Group care facility.
(o) Historic sites open to the public.
(p) Home Based Business 2.
(q) Impoundments greater than 1-acre feet in volume.
(r) Indoor shooting clubs.
(s) Kennels.
(t) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(u) Major utility developments.
(v) Manure lagoon.
(w) Minor public uses.
(x) Natural resources training/research facility.
(y) Off-road vehicle park.
(z) Outdoor Outfitters Enterprises.
(aa) Outdoor recreational facilities.
(bb) Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.
(cc) Outdoor storage of processed and unprocessed natural materials in quantities greater than 50 cubic yards that may have a potential health hazard. Does not include storage of hazardous materials.
(dd) Parks-community.
(ee) Personal wireless services towers, subject to SCC 14.16.720.
(ff) Pre-school.
(gg) Public marinas with no more than 20 slips.
(hh) Racetrack – recreational.
(ii) Retail and wholesale nurseries/greenhouses.
(jj) Retriever/dog training facility.
(kk) Seasonal roadside stands over 300 square feet.
(ll) Seasonal worker housing.
(mm) Stables and riding clubs.
(nn) Storage of unlicensed/inoperable vehicles.
(oo) Temporary asphalt/concrete batching, subject to the applicable provisions of SCC 14.16.440.

(5) Dimensional Standards.

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(a) Setbacks primary structure:
  (i) Front: 35 feet.
  (ii) Side: 8 feet on an interior lot, 20 feet on a street right-of-way.
  (iii) Rear: 25 feet.
(b) Setbacks, accessory structure:
  (i) Front: 35 feet.
  (ii) Side: 8 feet, 3-foot setback is permitted from the side and rear lots when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line, 20 feet from the street right-of-way.
  (iii) Rear: 25 feet, 3-foot setback is permitted from the side and rear lots when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line.
(c) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
(d) Maximum Height: 30 feet or shall conform to the Skagit County Building Code.
  (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
  (ii) If adjacent to a BR-I zone, the maximum height shall not exceed 40 feet, unless limited by SCC 14.16.210 (Airport Environs).
(e) Minimum Lot Size: 10 acres or 1/64th of a section, unless created through a CaRD.
(f) Minimum Lot Width: 150 feet.
(g) Maximum Lot Coverage: 35%.

(6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.330 Residential District (R).**

(1) Purpose. The purpose of this district is to provide for and protect privately owned fee simple land located within the Swinomish Urban Growth Area for development. The densities allowed in this district are designed to meet contemporary building and living standards for single-family dwellings and other related uses.

(2) Permitted Uses.
(a) Duplexes (only when approved as part of the approval of a subdivision).
(b) Family day care provider.
(c) Home Based Business 1.
(d) Single-family dwellings.

(3) Accessory Uses.
(a) Accessory buildings and structures, provided they are within the required setbacks and they are at least 10 feet from each other and the main building if detached, that they are no more than 1 story in height, and that they do not occupy more than 50% of the rear yard.
(b) Buildings used for the housing of animals or fowl. Such buildings shall not exceed 36 square feet in floor area when located on a lot of less than 1/2 acre. The building shall not be located closer than 25 feet to a property line, except by mutual recorded agreement of adjacent property owners.


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(c) Accessory dwelling unit.

(4) Administrative Special Uses.

(a) Expansion of existing major public facilities up to 3,000 square feet.

(b) Group care facility.

(5) Hearing Examiner Special Uses.

(a) Bed and breakfast.

(b) Expansion of existing major public facilities greater than 3,000 square feet.

(c) Golf courses.

(d) Home Based Business 2.

(e) Kennels.

(f) Pre-schools.

(g) Primitive and developed campgrounds.

(6) Dimensional Requirements.

(a) Minimum lot size/minimum lot width: The minimum lot size and width shall be determined by the following table:

| Land Use | Lot Area | Lot Width |
|---|---|---|
| **Single Family Dwelling:** | | |
| **Private Sewer** | **12,500 square feet*** | **75 feet** |
| **Public Sewer** | **8,400 square feet** | **75 feet** |
| **Duplex** | **13,000 square feet** | **75 feet** |

*Subject to Health Department approval.

(b) Setbacks:

(i) Primary Structures:

A) Front: 35 feet, 25 feet on minor access and dead-end streets.

B) Side: 8 feet on interior lot, 20 feet on street right-of-way.

C) Rear: 25 feet.

(ii) Accessory Structures:

A) Front: 35 feet.

B) Side: 8 feet, 3-foot setback is permitted from the side and rear lot lines when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line providing that the structure is 1,000 square feet or less in size and 16 feet or less in height.

C) A side yard setback of 20 feet is required for all accessory buildings when the side property line is adjacent to a street right-of-way.

D) Rear Yard: 25 feet, 3-foot setback is permitted from the side and rear lot lines when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line providing that the structure is 1,000 square feet or less in size and 16 feet or less in height.

(iii) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

(c) Maximum lot coverage: 35%.

(d) Maximum height: Shall conform to the Skagit County Building Code.

(7) Residential General Provisions.

(a) Duplexes shall not be built on more than 10% of the available lots in any plat or subdivision unless specific approval for a greater number of duplexes is obtained as a part of the plat approval. The approved number of duplex lots shall be inscribed on the face of the plat. The allowable number of duplex lots shall not exceed the following numbers without the specific approval of the Board of County Commissioners.

| No. of Lots | No. of Duplex Lots |
|---|---|
| Less than 8 lots | 0 Duplex Lots |
| 8 - 15 lots | 1 Duplex Lot |
| 16-25 lots | 2 Duplex Lots |
| 26-35 lots | 3 Duplex Lots |
| 35 lots and over | As determined by the Planning Director in accordance with the same formula. |

**14.16.400 Agricultural – Natural Resource Lands (Ag-NRL).**

(1) Purpose. The purpose of the Agricultural – Natural Resource Lands district is to provide land for continued farming activities, conserve agricultural land, and reaffirm agricultural use, activities and operations as the primary use of the district. The district is composed mainly of low flat land with highly productive soil and is the very essence of the County's farming heritage and character.

(2) Permitted Uses.

(a) Agriculture.
(b) Agricultural accessory uses.
(c) Co-housing, as part of CaRD, subject to SCC 14.18.300-330.
(d) Commercial greenhouse operations that are an integral part of a local soil-based commercial agriculture operation.
(e) Composting with no net loss of original soil.
(f) Family day care provider.
(g) Farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than 3 non-resident full-time equivalent employees.
(h) Historic sites open to the public.
(i) Home Based Business 1.
(j) Lagoons for livestock and poultry waste, which shall follow construction and management guidelines to be set forth by the Agricultural Advisory Board.
(k) Management and harvest of any forest crop and the usual accessory buildings.
(l) On-site sorting, bagging, storage, and similar wholesale processing activities of agricultural products that are predominantly grown on site or produced principally from the entire commercial farm operation. Such activities shall be limited to those which are integrally related to the agricultural production and harvesting process.
(m) Seasonal roadside stands not exceeding 300 square feet.
(n) Single-family detached residential dwelling unit and residential accessory uses, when accessory to an agricultural use.
(o) Wholesale nurseries.

(3) Administrative Special Uses.
- (a) Bed and breakfast, subject to SCC 14.16.900(3)(c).
- (b) Expansion of existing major public uses up to 3,000 square feet.
- (c) Greenhouse operations not otherwise permitted in 14.06.400(2)(d). Greenhouses operating in the Ag-NRL zone as an administrative special use, should they cease operation, shall be required to return the land to its former state or otherwise place the land in agricultural production.
- (d) Minor public uses.
- (e) Minor utility developments which serve only the agricultural area.
- (f) Personal wireless services towers, subject to SCC 14.16.720.
- (g) Seasonal roadside stands exceeding 300 square feet.
- (h) Temporary manufactured home.
- (i) Temporary outdoor events.
- (j) Trails and primary and secondary trailheads.

(4) Hearing Examiner Special Uses.
- (a) Aircraft landing field, private, in conjunction with an agricultural use only.
- (b) Concentrated animal feeding operation.
- (c) Home Based Business 2.
- (d) If located within a designated mineral resource overlay, extracting and processing mineral resources.
- (e) Impoundments greater than 1-acre feet in size which do not function as manure lagoons.
- (f) Major public uses and expansions of existing major public uses, 3,000 square feet or greater.
- (g) Major utility developments which serve only the agricultural area, and where there is no other viable parcel or non-agricultural designated land to serve the affected area.
- (h) Natural resource research and training facility.
- (i) Outdoor Outfitters Enterprises.
- (j) Primitive marinas with not greater than 3 slips.
- (k) Shooting club (outdoor, no associated enclosed structures allowed).
- (l) Temporary asphalt/concrete batching.

(5) Dimensional Standards.
- (a) Setbacks:
  - (i) Residential:
    - a) Front: 35 feet minimum, 200 feet maximum from public road. Maximum setback may be waived by the Planning and Permit Center where critical areas are located within 200 feet of the road, preventing the placement of a house within the setback area. The maximum setback may also be waived by the Planning and Permit Center in cases where non-floodplain or non-prime agricultural land is located on the lot outside of the setback area, which would provide for a more appropriate placement of a house.
    - b) Side: 8 feet adjacent to a property line.
    - c) Rear: 35 feet.
    - d) Accessory: Same as Principal structures.

(ii) Non – residential:

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a) Front: 35 feet.
b) Side: 15 feet.
c) Rear: 35 feet.

(b) Maximum Height: 30 feet or shall conform to the Skagit County Building Code.

(i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.

(c) Minimum Lot Size: 1/16th of a section of land or 40 acres. Smaller lot sizes are permissible through CaRDs or as provided in SCC 14.16.860.

(6) Siting Criteria.

(a) Siting of all structures in the Agricultural - Natural Resource Lands district shall minimize potential impacts on agricultural activities.

(b) Structures shall be located at the edge of the property, either adjacent to the road or next to an interior lot line.

(c) When structures exist on adjacent properties, siting of new structures shall comply with the following prioritized techniques:

(i) Locate new structures(s) in the same ownership adjacent to an existing compatible structure(s), sharing a common access road.

(ii) When the provisions of Subsection (c)(i) above are not practical, locate adjacent to an existing structure.

(iii) When the provisions of Subsection (c)(i) or (ii) above are not practical, site to achieve minimum distance between structures.

(7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.410 Industrial Forest – Natural Resource Lands (IF-NRL).**

(1) Purpose. The purpose of the Industrial Forest – Natural Resource Lands district is to ensure that forest lands of long-term commercial significance are conserved and managed to provide sustainable forest yields, job stability, ecological values and the continuation of a viable commercial forest industry in Skagit County. Conservation of forest resources must be assured through measures designed to prevent incompatible development on or adjacent to resource lands. Forest activities shall not constitute a nuisance if conducted in accordance with the State Forest Practice Rules and Regulations, WAC 222 .

(2) Applicability. Applies to all land zoned Industrial Forest and to all fee simple ownerships within National Forests.

(3) Permitted Uses.

(a) Co-housing, as part of CaRD, subject to SCC 14.18.300-330.

(b) Cultivation and harvest of forest products or any forest crop, in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.

(c) Single-family residential dwellings, together with the usual accessory buildings and uses only when all of the following criteria are met:

(i) The residence is located within 200 feet of an existing County road or State highway;

(ii) The residence is located within the boundaries of a fire district;

(iii) The residence is an accessory use to timber resource management activities;

(iv) Ingress and egress for fire vehicles meets the standards of the Uniform Fire Code Section 902, as amended;

(v) There is a 200-foot slash abatement maintained around the exterior portion of the dwelling;

(vi) There is a safety zone cleared of flammable vegetation 300 feet from any portion of the exterior of any structure on level ground and 100 feet downhill on sloped ground;

(vii) The dwelling or any accessory structure is constructed of a noncombustible roofing material; and

(viii) There is availability of 3,000 gallons of water on-site, 400 feet of 1-inch fire hose with nozzle, and an internal combustion engine powered pump.

(d) Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of rock crushers, all providing the material is used within the Industrial or Secondary Forest - Natural Resource Lands Zones, or on same forest owners' property.

(e) Historic sites open to the public.

(f) Home Based Business 1.

(g) Management and propagation of fish and wildlife.

(h) Non-residential structures which are accessory to forest management activities (i.e., temporary watchman quarters, equipment shop or storage structures).

(i) Operations of scaling stations, log dumps, sorting and storage areas, forest industry residue dumping areas; provided, that any such use within 1,000 feet of any residential use district, park or recreation area shall be temporary and less than 12 months in duration.

(j) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings and storage yards, provided, that such uses are temporary and are located on the property for no longer than 12 months' duration.

(k) Personal wireless services towers, subject to SCC 14.16.720.

(l) Primitive campgrounds.

(m) Storage of explosives for private use per adopted UBC and UFC, when located at least 300 feet from property boundary or public road right-of-way.

(n) Temporary use of recreational vehicles only where it is in conjunction with an active Forest Practice Application. Temporary use of recreational vehicles is only allowed under this Subsection where such recreational vehicle is used as temporary living quarters for trail crews, fire crews, nursery crews, logging crews, maintenance crews or watchman, and where such use occurs for less than 6 months per year.

(o) Watershed management, but not including water diversion structures, impoundment dams or hydroelectric generation facilities.

(4) Administrative Special Uses.

(a) Expansion of existing major public uses up to 3,000 square feet.

(b) Minor public uses.

(c) Minor utility developments.

(d) Riding clubs and stables.

(e) Temporary outdoor events.
(f) Trails and primary and secondary trailheads. 17938

(5) Hearing Examiner Special Uses.
(a) Aircraft landing field, private.
(b) Campground, developed.
(c) Forestry-based business employing no more than 3 non-resident full-time equivalent employees. This is a commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and forestry-related products that are produced, processed and/or may be sold on site.
(d) Home Based Business 2.
(e) If located within a designated mineral resource overlay, extracting and processing mineral resources.
(f) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(g) Major utility developments.
(h) Natural resource training/research facility.
(i) Off-road vehicle park.
(j) Outdoor Outfitters Enterprises.
(k) Primitive marinas not greater than 20 slips.
(l) Racetrack, recreational.
(m) Shooting clubs (outdoor, no associated enclosed structures allowed).
(n) Storage of explosives for commercial purposes when located at least 600 feet from property boundary or public road right-of-way.
(o) Storage of unlicensed/inoperable vehicles.
(p) Water diversion structures, impoundments greater than 1-acre feet in volume.

(6) Dimensional Standards.
(a) Setbacks:
(i) Front: 100 feet.
(ii) Side and rear: 100 feet.
(iii) Accessory: Same as Primary.
(iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
(b) Maximum height: Shall meet the requirements of the Skagit County Building Code.
(i) Height Exemptions: The height of personal wireless services towers are regulated in SCC 14.16.720.
(c) Minimum Lot Size: $1/8^{th}$ of a section or 80 acres. Smaller lot sizes are permissible through CaRDs.
(d) Minimum Lot Width: 400 feet at the building line.

(7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.420 Secondary Forest – Natural Resource Lands (SF-NRL).**

(1) Purpose. The purpose of the Secondary Forest – Natural Resource Lands (SF-NRL) district is to provide a transitional area between the Industrial Forest - Natural Resource Lands zone and Rural zoned lands designated primarily for residential use and other non-forestry uses. The SF-NRL zone also provides a zoning district where smaller scale

timber and other resource management activities can occur while providing protection from encroachment of residential activity that may encumber standard forest practices.

(2) Permitted Uses.

(a) Accessory residential structures.
(b) Campground, primitive.
(c) Co-housing as part of a CaRD, subject to SCC 14.18.300-330.
(d) Cultivation and harvest of forest products or any forest crop, in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.
(e) Detached single-family residential dwellings.
(f) Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of rock crushers, all providing the material is used within the Industrial or Secondary Forest - Natural Resource Lands Zone, or on same forest owners' property.
(g) Family day care provider.
(h) Historic sites open to the public.
(i) Home Based Business 1.
(j) Management and propagation of fish and wildlife.
(k) Non-residential structures which are accessory to forest management activities (i.e., temporary watchman quarters, equipment shop or storage structures).
(l) Operations of scaling stations, log dumps, sorting and storage areas, forest industry residue dumping areas; provided any such use within 1,000 feet of any residential use district, park or recreation area shall be temporary and less than 12 months in duration.
(m) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings and storage yards; provided that such uses are temporary and are located on the property for no longer than 12 months' duration.
(n) Storage of explosives for private use per adopted UBC and UFC, when located at least 300 feet from property boundary or public road right-of-way.
(o) Temporary use of recreational vehicles only where it is in conjunction with an active Forest Practice Application. Temporary use of recreational vehicles is only allowed under this Subsection where such recreational vehicle is used as temporary living quarters for trail crews, fire crews, nursery crews, logging crews, maintenance crews or watchman, and where such use occurs for less than 6 months per year.
(p) Watershed management, but not including water diversion structures, impoundment dams or hydroelectric generation facilities.

(3) Administrative Special Uses.

(a) Animal clinic/hospital.
(b) Expansion of existing major public uses up to 3,000 square feet.
(c) Kennels.
(d) Minor public uses.
(e) Minor utility developments.
(f) Personal wireless services towers, subject to SCC 14.16.720.
(g) Retail and wholesale nurseries/greenhouses.
(h) Retriever/field trial dog training facility.
(i) Riding clubs and stables.

(j) Seasonal roadside stands greater than 300 square feet.
(k) Temporary outdoor events.
(l) Trails and primary and secondary trailheads.

(4) Hearing Examiner Special Uses.
(a) Aircraft landing field, private.
(b) Campground, developed.
(c) Forestry-based business employing no more than 3 non-resident full-time equivalent employees. This is a commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and forestry-related products that are produced or processed and may be sold on site.
(d) Home Based Business 2.
(e) If located within a designated mineral resource overlay, extracting and processing mineral resources.
(f) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(g) Major utility developments.
(h) Natural resource training/research facility.
(i) Off-road vehicle park.
(j) Outdoor Outfitters Enterprises.
(k) Primitive marinas not greater than 20 slips.
(l) Racetrack, recreational.
(m) Seasonal worker housing.
(n) Shooting club, indoor and outdoor.
(o) Storage of explosives for commercial purposes when located at least 600 feet from property boundary or public road right-of-way.
(p) Storage of unlicensed/inoperable vehicles.
(q) Temporary asphalt/concrete batching.
(r) Water diversion structures, impoundments greater than 1-acre feet in volume.

(5) Dimensional Standards.
(a) Setbacks:
(i) Front, side and rear: 100 feet.
(ii) Accessory: same as Primary.
(iii) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
(b) Access Frontage: 100 feet.
(c) Maximum Height: Shall meet the requirements of the Skagit County Building Code.
(i) The height of personal wireless services towers are regulated in SCC 14.16.720.
(d) Minimum Lot Size: 20 acres or 1/32nd of a section. Smaller lot sizes are permissible through CaRDs.
(e) Minimum Lot Width: 400 feet.

(6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.430 Rural Resource – Natural Resource Lands (RRc-NRL).**

(1) Purpose. The purpose of the Rural Resource-Natural Resource Lands district is to recognize and encourage the conservation of those lands which have the characteristics of both long-term commercially significant agriculture and forestry either on-site or on adjacent sites. These are lands generally not managed as industrial resource lands, because of less productive soils, parcel size and/or geographic location, but are managed on a smaller scale and provide support for the industrial natural resource land base. It is the intent of this district to restrict incompatible non-resource related uses and to retain a long-term, commercially significant natural resource land base.

(2) Permitted Uses.

(a) Agriculture.
(b) Agricultural accessory uses.
(c) Aquaculture.
(d) Campground, primitive.
(e) Commercial uses supporting resource uses, such as packing, first stage processing and processing that provides added value to resource products.
(f) Cultivation and harvest of forest products or any forest crop in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.
(g) Detached single-family residential dwelling.
(h) Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of rock crushers, all providing the material is used within the Rural Resource - Natural Resource Lands Zone, or on same forest owners' property, on 3 acres or less.
(i) Family day care provider.
(j) Historic sites open to the public.
(k) Home Based Business 1.
(l) Operation of scaling stations, log dumps and sorting areas, and forest industry residue dumping areas; provided, that any such use within 1,000 feet of any residential use zone, park, or recreation area shall be temporary and less than 12 months' duration.
(m) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings, and storage yards; provided, that such uses are temporary and are located on the property for no longer than 12 months' duration.
(n) Residential accessory structures.
(o) Temporary roadside stands not exceeding 300 square feet.

(3) Administrative Special Uses.

(a) Animal clinic/hospital.
(b) Bed and breakfast, subject to SCC 14.16.900(3)(c).
(c) Cemetery.
(d) Display gardens.
(e) Expansion of existing major public uses up to 3,000 square feet.
(f) Kennels.
(g) Minor public uses.
(h) Minor utility developments.
(i) Outdoor recreational facilities.
(j) Parks, specialized recreation facility.

(k) Personal wireless services towers, subject to SCC 14.16.720.
(l) Retail and wholesale nurseries/greenhouses.
(m) Retriever/field trial dog training facility.
(n) Riding clubs and stables.
(o) Seasonal roadside stands greater than 300 square feet.
(p) Temporary outdoor events.
(q) Trails and primary and secondary trailheads.

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(4) Hearing Examiner Special Uses.
(a) Aircraft landing field, private.
(b) Animal preserve.
(c) Campground, developed.
(d) Co-housing as part of CaRD, subject to SCC 14.18.300-330.
(e) Concentrated animal feeding operation.
(f) Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of rock crushers, all providing the material is used within the Rural Resource - Natural Resource Lands Zone, or on same forest owners' property, on more than 3 acres.
(g) Forestry-based business employing no more than 3 non-resident full-time equivalent employees.
(h) Home Based Business 2.
(i) If located within a designated mineral resource overlay, extracting and processing mineral resources.
(j) Impoundments greater than 1-acre feet in volume.
(k) Lagoons for livestock and poultry waste, which shall follow construction and management guidelines to be set forth by the Agricultural Advisory Board.
(l) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
(m) Major utility developments.
(n) Marinas with no more than 20 slips.
(o) Natural resource training/research facility.
(p) Off-road vehicle park.
(q) Outdoor Outfitters Enterprises.
(r) Parks, community.
(s) Racetrack, recreational.
(t) Seasonal worker housing.
(u) Shooting clubs, indoor and outdoor.
(v) Storage of explosives for commercial purposes when located at least 600 feet from property boundary or public road right-of-way.
(w) Storage of unlicensed and/or inoperable vehicles.
(x) Water diversion structures.

(5) Dimensional Standards.
(a) Setbacks, primary structures:
(i) Front: 50 feet.
(ii) Side: 50 feet.
(iii) Rear: 50 feet.
(b) Setbacks, accessory:

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(i) Front: 50 feet.
(ii) Side: 50 feet.
(iii) Rear: 50 feet.

(c) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

(d) Maximum Height: Shall conform to the Building Codes of Skagit County.

(i) The height of personal wireless services towers are regulated in SCC 14.16.720.

(e) Minimum lot size: 1/16th of a section of land or 40 acres. Smaller lot sizes may be allowed with CaRDs or as provided for through SCC 14.16.860.

(f) Minimum lot width: 400 feet.

(g) Maximum Lot Coverage: Except for greenhouses, 10,000 square feet or 10% of the lot area, whichever is greater. Greenhouses may have up to 35% lot coverage.

(6) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.440 Mineral Resource Overlay (MRO).**

(1) Purpose. The purpose of the Mineral Resource Overlay (MRO) is to maintain and enhance natural resource-based industries by conserving mineral resource lands, allowing continued operation of existing legally established uses, and by assuring that use of adjacent lands does not interfere with the extraction and quarrying of minerals. A MRO overlays Natural Resource Lands (NRL) zoning districts and imposes regulations in addition to those normally required in the underlying NRL zoning district. Mineral extraction and processing activities are allowed as a Hearing Examiner Special Use, and must comply with the Surface Mining Act, RCW 78.44. The MRO recognizes those areas that are designated to protect long-term, commercially viable mineral Natural Resource Lands and recognizes that mineral resources must be in close and economic proximity to the market to be served.

(2) Designation Procedure. The MRO represents those areas that are designated as Mineral Resource Overlay (MRO) on the Skagit County Comprehensive Plan Map adopted by Ordinance 16550, or as thereafter amended. Unless otherwise restricted by ordinance, new Mineral Resource Overlay areas may be designated by complying with RCW 36.70A, the Comprehensive Plan amendment procedures of the Skagit County Comprehensive Plan, and SCC 14.08.

(3) Pre-existing Designated and Undesignated Mining Operations.

(a) Except as allowed in Subsection (b) below, or as allowed as an accessory use, pursuant to SCC 14.16.410(3)(d), 14.16.420(2)(f), 14.16.430(2)(h) and 14.16.430(4)(f), no new mining special use permits shall be issued outside of the designated Mineral Resource Overlay.

(b) Commercial mining operations lying outside of a designated MRO that are allowed at the time of adoption of this Ordinance may continue to operate on the permitted mining site. Expansion of the existing operations beyond the geographical and/or operational limits imposed by the existing approval is allowed provided the owner applies for and receives a new mining special-use permit issued under this Section that covers the expanded operation area. Expansion will not extend beyond the legal parcel on which the legally existing use is located.

(c) Commercial mining operations lying within a designated MRO that are allowed at the time of adoption of this Ordinance may continue to operate on the permitted mine site. Expansion of the existing operations beyond the geographical and/or operational limits imposed by the existing approval is allowed, provided the owner applies for and receives a new mining special-use permit issued under this Section that covers the expanded operation and/or area.

(4) Removal of Designation Status. A petitioner may seek removal of designated Mineral Resource Lands and the associated Mineral Resource Overlay on the Official Zoning Map through the Comprehensive Plan amendment process, pursuant to SCC 14.08, and by demonstrating one or more of the following:

(a) The mineral resource is depleted to a point that it is no longer economically feasible to continue mining on the site.

(b) New or updated geological data no longer indicates the potential for mineral resources of regional or long-term commercial significance on the site.

(c) The Mineral Resource Overlay was designated based on a technical mapping error.

(5) Permitted Uses. All uses permitted in the underlying zone are allowed in the MRO.

(6) Accessory Uses. Accessory uses normally associated and in conjunction with a permitted use stated in Subsection (5) are permitted in the MRO.

(7) Special Uses.

(a) Any other special use permitted in the underlying zoning district is likewise permitted in the MRO.

(b) The following uses are permitted as a Hearing Examiner Special Use in the Mineral Resource Overlay subject to the requirements of this Section and the restrictions contained in the underlying zone. Uses under this Section must comply with RCW 78.44, Surface Mining Act, RCW 90.48, the Water Pollution Control Act, and all other applicable laws and regulations:

(i) Activities associated with mining or quarrying operations, including blasting and use of equipment in connection with an extraction operation, maintenance of mineral extraction equipment, maintenance of roads, traffic control, sorting, crushing, cleaning and loading;

(ii) On-site processing including asphalt or concrete batching and asphalt or concrete recycling; and

(iii) Surface or underground mining or quarrying of mineral deposits or building materials from rock, stone, gravel, sand, and earth together with associated structures and equipment;

(iv) Temporary dwellings for a caretaker or superintendent and their family.

(8) Application For Mining Special Use Permit. An Applicant for a mining operations special use permit shall submit:

(a) The following information on maps in an 11-inch by 17-inch format size:

(i) A vicinity map with a north arrow indicating the area on which the extraction operation is proposed including a legal description, showing right-of-way width of access roads to the proposed site from the nearest community and any roads proposed on the site, and showing zoning of adjacent properties and land uses within 5 miles of the area proposed for mineral extraction and related activities;

(ii) A pre-mining map drawn to scale with an appropriate scale bar showing the permit area and buffers, elevations and contours, natural slopes and other drainage patterns, boundaries of municipalities, boundaries of property ownership, names and addresses of adjacent property owners, locations of nearby mines, locations of all railroads, bridges, utility lines or other rights of way, locations and names of any streams and natural or artificial drain ways on or adjacent to the site, locations of parks and other significant features;

(iii) A reclamation sequence map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map showing the permit area border and buffers, excavation areas, location of all proposed access roads to be built, location of types of setbacks and beams, numbered segments and the direction of the sequence of mining, soil storage areas and sequence of stripping, storing and replacement of mined segments, overburden storage areas and sequence of stripping, storing and replacement of overburden on mined segments, waste rock piles and how they will be reclaimed and stabilized, operation plant and processing areas, measures to be taken to adjacent surface area to prevent slumping or landslides on adjacent lands, location and description of storm-water and erosion control systems, including drainage facilities and settling ponds and estimated runoff served by individual facilities; and

(iv) A final reclamation map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map permit area and buffers, final elevations and contours, adjacent natural ground slopes, reclaimed drainage patterns, general topography, locations and names of any roads, utility lines, rights-of-way, streams, bridges, lakes, springs, wetlands, location and depth of topsoil to be replaced after seedbed preparation, permanent drainage and water control systems, area to be re-vegetated and proposed species, 2 cross-sections (at right angles) with horizontal and vertical scales the same that show the original and final topography and the water table.

(b) A report by a qualified geologist, hydrologist or licensed engineer characterizing the area's ground water including, but not limited to, the following information:

(i) A description of the geology and hydro-geology of the area including the delineation of aquifer, aquitards, or aquicludes (confining layers), hydro-geologic cross-sections, porosity and horizontal and vertical permeability estimates;

(ii) Determination of the direction and velocity of ground water movement, water table contour and potentiometric surface maps (for confined aquifers), if applicable; and

(iii) A map containing the limits of the mine, buffer zones, location of all ground water wells within 1 mile distance down gradient from the property boundaries, location of all perennial streams and springs, and definition or specification of locations of aquifer recharge and discharge areas.

(c) The estimated quantities of all materials to be extracted.

(d) Identification of any possible Scientific Resource Sites that may be located on the proposed site. Scientific Resource Sites include unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance. These areas must be delineated on the map in Subsection (8)(a)(ii) above and the proposal for preservation of the identified area(s) must be addressed.

(e) An on-site study to determine appropriate mitigation requirements for noise, vibration and dust levels. The study should specify what levels the Applicant deems satisfactory to mitigate off-site disturbances.

(f) An operations proposal detailing estimated frequency of blasting, estimated truckloads per day, what provisions for screening and fencing are proposed, and estimated hours of operation.

(g) Identification and description of those critical areas designated and regulated by SCC 14.24, together with any critical areas studies that may be required by SCC 14.24.

(h) A completed environmental checklist.

(i) A review from Skagit County Public Works Department or Washington State Department of Transportation demonstrating that roads or bridges are capable of sustaining the necessary traffic for the proposed mineral extraction operation, and that the proposed operation meets level-of-service, safety, and other standards as outlined in the Skagit County Transportation Systems Plan, the Skagit County Comprehensive Plan, and applicable State and local regulations.

(9) Hearing Examiner Review. Except as may be provided herein to the contrary, all applications for mining operations special use permit shall be reviewed by the Hearing Examiner under the procedures set forth in SCC 14.06. The Hearing Examiner shall make a decision as to whether or not it should be approved based upon the special use approval criteria and the following provisions:

(a) When reviewing an application for mining operations special use permit, the Hearing Examiner should recognize that surface mining is an essential economic activity and that it is not possible to extract minerals without producing some environmental impacts. The Hearing Examiner shall consider all relevant evidence and conditions that will mitigate detrimental impacts to the environment and conditions that protect the general welfare, health and safety. The permit shall be granted if the impacts are mitigatable. The burden of proof shall be on the Applicant. Mitigating conditions shall be performance based, objective standards that:

(i) Are directly and proportionately related to limiting surface mining impacts;

(ii) Are reasonable, practicable and generally capable of being achieved by the mine operator; and

(iii) Take into consideration existing and available technologies applicable to mining operations.

(b) The Hearing Examiner shall consider the requirements of this Chapter as minimum standards based on unique site-specific factors or conditions as appropriate to protect public health, safety, and the environment.

(c) Appropriate site-specific conditions shall be required to mitigate existing and potential incompatibilities between the mineral extraction operation and adjacent

parcels. Such limitations shall reflect the differences in potential impacts based on the mineral extraction operation's location in resource, rural or urban growth areas and recognize that the purpose of designating mineral resource lands is to conserve mineral resource lands, allow continued operation of existing legally established mining operations, and assure that use of adjacent lands does not interfere with the extraction of minerals. The Hearing Examiner shall take into consideration the January 1996 publication *Best Management Practices for Reclaiming Surface Mines in Washington and Oregon*, published jointly by the Oregon Department of Geology and Mineral Industries and the Washington State Department of Natural Resources, Ch. 3, Operation and Reclamation Strategies, in determining appropriate mitigation requirements for operational impacts.

(d) Appropriate site-specific conditions shall be required to mitigate storm water runoff and erosion impact. The Hearing Examiner shall take into consideration the January 1996 publication *Best Management Practices for Reclaiming Surface Mines in Washington and Oregon*, published jointly by the Oregon Department of Geology and Mineral Industries and the Washington State Department of Natural Resources, Ch. 2, Storm Water and Erosion Control, and the National Pollutant Discharge Elimination System (NPDES) Surface Water Protection requirements in determining appropriate conditions for mitigating storm water and erosion impacts.

(e) The Hearing Examiner shall consider public interests such as fishing, boating, hiking and camping when reviewing a mining operations special use permit, and may impose mitigating measures as necessary and appropriate.

(10) Operating Standards or Requirements.

(a) Site area and width. When the activity includes both extraction and on-site mineral crushing or mineral processing including asphalt or concrete batching and asphalt or concrete recycling, the site area shall be a minimum, of 20 acres. There shall be a minimum lot width of 500 feet for crushing or processing activities. Operations that are limited to extraction and transportation shall comply with dimensional standards of the underlying zone.

(b) Buffers.

(i) A minimum 200-foot buffer shall be required between on-site crushing, processing, or recycling activities and adjacent properties for the site as a condition for the issuance of a mining operations special use permit.

(ii) Adjacent properties are required to maintain a 200-foot buffer from the mineral resource designated land or sign a nuisance waiver to reduce the 200-foot buffer. In the case of a pre-existing structure located in the buffer of adjacent property, the required buffer shall be established on the mineral resource designated land.

(iii) A minimum 100-foot buffer shall be required for the site where operations are limited to the extraction and transportation of minerals. Once the extraction and transportation operations have been completed, the material in the buffer may be utilized during reclamation.

(c) Maximum permissible noise levels. Maximum permissible noise levels shall be according to the provisions of the WAC 173-60, Maximum Environmental Noise Levels.

(d) Blasting. Blasting shall be restricted to daylight hours when the mineral extraction operation is within 1/4 mile of a residential area with a greater density than 1 dwelling unit per 10 acres. The Hearing Examiner may otherwise set blasting hours and conditions based on site-specific circumstances. Except in the case of emergencies declared by civil authorities, blasts should be scheduled for regular and predictable times.

(e) Vertical Limitations/Aquifer Protection.

(i) Surface mining shall be vertically limited to only one aquifer unless approved by the Washington State Department of Ecology. Hydrological barriers separating aquifers shall not otherwise be disturbed.

(ii) Activities related to mineral extraction and processing operations in the vicinity of aquifers must provide safeguards including containment to prevent direct contamination to the open aquifers and indirect contamination through infiltration of mining operation pollutants.

(iii) Imported material shall not be used as a backfill for mine sites where an aquifer has been breached.

(iv) Disturbed aquifers should be reclaimed as ponds or lakes and/or wetlands.

(v) Additional buffers and setbacks may be required beyond those listed in Subsection (10)(a-b) above, if necessary, to prevent over-excavation when mining in an aquifer.

(vi) All relevant provisions of the Critical Areas Ordinance, SCC 14.24, for aquifer protection shall be met.

(f) Surface Water Protection. All mineral and aggregate sites shall meet the minimum requirements of SCC 14.32, as well as all pertinent requirements of the Washington State Department of Ecology, the Department of Natural Resources, Department of Fish & Wildlife and other State and Federal regulations regarding surface water protection.

(i) Storage pond systems for holding processing waters shall be designed to preclude untreated discharge to natural streams or surface waters, unless the discharges are otherwise regulated and allowed by a State or Federal government agency.

(ii) The flow of natural runoff from extraction sites shall be dispersed or regulated such that soil erosion on receiving lands is prevented.

(g) Bench/Terrace. Benches shall be back-sloped and shall be established at not more than 40-foot intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of 5%.

(h) Reclamation. Reclamation of surface mining sites shall be in accordance with the requirements of the State Department of Natural Resources. Reclamation activities shall not allow land filling unless sites comply with WAC 304, WAC 173-351, SCC 12.16, other relevant State, and Federal regulations. If the operation is not subject to the State Department of Natural Resources permitting requirements, the following minimum standards shall apply. All reclaimed slopes shall:

(i) Have a varied steepness;

(ii) Have a natural appearance in both profile and plan view;

(iii) Have no large rectilinear topographic elements;

(iv) Not exceed 2 horizontal to 1 vertical except as necessary to blend with natural adjacent slopes;

(v) Be compacted if significant back-filling is required to produce the final reclaimed slope;

(vi) Provide measures to establish a beneficial wetland where a lake pond or swamp is created; and

(vii) Place topsoil and re-vegetate as necessary to stabilize slopes and controls erosion.

(i) Hours of operation. Hours of operation shall vary according to the location of the site as stated below and may be shortened by the Hearing Examiner based on site-specific circumstances:

(i) Within designated natural resource lands, the hours of operation may be unlimited. The Hearing Examiner may limit hours of operation to daylight hours or to such other reasonable limitation deemed necessary to address potential significant adverse impacts to existing adjacent land uses, on any portion of the mining site where mining activity is proposed to occur less than 1/4 mile from existing Rural Intermediate, Rural Village, or Urban Growth Area designated lands;

(ii) Within rural lands, the hours of operation shall be from dawn to dusk;

(iii) Within urban growth areas and rural villages, the hours of operation shall be from 8AM to 5PM, Monday-Saturday; and

(iv) During emergencies, restrictions on hours of operation can be suspended by the Board of County Commissioners pursuant to the lawful procedures for declaring an emergency.

(j) Chemical Leach Mining. Chemical leach mining shall not be allowed.

(k) Responsibility. The landowner(s) and operator(s) shall be held jointly responsible for the operation of a mineral extraction site.

(l) Metals mining shall be regulated by RCW 78.56, Metals Mining and Milling Act.

(11) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.500 Public Open Space of Regional/Statewide Importance (OSRSI).**

(1) Purpose. The purpose of the Public Open Space district is to provide a zoning designation for lands in public ownership that are dedicated or reserved for public purposes or enjoyment for recreation, scenic amenities, or for the protection of environmentally sensitive areas. This district encompasses public open space having Statewide and regional importance. For example, the following State parks are designated in this zoning designation: Bayview, Burroughs Island, Cypress Island, Deception Pass, Hope Island, Huckleberry Island, Ika Island, Larrabbe, Rasar, Rockport, Saddlebag Island, and Skagit Island. Also, Glacier Peak Wilderness, Noisy Diobsud National Park, portions of the Northern State Recreation Area, PUD #1 Judy Reservoir, North Cascades National Park, Ross Lake National Recreation Area, Ross Lake National Recreation Area, City of Seattle dam mitigation lands, and Skagit Wildlife Refuge are included in this district.

(2) There may be Federal or State regulations or limitations which may further limit the use of some OSRSI designated facilities. In addition, the County may not have jurisdiction over some OSRSI designated facilities.

(3) Permitted Uses.
- (a) Historic sites open to the public.
- (b) Parks that showcase significant historic, archaeological, scientific, cultural and/or unique natural features, unusual landscape features such as cliffs and bluffs or natural processes on wetlands and tidal actions.
- (c) Public open space areas of regional and Statewide importance including County, State and Federal parks, recreational areas, and interpretive centers, wildlife management areas, including those that provide linkages between neighborhood and community parks.
- (d) Single-family dwelling unit for on-site resident park manager.
- (e) Trails or educational enterprises designed to offers special access to natural resource-based and recreational opportunities on lakes, creeks, streams, river corridors, shorelines, and areas with prominent views.

(4) Administrative Special Uses.
- (a) Campgrounds, destination.
- (b) Campgrounds, developed.
- (c) Campgrounds, primitive.
- (d) Docks.
- (e) Expansion of existing major public facilities up to 3,000 square feet.
- (f) In remote areas only, such as east of Concrete and on saltwater islands without ferry service, employee housing sufficient to operate the OSRSI operation.
- (g) Minor public facilities.
- (h) Minor utility developments.
- (i) Outdoor recreation facilities.
- (j) Personal wireless services towers, subject to SCC 14.16.720.
- (k) Roadside stands not greater than 300 square feet.
- (l) Stables/riding clubs.
- (m) Temporary outdoor events.
- (n) Trails and primary and secondary trailheads.
- (o) Water diversion structure.

(5) Hearing Examiner Special Uses.
- (a) Animal preserve.
- (b) Golf course.
- (c) Impoundment.
- (d) Marinas not greater than 20 slips.
- (e) Major public facilities and expansions of existing major public facilities, 3,000 square feet and greater.
- (f) Major utility development.
- (g) Parks, community.
- (h) Racetrack, recreational.
- (i) Shooting club, outdoor.

(6) Dimensional Standards. No minimum lot size where the proposed development can meet the requirements of the Skagit County Code.

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(a) Setbacks:
(i) Front: 35 feet.
(ii) Side and rear: 35 feet.
(b) Maximum Height: Subject to the Skagit County Building Code.
(i) The height of personal wireless services towers are regulated in SCC 14.16.720.

(7) Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.

**14.16.600 Unclassified Use Permit.**

(1) Purpose. The purpose of the unclassified use permit is to provide a siting and review process for major, regional facilities with potential significant built and natural environmental impacts on the surrounding area. Unclassified uses are typically major facilities with a presence that may impact or alter the character of the community. They include most of the more intensive uses considered to be "essential public facilities" in RCW 36.70A.200. The intent of the unclassified use permit is to not only review potential impacts of a proposal and apply appropriate conditions, but also to evaluate on a more fundamental level whether the proposed use is appropriate at a given location, based on conformance with the applicable criteria. The listing of possible zones for unclassified uses to be located in, as in Subsection (2) below, does not presume that a specific use in a given location will be determined to be appropriate through the unclassified use permit process.

(2) Applicability: Unclassified uses include but are not limited to the following list. Included in parentheses are the zones in which a specific unclassified use may be considered:
(a) State and Regional Correctional Facilities (SF-NRL, RRc-NRL, RRv).
(b) Power generation facilities (IF-NRL, SF-NRL, RRc-NRL, BR-HI).
(c) Oil and gas extraction (IF-NRL, SF-NRL, RRc-NRL).
(d) Solid Waste Handling Facility (SF-NRL, RRc-NRL, BR-HI, BR-I).
(e) Regional wastewater treatment facilities (SF-NRL, RRc-NRL, RRv, BR-HI).
(f) Regional racetracks (RRv, BR-I, BR-HI).
(g) Fairgrounds (RRv).
(h) Stadiums/Arenas (RRc-NRL, RRv, BR-I, BR-HI).
(i) Colleges/State Educational Facilities (SF-NRL, RRc-NRL, RRv).
(j) Regional transportation facilities (SF-NRL, RRc-NRL, RRv, BR-I, BR-HI).
(k) In-patient substance abuse and mental health facilities (RRv).
(l) Hospitals (RRv, RI, BR-I).
(m) Regional Performing Center (RRv, RI, RVR, BR-I).
Additional unclassified uses may be determined by the Administrative Official.

(3) Process. An unclassified use application shall be reviewed under the same process as a Comprehensive Plan Amendment, found in SCC 14.08.020.

(4) Application Requirements. An unclassified use application shall provide the same submittal materials as a rezone, found in SCC 14.16.900 and SCC 14.08.020. An unclassified use permit shall also include an alternative site analysis evaluating at least 3 other alternative sites for the proposed facility.

(5) Approval Criteria. The burden of proof shall be on the Applicant to provide evidence in support of the application. The criteria for approval or denial shall include the following elements:

(a) The characteristics of the unclassified use will not be unreasonably incompatible with the types of uses permitted in surrounding areas;

(b) The proposed unclassified use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding existing or potential dwelling units;

(c) The unclassified use will not materially endanger the health, safety and welfare of the community;

(d) The unclassified use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the local area;

(e) The unclassified use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;

(f) The location, size and height of buildings, structures, walls and fences and screening vegetation for the unclassified use shall not hinder or discourage the appropriate development or use of neighboring properties;

(g) The unclassified use is not in conflict with the policies of the Comprehensive Plan, the Comprehensive Plans of adjacent jurisdictions that may be affected by the use, or the basic purposes of this Title. In particular, the factors of Capital Facilities Element policies 5.4.2, 5.4.3, and 5.8, and Essential Public Facilities Policy 3.2 shall be addressed;

(h) For unclassified uses outside of urban growth areas, extension, construction, or maintenance of urban services and facilities is not required, unless no practicable alternative exists;

(i) No feasible alternative sites which better meet the requirements of these criteria;

(j) The need for the unclassified use at a specific location is necessary, taking into account region-wide distribution of facilities and the capacity and location of equivalent facilities;

(k) For unclassified uses in or adjacent to IF-NRL, SF-NRL, AG-NRL, and RRc-NRL zoned lands, the impacts on the long-term natural resource management and production will be minimized;

(l) For State-owned essential public facilities, the State shall provide justification for the facility and its location in Skagit County based on forecasted needs and a logical service area; and

(m) For State-owned essential public facilities, the State shall have established a public process by which the residents of the County and of affected and "host" municipalities have a reasonable opportunity to participate in the site selection process.

(6) Conditions of Approval. If approved, conditions of approval for the unclassified use shall include conditions of approval which address the criteria listed above and the following:

(a) Accessibility;

(b) Transportation needs and services;

(c) Supporting public facility and public service needs and the availability thereof;
(d) Site design;
(e) Time required for construction;
(f) Control of on-site and off-site impacts during construction;
(g) Facility operations;
(h) Impacts on critical areas;
(i) Maintenance of standards congruent with applicable governmental regulations, particularly as they may change and become more stringent over time; and
(j) Expediting and streamlining necessary governmental approvals and permits.

**14.16.700 Special Use Matrix.**

A matrix is available at the Planning and Permit Center showing the various special uses allowed in various zones. This matrix is intended as an aid to provide a general understanding about the special uses which may be allowed in specific zones. The matrix does not include detailed requirements, which are reflected in the text of the zone.

**14.16.710 Accessory Dwelling Units.**

(1) Requirements for Accessory Dwelling Units. One accessory dwelling unit is permitted as accessory to an existing single-family dwelling provided that the following requirements are met:

(a) Owner occupancy. Either the principal unit of the single-family dwelling or the accessory dwelling unit must be occupied by an owner of the property or an immediate family member of the property owner.

(b) No more than one family as defined in the Uniform Building Code shall be allowed to occupy an accessory dwelling unit.

(c) Subdivision. Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal unit of the single-family dwelling, unless allowed by the zoning.

(d) Size and scale. The square footage of the accessory dwelling unit shall be the minimum allowed by the building code and a maximum of 900 square feet excluding any garage area; provided, however, the square footage of the accessory dwelling unit shall not exceed 50% of the total square footage of the principal unit of the single-family dwelling excluding the garage area as it exists or as it may be modified.

(e) Location. The accessory dwelling unit may be attached to, included within the principal unit of the single-family dwelling, or located in a detached structure. All requirements of the Uniform Building Code regarding fire separation shall be met.

(f) Entrances. The principal unit of the single-family dwelling containing the accessory dwelling unit shall have only one obvious entrance visible to the street except where more than one entrance existed on or before adoption of this Ordinance.

(g) Additions. Additions to an existing structure or newly constructed detached structures created for developing an accessory dwelling unit shall be designed consistent with the existing roof pitch, siding and windows of the principal dwelling unit.

(h) Parking. 3 off-street parking spaces shall be provided for the combination of the main and accessory dwelling units.

(i) Application. The property owner shall apply for an accessory dwelling permit with the Skagit County Planning and Permit Center. The application shall include an affidavit signed by the property owner affirming that the owner or an immediate family member will occupy the principal dwelling unit or accessory dwelling unit for more than 6 months per year.

(j) Recording requirements. Approval of the accessory dwelling unit shall be subject to the Applicant recording a document with the Skagit County Auditor prior to approval which runs with the land and identifies the address of the property, states that the owner(s) resides in either the principal dwelling unit or the accessory dwelling unit, includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this Chapter, and provides for the removal of the accessory dwelling unit by the current owner if any of the requirements of this Chapter are violated.

(k) Elimination/Expiration. Elimination of an accessory dwelling unit may be accomplished by the following:

(i) The owner shall obtain either a demolition permit or a change of use permit.

(ii) The owner shall record a certificate with the Skagit County Auditor's Office stating that the accessory dwelling unit no longer exists on the property and that a final inspection has been performed by the Skagit County Planning and Permit Center.

**14.16.720 Personal Wireless Services Facilities.**

(1) Purpose. These standards were developed to protect the public health, safety and welfare, to protect property values and minimize visual impact while furthering the development of enhanced wireless telecommunications services in the County. These standards were designed to comply with the Telecommunications Act of 1996. The Board of County Commissioners finds that the promulgation of this Section is warranted and necessary:

(a) To manage the location of towers and antennas in the County;

(b) To protect residential areas and land uses from adverse impacts of towers;

(c) To minimize adverse visual impacts of towers through careful design, siting, landscape screening and innovative camouflaging techniques;

(d) To accommodate an increased need for towers/antennas to serve the wireless communication needs of County residents;

(e) To promote and encourage co-location on existing and new towers as an option rather than construction of additional single-use towers and to reduce the number of such structures needed in the future;

(f) To consider the public health and safety of towers to the extent permitted by the Telecommunications Act of 1996; and

(g) To avoid potential damage to adjacent properties through sound engineering practices and the proper siting of antenna support structures.

(2) Tower Sites on Lots with Other Uses.

(a) For the purposes of this Title, personal wireless services and facilities shall be considered utilities. A communication tower may be located on a lot utilized for

other uses on a parcel smaller than the minimum lot size required in the zoning district. This parcel shall be identified as the "tower site." The tower site shall be subject to the requirements of SCC 14.16.720, but not the requirements of SCC 14.18 (Land Division).

(b) A wireless service provider shall provide documentation that permission has been granted for the use of an easement for a "tower site." Such easement areas shall be shown on the site plan. Documentation of the recording of the easement shall be required prior to the issuance of the building permit.

(3) Intent. The intent of this Section is to provide specific regulations for the placement, construction and modification of personal wireless service facilities. The provisions of this Section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this Section be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

(4) Interpretation. To the extent that any provision or provisions of this Section is inconsistent or in conflict with any other provision of the County code or any ordinance of the County, the more restrictive provisions(s) shall control.

(5) Siting Goals. The County has been confronted with increasing frequency with requests to site towers and antennas. Thus, the County has established the following goals to guide the siting of towers and antennas:

(a) Enhance the ability of personal wireless service providers to provide such services throughout the County quickly, effectively and efficiently;

(b) Encourage personal wireless service providers to locate towers and antennas in non-residential areas;

(c) Minimize the total number of towers throughout the County;

(d) Encourage personal wireless service providers to co-locate on new and existing tower sites; and

(e) Encourage personal wireless service providers to locate towers and antennas in areas where the adverse visual impact on County residents is minimal.

(6) Co-Location Encouraged. To minimize adverse visual impacts associated with the proliferation of towers, co-location of personal wireless service facilities on existing or new towers is encouraged as follows:

(a) Providers shall and are encouraged to co-locate onto towers provided such co-location is accomplished in a manner consistent with the policy, site criteria, landscaping/screening and all other provisions contained in this Section, then such co-locations are permitted by right and new or additional special use permit review approval is not required, except that any other permit, license, lease, or franchise requirements must be satisfied.

(b) The County will not consider an application complete to construct new facilities unless the Applicant has shown that it has made a diligent effort to mount the facilities on an existing structure or tower that is within a 2,500-foot radius of the chosen site.

(c) When co-location on an existing facility is not feasible:

(i) An Applicant's site plan shall reserve an area for other providers' equipment near the base of the Applicant's tower; and

(ii) The site plan for towers in excess of 100 feet must propose space for a minimum of 2 additional providers, while the site plan for towers 100 feet or less must propose space for a minimum of 1 additional provider.

(d) To provide further incentive for co-location, an existing tower may be modified as a matter of right to accommodate co-location without new or additional special use permits. The following conditions shall also be met:

(i) Height: An existing tower may be modified or rebuilt to a taller height, not to exceed 20 feet over the tower's existing height and subject to the other provisions of this Section. The height change may occur only once per tower.

(ii) No banners or similar materials may be attached to the tower, antenna support structure or antenna.

(e) The Applicant must submit detailed plans to the Planning and Permit Center for an administrative review to determine if the special use permit review process and public hearing can be waived. No building permit will be issued until approval is granted through the administrative review of the co-location.

(7) Cooperation. No personal wireless services provider or lessee or agent thereof shall act to exclude or attempt to exclude any other personal wireless services provider from using the same building, structure or location. Personal wireless service providers or lessees or agents thereof shall cooperate in good faith to achieve co-location of personal wireless service facilities and equipment with other personal wireless service providers. If a dispute arises about the feasibility of co-locating, the County may require a third party technical study at the expense of either or both parties to resolve the dispute.

(8) Guidelines for Third Party Review. The personal wireless services providers use various methodologies and analysis tools, including geographically-based computer software, to determine the specific technical parameters of personal wireless services, such as expected coverage area, antenna configuration and topographic constraints that affect signal paths. In certain instances there may be a need for expert review by a third party of the technical data submitted by the personal wireless services provider. The County may require such technical review to be paid for by the Applicant for the personal wireless service facilities. The selection of the third party expert shall be by mutual agreement between the Applicant and the County or at the discretion of the County. The expert review is intended to be a site-specific review of technical aspects of the personal wireless service facilities and not a subjective review of the site selection. Such a review should address the accuracy and completeness of the technical data, possible interference problems and whether the analysis techniques and methodologies are legitimate. A determination on the validity of the Applicant's conclusions, and any specific technical issues outlined by the Board of County Commissioners, Planning and Permit Center, County staff or other interested parties shall be made. Based on the results of the third party review, the County may require changes to the application for the personal wireless service facilities that comply with the recommendations of the expert.

(9) Site Selection Criteria. The following site selection criteria shall govern the issuance of permits and must be demonstrated by the Applicant:

(a) Any Applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by a propagation map that the facility must be located at the site to satisfy its function in the Applicant's grid

system. An analysis by an engineer documenting these demonstrations shall accompany the propagation maps.

(b) Further, the Applicant must demonstrate by a propagation map that the height requested is the minimum height necessary to fulfill the site's function within the Applicant's grid system. An analysis by an engineer documenting these demonstrations shall accompany the propagation maps.

(c) Personal wireless service facilities shall be located and designed to minimize adverse impact on residential property values. Facilities shall be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.

(10) Priority of Locations. The order of priorities for locating new personal wireless service facilities shall be as follows, and the Applicant shall demonstrate that all other locations with a higher priority on the list are not feasible:

(a) Co-locate on existing antenna support structures.

(b) Place in districts zoned Bayview Ridge Industrial (BR-I), Bayview Ridge Heavy Industrial (BR-HI), Natural Resources Industrial (NRI), Industrial Forest-Natural Resource Lands (IF-NRL), Rural Marine Industrial (RMI), Rural Village Commercial (RVC), Rural Business (RB), Open Space Regional Statewide Importance (OSRSI), Master Planned Resort (MPR) and Rural Freeway Services (RFS) districts.

(c) Place on appropriate rights-of-way and existing structures such as buildings, towers, water towers and smokestacks located on non-residentially zoned property.

(d) Place on public property if practical, i.e., Skagit County property, fire halls, etc.

(e) Place on other property, i.e., Secondary Forest-Natural Resource Lands (SF-NRL), Agricultural-Natural Resource Lands (Ag-NRL), and Rural Resource-Natural Resource Lands (RRc - NRL).

(f) Place in view sheds and corridors.

(g) Place on property in Rural Reserve (RRv), Rural Center (RC), Cottage Industry/Small Scale Business (CSB), Small Scale Recreation and Tourism (SRT), and Rural Intermediate (RI).

(h) Place on Rural Village Residential (RVR).

(11) Requirements for Siting on Skagit County Property. The Skagit County Board of Commissioners reserves the right to deny the use of any or all County-owned property by any or all Applicants for as siting locations. Consideration of the use of property that is owned or otherwise controlled by Skagit County by rent, lease, rights-of-way, easement, etc., will be the following:

(a) Priority of use. Where Skagit County property is sought to be utilized by an Applicant for the siting of personal wireless service facilities, priority will be given to the following entities in descending order:

(i) Skagit County.

(ii) Public safety agencies including law enforcement, fire, and ambulance services which are not part of Skagit County, and private entities with a public safety agreement with Skagit County.

(iii) Other governmental agencies for uses which are not related to public safety.

(iv) Other entities providing or using personal wireless services.

(b) Minimum requirements for siting on Skagit County property. The placement of personal wireless service facilities on Skagit County property shall comply with the following special requirements in addition to the other requirements of this Section:

(i) The facilities will not interfere with the purpose for which the County-owned property is intended;

(ii) The Applicant is to obtain adequate liability insurance and commit to a lease agreement that includes equitable compensation for the County;

(iii) The Applicant will submit a letter of credit, performance bond or other security acceptable to the County to cover the costs of removing the facilities;

(iv) The facilities will not interfere with other users who have a higher priority as discussed under SCC 14.16.720(10);

(v) The Applicant must reimburse the County for any related costs that the County incurs because of the presence of the Applicant's facilities; and

(vi) The Applicant must obtain all necessary land use approvals.

(c) Special requirements. The use of certain County-owned property, including public utility structures or facilities for personal wireless service facilities, brings with it special concerns due to the unique nature of those sites. The placement of personal wireless service facilities on certain County-owned sites is allowed only when the following additional requirements are met:

(i) Public utility structures or facilities. The County's public utility structures and facilities represent a large public investment. Protection of the County's public utility structures and facilities is of prime importance to the County. For these reasons, the placement of personal wireless service facilities on public utility structures or facilities may be allowed only when the County is fully satisfied that the following requirements are met:

a) There is sufficient room on the structure and/or on the grounds to accommodate the Applicant's personal wireless service facilities;

b) The presence of the Applicant's personal wireless service facilities will not increase the maintenance cost to the County;

c) The presence of the Applicant's personal wireless service facilities will not be harmful to the safety of County workers maintaining the public utility structures or facilities, nor be harmful to the safety of the Applicant's workers; and

d) The intended use will cause no interference with the primary purpose of the public utility structures or facilities.

(ii) The use of County-owned parks for personal wireless service facilities brings with it special concerns due to the unique nature of these sites. The placement of personal wireless service facilities in a park will be allowed only when the following additional requirements are met:

a) The Skagit County Parks and Recreation Department has reviewed and made a recommendation regarding the proposed personal wireless service facilities to be located in a park, and this

recommendation must be forwarded to the County official authorized to take action on the proposal.

b) Personal wireless service facilities shall not be allowed in designated critical areas unless they are co-located with existing facilities.

c) Personal wireless service facilities may only be located in public parks if screening as regulated in Subsection (16) of this Chapter minimizes visual and noise impacts, and normal public use will not be disrupted.

d) Personal wireless service facilities may be located in park maintenance facilities.

(12) General Requirements. The following general requirements shall apply to towers and antennas construction:

(a) New uses. All new applications for antennas and towers filed after the adoption of this Ordinance shall comply with this Section.

(b) Existing uses. All towers and antennas existing on the date of passage of this Section shall be allowed to continue as they presently exist. Routine maintenance shall be permitted on existing towers and antennas. However, new construction other than routine maintenance on existing towers, antennas, buildings or other facilities shall comply with the provisions set forth in this Section.

(c) Permits required. Permits are required for all personal wireless service facilities as follows:

(i) Building permits shall be required for co-location or expansion projects on existing towers located within any zoning district. For the purposes of this Subsection only, a building permit does not trigger a development permit application for a shoreline substantial development permit under SCC 14.26 when the application is to co-locate on an existing antenna support structure.

(ii) Building permits shall be required for new construction projects located within the Bayview Ridge Industrial (BR-I), Bayview Ridge Heavy Industrial (BR-HI), Natural Resources Industrial (NRI), Industrial Forest-Natural Resource Lands (IF-NRL), Rural Marine Industrial (RMI), and Rural Freeway Services (RFS) districts.

(iii) Building permits and administrative special use permits shall be required for projects located within the Rural Village Commercial (RVC), Rural Center (RC), Rural Business (RB), Agricultural (Ag-NRL), Secondary Forest (SF-NRL), Rural Resource (RRc-NRL), Public Open Space of Regional/State Importance (OSRSI), and the Master Planned Resort (MPR) zones and on projects located within the (c), (d), (e) and (f) priority locations of Subsection (10) of this Chapter.

(iv) Building permits and Hearing Examiner special use permits shall be required for projects located within the Rural Intermediate (RI), Rural Village Residential (RVR), Rural Reserve (RRv), Cottage Industry/Small Scale Business (CSB) and Small Scale Recreation and Tourism (SRT) zoning districts and for (g) and (h) priority locations of Subsection (10) of this Chapter.

(d) Inspection required. Each year after a personal wireless service facility becomes operational, the facility operator shall conduct a safety inspection and file a report with the County within 60 days of the inspection. This requirement shall be a condition of any permit.

(e) Noise regulations. Noise from air conditioners or other equipment associated with personal wireless service facilities and appurtenant structures shall not exceed 45dBA "EDNA" (WAC 173-60 Maximum Environmental Noise Levels) at the adjacent residential property line, except for emergency situations requiring the use of a backup generator where the noise standards may be exceeded on a temporary basis.

(f) Federal requirements. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the personal wireless services providers governed by this Section shall bring such towers and antennas into compliance within the timelines provided by the revised standards and regulations. The revised standards and regulations are not retroactively applicable to existing providers unless otherwise provided or permitted by Federal law. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the County to remove the provider's facilities at the provider's expense.

(13) Tower Design/Noise Criteria. New personal wireless service facilities shall be designed to accommodate co-location unless the Applicant demonstrates why such design is not feasible for economic, technical or physical reasons. Thus, the Applicant shall address the following design criteria:

(a) View corridors. The Applicant shall provide 3-dimensional, visual simulation of the facilities and other appropriate graphics to demonstrate the visual impact on the view of the County's foothills, mountains and open space areas as viewed from major transportation corridors or public open space. Due consideration shall be given so that placement of personal wireless service facilities does not obstruct or diminish these views.

(b) Setback. A tower's setback shall be measured from the base of the tower to the property line of the parcel on which it is located. In the Rural Village Residential (RVR) zoning district and in land use areas where residential uses are permitted or existing, towers where permitted shall be set back from all property lines a distance equal to 100% of the tower height as measured from ground level. All other towers shall comply with the minimum setback requirements of the zoning district in which they are located.

(c) Lights, signals and signs. No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA.

(d) Height. The Applicant shall demonstrate that the tower is the minimum height required to function satisfactorily. No tower that is taller than this minimum height shall be approved.

(e) Fencing. Security fencing no less than 6 feet in height with access through a locked gate shall be required around each tower and its related equipment and support structures.

(f) Required parking. If the cell site is not fully automated, adequate parking shall be required for maintenance workers. If the site is automated, other arrangements for adequate off-street parking shall be made and documentation thereof provided to the County.

(g) Site location/integrity. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized unless such disturbance would result in less visual impact of the site on the surrounding area.

(h) Structural integrity. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with all applicable Federal standards (i.e., FCC and FAA standards), State and local regulations, and the applicable standards of the Electronic Industries Association (EIA), as amended from time to time.

(i) Cause for removal. If, upon inspection, the County concludes that a tower fails to comply with such standards or constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the County shall notify the owner that a violation has occurred.

(j) Improvements/additions. Towers shall be constructed to the EIA Standards that may be amended from time to time and all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer, which demonstrate compliance with the EIA Standards and all other good industry practices. Said plans shall be submitted and reviewed at the time building permits are requested.

(14) Antenna Siting Criteria. Antenna on or above a structure shall be subject to the following requirements:

(a) Compatibility. The antenna must be architecturally compatible with the building and wall on which it is mounted, and designed and located so as to minimize any adverse aesthetic impact.

(b) Height. The Applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved unless it is co-location approved.

(c) Special use review. If a proposed antenna is to be located on a building or a lot subject to a special use permit review, written County approval is required prior to the issuance of a building permit for the antenna.

(d) Historic landmarks/districts. No antenna shall be permitted on property designated as an historical landmark or as a part of an historic district, unless such antenna has been approved in accordance with this Section and written permission is obtained from the County.

(e) Roof mounting. The antenna may be mounted on the roof of a building if the following additional criteria are satisfied:

(i) The County finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.

(ii) No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein.

(iii) Roof-mounted antennas are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

(f) Interference. No antenna shall cause localized interference with the reception or transmission of any other communications signals including, but not limited to, public safety, television, and radio broadcast signals.

(15) Support Facilities Design. Support facilities should be designed to complement or maintain the integrity of the surrounding landscape and built environment.

(a) Compatibility. Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated through location and design to blend in with the existing characteristics of the site.

(b) Color. Towers and antennas shall have a color generally matching the building, surroundings or background that minimizes their visibility, unless the FCC or FAA requires a different color. Muted colors, earth tones and subdued colors shall be used wherever possible.

(c) Equipment structures. Ground level equipment, related base stations for mounted antennas, buildings and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:

(i) Equipment mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antennas may also be located within the building on which the antennas are mounted, subject to good engineering practices.

(ii) In instances where equipment buildings are located in residential zones, equipment buildings shall comply with setback requirements and shall be designed so as to conform in appearance with nearby residential structures.

(iii) If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color. The structure must be architecturally and visually (color, size and bulk) compatible with surrounding existing buildings, structures, vegetation and uses. Such facilities will be considered architecturally and visually compatible if they are adequately screened to disguise the facilities.

(16) Landscaping and Screening.

(a) Landscaping. The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening. The County may permit any combination of existing vegetation, berming, topography, walls, decorative fences, or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. Landscaping shall be required except that the County may waive the standards pursuant to SCC 14.06 for those sides of the facility that are not in public view:

(i) A row of evergreen trees a minimum of 10 feet tall at planting and a maximum of 6 feet apart shall be planted around the perimeter of the fence, or other approved landscaping or screening plan. The intent is for the immediate screening of towers.

(ii) A continuous hedge at least 36 inches high at planting capable of growing to at least 48 inches in height within 18 months shall be planted in front of the tree line referenced above.

(iii) In the event that landscaping is not maintained at the required level, the County, after giving 30 days' advance written notice, shall maintain or establish the landscaping and bill both the owner and provider for such costs until such costs are paid in full.

(17) Application Process. Developers of towers and antennas are encouraged to consult with the Skagit County Planning and Permit Center staff prior to making application in order to review the siting policies, priority of locations and to discuss the permitting process and application requirements. In reviewing any application to provide personal wireless services or to install personal wireless service facilities, the Planning and Permit Center shall act within a reasonable period of time taking into account the nature and scope of the application. Any decision to deny such an application shall be in writing and supported by substantial evidence contained in a written record. The review and approval process is defined in SCC 14.06 (Permit Procedures).

(18) Application Package Requirements. A complete application form provided by the Planning and Permit Center, with supporting documents as required below, that contains sufficient information to determine compliance with adopted rules and regulations as outlined in SCC 14.16.850 shall be submitted. At the discretion of the Planning and Permit Center, all personal wireless service facilities Applicants shall be required to submit any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information:

(a) Parcel description. Legal description of the parcel, including Assessor account number and property identification number.

(b) Photo simulation. Photo simulations of the existing site and proposed facility from all adjacent properties and public rights-of-way at a radius of 1 mile from the proposed personal wireless service facility, including additional height of 20 feet for possible co-location. Photo simulations shall be made from a range of elevations of surrounding residential areas. The photo simulation shall be coded to a scaled vicinity map.

(c) Site plan. A scaled site plan showing the location, point of reference, type, height and longitude and latitude of the proposed towers and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadway right of ways, parking areas if applicable, proposed means of access, setbacks from property lines and the approximate distance between the proposed tower and the property lines. The method of fencing and, if applicable, the method of camouflage, noise screening, and illumination shall be indicated. The application shall also include elevation drawings of the proposed tower and any other proposed structures. A vicinity map shall be included.

(d) Landscaping plan. A landscaping plan shall be prepared indicating the specific placement of the facility on the site. Trees and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility shall also be indicated.

(e) Service area map. A current map showing the location of the proposed tower, the locations and service areas of other personal wireless service facilities operated by

the Applicant and those proposed by the Applicant that are close enough to impact service within the County.

(f) Co-location statements. A statement by the Applicant as to whether construction of the tower will accommodate co-location of additional antenna(s) for future users. In addition, a signed statement shall be included indicating that: (i) the Applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the Applicant's structure or within the same site location; and (ii) the Applicant and/or landowner agree to remove the facility within 60 days after abandonment.

(g) Environmental documentation. Copies of any environmental documents if required by any Federal or State agency.

(h) Compliance letter. A letter signed by the Applicant stating the tower and antenna will comply with all applicable Federal, State and local laws and regulations, EIA standards and this Section.

(i) Co-location attempt. A narrative of the attempt to co-locate shall be included which lists names and dates of parties contacted for potential co-locations. A statement by the Applicant has made a diligent attempt to mount the facilities on an existing tower or structure that is within a 2,500-foot radius of the chosen site.

(j) Interference certification. Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions of other communications facilities.

(k) Licenses. The personal wireless service provider must demonstrate that the FCC licenses it, if required to be licensed under FCC regulations for the provision of service within the County.

(l) Lease agreements. The Applicant, if not the personal wireless services provider, shall submit proof of lease agreements with an FCC-licensed personal wireless services provider, if such provider is required to be licensed by FCC regulations.

(m) Use of private roads. In cases where personal wireless services facilities are to be accessed by private roads which are also used to access adjoining properties, permittee shall repair and maintain roads back to original (pre-facility) conditions, unless all parties of interest agree to a different standard.

(n) E911 compliance. All providers shall attest to and demonstrate compliance with FCC and Washington State laws relating to Emergency 911 regulations.

(o) Financial security. The application for any tower shall be accompanied by a letter of credit, performance bond, or other security in an amount to be determined by the County, which may be drawn upon by the County as necessary to cover the costs of removal of the facility.

(p) Historic documentation. If applicable, a letter of permission from the designated County Official if the site is on a National Landmark or located in a Historic District.

(q) County recommendation. If the Applicant proposes to use County-owned property, a letter of recommendation from the Director of the Skagit County Parks and Recreation Department, Public Works Department or other applicable official.

(19) Non-Use and Abandonment.

(a) Abandonment. No less than 30 days prior to the date that a personal wireless services provider plans to abandon or discontinue operation of a facility, the provider must notify the County by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. In the event that a provider fails to give notice, the facility shall be considered abandoned upon the County's discovery of discontinuation of operations. Upon such abandonment, the provider shall have 60 days, or an additional period of time determined in the reasonable discretion of the County, within which to:

(i) Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or

(ii) Dismantle and remove the facility. If the tower, antenna, foundation and facility are not removed within the 60-day time period, or an additional period of time allowed by the County, the County may remove such tower, antenna, foundation and related facility at the provider's expense. If there are 2 or more providers co-locating on a facility, then this provision shall not become effective until all providers cease using the facility.

(b) Responsibility. If abandonment of a facility occurs by all of the permittees, licensees or owner of the tower, the owner of the tower shall remain primarily responsible if the tower ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of personal wireless services. The owner of the tower shall maintain the prescribed painting and/or illumination of such tower, if applicable, until it is dismantled. The application for any tower shall be accompanied by a letter of credit, performance bond or other security in an amount to be determined by the County which may be drawn upon by the County, as necessary, to cover the costs of removal of the facility.

(20) Upon approval of a special use permit, the subsequent completed building permit application will require the following items:

(a) Parcel description. Legal description of the parcel, including Assessor account number and property identification number.

(b) Site plan. A scaled site plan showing the location, point of reference, type, height and longitude and latitude of the proposed towers and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadway right-of-ways, parking areas. if applicable, proposed means of access, setbacks from property lines and the approximate distance between the proposed tower and the property lines. The method of fencing and, if applicable, the method of camouflage, noise screening, and illumination shall be indicated. The application shall also include elevation drawings of the proposed tower and any other proposed structures.

(c) Landscaping plan. A landscaping plan shall be prepared indicating the specific placement of the facility on the site. Trees and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility shall also be indicated.

**14.16.730 Home Based Business 1.**

(1) There are 2 types of Home Based Business: Home Based Business 1 and Home Based Business 2. Home Based Business 2 requires a Special Use Permit, and is discussed in SCC 14.16.900.

(2) Home Based Business 1 shall meet the following criteria:

(a) Is carried out exclusively by a member or members of a family residing in the dwelling unit;

(b) Is clearly incidental and secondary to the use of the property for dwelling purposes, with the floor area devoted to the home occupation not exceeding 25% of the living area of the dwelling unit;

(c) Has no outside storage, no outside signs of any size or type, nor other exterior indication of the home occupation or variation from the residential character of the property;

(d) Does not require the installation of heavy equipment, large power tools or power sources not common to a residential dwelling;

(e) Does not create a level of noise, vibration, smoke, dust, odors, heat or glare beyond that which is common to a residential area; and

(f) Does not have clients come to the site.

(3) It should be noted that the intent of this use category is to allow a home based business to operate with the above-noted limitations. When the business grows beyond the criteria established above, the business shall apply for a Home Based Business 2 (if allowed by the applicable zone) or shall relocate to a zoning classification which would permit the activity.

**14.16.800 Parking.**

(1) General Requirements. Off-street parking in conjunction with all land and building uses established after the enactment of this Ordinance shall be provided prior to the issuance of a certificate of occupancy as herein prescribed.

(a) Off-street parking for other than residential use shall be either on the same lot or within 200 feet of the building it is intended to serve, except for those cases where parking plans have been developed for a specific area.

(b) Residential off-street parking space shall consist of a driveway or garage or a combination thereof, and shall be located on the lot they are intended to serve.

(c) In uses not specifically mentioned herein, off-street parking requirements shall be determined by the Planning and Permit Center based on the anticipated parking demand.

(d) An Applicant may request a modification of the minimum required number of parking spaces by demonstrating that parking demand can be met with a reduced parking requirement. In such cases, the Administrative Official may approve a reduction of up to 50% of the minimum required number of spaces as an administrative decision. In areas where few cars are anticipated (such as saltwater islands not served by ferry), the parking requirement may be eliminated.

(e) Any area or number of parking spaces once designated as required off-street parking shall not be reduced to less than the required number of spaces for a similar new building or new use, nor changed to any other use unless and until

equal parking facilities are provided elsewhere which conform to the requirements of this Section.

(f) 2 or more buildings or uses may collectively provide the required off-street parking, in which case, the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. If the uses, structures, or parcels are under separate ownership, a deed, lease, contract or other appropriate written document must evidence the right to joint use of the parking space.

(g) Minimum size for a parking space shall be 8½ feet by 17 feet.

(h) Handicapped parking spaces shall be designated and constructed in accordance with WAC 51.30, §1107 and § 1108.

(2) Number of Spaces Required. The minimum number of off-street parking shall be determined in accordance with the following table:

| USE | MINIMUM NUMBER OF SPACES REQUIRED |
|---|---|
| 1. Single-Family Dwelling Unit Detached/Attached | 2 per Unit |
| 2. Single-Family Dwelling Unit Detached/Attached with Accessory Dwelling Unit | 3 total for combination of main Unit and Accessory Dwelling Unit |
| 3. Bed and Breakfast | 1 per Guest Room + 2 for Residence |
| 4. Hotel/Motel | 1 per Bedroom |
| 5. Family Day Care Provider | 2 per Facility |
| 6. Day Care Center | 2 per Facility + 1 per 20 Children |
| 7. Art Galleries and Studios | 1 per 1,000 square feet |
| 8. Professional Offices/Services | 1 per 300 square feet |
| 9. Marinas | 1 per Moorage Slip |
| 10. Indoor Recreation/Cultural | 1 per 300 square feet |
| 11. Primary/Junior High Schools | 1 per Classroom + 1 per 50 Students |
| 12. High Schools | 1 per Classroom + 1 per 10 Students |
| 13. Retail Stores | 1 per 300 square feet |
| 14. Gasoline Service Stations (without retail stores) | 5 + 1 per Service Bay |
| 15. Restaurants | 1 per 75 square feet in Dining or Lounge Areas |
| 16. Manufacturing Uses | 1 per 1,000 square feet |

**14.16.810 Setback Requirements.**

(1) All structures must meet the minimum horizontal setback requirements of the applicable zone.

(2) Vision Clearance at Road Intersections. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impair vision between height of 2½ feet and 10 feet above the centerline grades of the intersecting streets within a triangle formed by the road right-of-way lines of such corner lots and a line joining points along said road lines 30 feet from the tangent of intersection.

(3) Architectural Features.

(a) Cornices, canopies, eaves, sills, fireplaces, flues, ornamental features and other similar features may extend or project into a required setback a distance of not more than 30% of the required yard, and in no case shall they be closer than 2 feet to any lot line.

(b) Uncovered and unenclosed ground story porches and decks less than 30 inches above grade may project into a required setback up to 1 foot from the property line.

(4) Administrative Reduction of Setbacks: The Administrative Official may reduce the required front, side or rear setbacks where topography or critical areas or the lot's size and configuration impact the reasonable development of the property. To reduce the front or rear setback, the Administrative Official must determine that the public health, safety, and welfare will be maintained. Consultation with the Public Works Department concerning traffic safety may be solicited during this analysis.

(5) Side and Rear Yard Easements. In lieu of normal side or rear yard setback standards required in each zoning district, the provisions of this Subsection shall provide greater flexibility to the property owner for the placement of a residence and/or accessory buildings, agricultural, commercial or industrial structures. Minimum building separation must be maintained, i.e., 16 feet in a residential zoning classification and as otherwise required by the UBC. In order to construct a structure within the normal side or rear yard setback area, an easement document must be obtained from the adjacent property owner. The easement must be recorded with the Skagit County Auditor's Office and filed with the building permit application. The easement document must contain:

(a) The legal description of the grantor's property.

(b) The legal description of the grantee's property.

(c) The legal description of the easement.

(d) What rights are being granted or restricted by the easement. At a minimum the property granting the easement must be restricted from building within twice the normal side yard setback requirements from the property line or the amount of feet necessary to maintain minimum building separation. The owner of the property receiving the easement must be granted the right of access to maintain the structure if needed. Additional rights or restrictions are up to the individual parties.

(e) Identification of all the owners of the properties involved.

(6) Other regulations with setback requirements include:

(a) Shorelines Master Plan (*see* Chapter 14.26);

(b) Critical Areas Ordinance (*see* Chapter 14.24);

(c) Building and Fire Code requirements (*see* Chapter 15.04);

(d) Skagit County On-Site Sewage Code (*see* Chapter 12.05); and

(e) Wellhead Protection Area (*see* Chapter 12.48 and Washington Administrative Code).

(7) Parcels of land outside of and immediately adjacent to Natural Resource Lands (Rural Resource-NRL, Agriculture-NRL, Industrial Forest-NRL, Secondary Forest-NRL, and Mineral Resource Overlay Zones) shall observe a minimum building setback of 200 feet from such Natural Resource Lands. This setback may be waived if the Applicant for the building permit on the adjacent non-resource land acknowledges in writing the possible

occurrence of agricultural, forestry, or mining activity on the adjacent property and waives, in writing, for all current and future owners, any claim for damages that may occur to the building or occupants because of such activities which are conducted in accordance with applicable state regulations. In the case of Industrial Forest-NRL lands, this waiver must also be approved by the owner of the adjacent Industrial Forest-NRL lands. The acknowledgement and waiver discussed herein shall be recorded by the Applicant with the County Auditor. In addition, the Planning and Permit Center may administratively reduce setbacks for lots where the lot's size and configuration would otherwise preclude reasonable development of the property.

(8) The Planning and Permit Center may administratively reduce setbacks within Natural Resource Lands provided that the Administrative Official determines that the public health, safety, and welfare will be maintained. Such Administrative reductions are permitted where one or more of the following situations would otherwise preclude reasonable development of the property:

(a) Existing structures. Existing structures are located within the setback area, and allowing new structures to be located within the setback area close to the existing structures will assist in resource operations.

(b) Road right-of-way as part of building setback calculation. Where a Natural Resource Land abuts a right-of-way, the Administrative Official may reduce the setback by including the right-of-way footage in the setback calculation.

**14.16.820 Signs.**

(1) Purpose. This Section regulates the construction, erection, maintenance, electrification, illumination, type, size, number and locations of signs in order to protect the health, safety, property and welfare of the public as well as to insure that Skagit County retains a neat, orderly and attractive appearance. The intent of these provisions is to preserve and enhance the unique scenic beauty and the business, recreational, educational, and tourism potential of the County.

(2) Definitions. The sign definitions outlined in the 1997 Uniform Sign Code, Ch. 10, § 1002 are hereby adopted by reference.

(3) General Sign Regulations. The following general requirements shall apply to sign regulation in Skagit County.

(a) Conformity to Adopted Building Codes. All signs and other advertising structures shall be constructed and maintained in strict conformity with the Uniform Building Code as adopted and referenced in SCC 15.04.

(b) Highway Advertising Control Act-Scenic Vista Act. The control of signs in areas adjacent to State and Federal highways shall be governed by RCW 47.42.

(c) Building Permits. Building permits shall be required for the erection, alteration, or reconstruction of roof signs, electrified signs and freestanding signs in excess of 32 square feet in sign area, or greater than 6 feet in height.

(d) Application Procedure. Where applicable, an Applicant shall pay a permit fee and file a permit application obtainable from the Skagit County Planning and Permit Center. Each application shall be accompanied by plans showing the location by street address of the proposed sign, area of the sign, size and character, and the method of illumination, if any. In addition, the exact location proposed for such sign and in the case of a projecting sign, the proposed method of fastening said

sign to the building structure, the vertical distance between such sign and the finished grade and the horizontal distance between such sign, and the street right-of-way. For off-premises signs, the Applicant shall attach to his application the written consent of the property owner for the erection of such sign. Each Applicant shall, upon the request of the Building Official, submit any additional information deemed necessary.

(e) Identification of Permitted Signs. The number of the sign permit shall be painted or otherwise affixed on the face of each sign requiring a permit. The permit number shall be in letters of not less than 1/2-half inch or more than 3 inches in height and shall be easily visible to the Building Official.

(f) Non-Conforming Signs. Non-conforming signs shall comply with the provisions of this Chapter within 1 year from the date this Chapter as adopted by the Board of County Commissioners. Upon failure to comply within the specified time period, the Building Official is authorized to cause removal of such signs. Any expenses incurred in such removal shall be paid by the sign owner, agent, lessee of said sign, or shall constitute a lien upon the property.

(g) Removal of Illegally Established Signs. Signs established in violation of this Subsection may be immediately removed by the Building Official.

(h) Removal of Vacated Signs. If a building, structure, or premises is vacated for a 12-month period of time, the owner of said property shall be responsible for removing any commercial sign or signs located thereon with the exception of advertisements dealing with the leasing of that facility.

(i) Sign Maintenance. All signs for which a permit is required, including their supports, braces, guys, and anchors shall be kept in good condition. Illuminated devices shall be maintained in good working order. If the Building Official finds any sign regulated under this Section to be unsafe or unsecured, he or she shall give written notice of such findings to the owner, agent, or lessee thereof. If the owner, agent or lessee fails to remove or alter the sign so as to comply with the standards herein after 30 days' notice, such sign or other advertising structure may be removed or altered to comply by the Building Official at the expense of the owner, agent, or lessee. Such expense shall constitute a lien against the property. The Building Official may cause any sign or other advertising structure that is an immediate peril to persons or property to be removed immediately.

(j) Sight Distance. All signs shall allow an unobstructed sight distance of 300 feet, and shall not be located within a public right-of-way.

(k) Traffic Safety. No sign shall be erected or allowed that obstructs the sight distance along a public right-of-way. No sign shall by its location, color or nature, tend to be confused with or obstruct the view of traffic signals or signs, or to be confused with a flashing light of an emergency vehicle. In addition, no sign shall, by its nature or moving parts, tend to confuse motorists, or create any potential hazard to motorists, or use admonitions such as "stop," "go," "slow," "danger," etc., which might be confused with traffic directional signals.

(l) Illumination. Except for billboards, all sign illumination shall be from the interior or from the floodlight projection shielded to preclude glare visible from the public right-of-way and neighboring properties. No revolving or rotating beacon of light that resembles or simulates any emergency light device shall be permitted as part

of a sign. Flashing devices shall not be permitted; however, illuminated signs are allowed which indicate customary public information.

(m) Measurement of Sign Area. The following shall dictate the measurement of sign area:

(i) The square footage of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself.

(ii) The square footage of a sign composed only of letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols.

(iii) Double or multi faced signs shall be calculated as the maximum area visible from any single direction at any point in time.

(iv) For free standing signs, the height shall be measured from the elevation of the crown of the nearest public street to the highest point of the free standing sign or its supporting structure.

(n) Projecting Sign. Projecting signs may be used in lieu of a freestanding sign, but shall be limited to 1/2 of the area allowed for a freestanding sign on that frontage, and in no case shall exceed 40 square feet.

(4) Exempt Signs. All signs exempt from this Subsection shall be non-illuminated and allow an unobstructed sight distance of 300 feet. The following signs are exempt from the provisions of this Chapter except as specifically noted in this Subsection:

(a) Official Public Signs. Signs that regulate traffic, legal notices and official instruments, signs established by government agencies, signs indicating bus stops and other similar transportation facilities, etc. shall be exempt.

(b) Private Directional Signs. Private directional signs 2 square feet or less in size shall be exempt.

(c) Community Identification Signs. Community identification signs shall be exempt, provided they are 32 square feet or less in size.

(d) Temporary Political Signs. Temporary political signs located on private property shall be exempt provided that such signs shall not exceed 32 square feet in area, shall not exceed 48 inches in vertical dimension, and shall be located no higher than 8 feet above the surrounding ground. These restrictions shall not apply to lawfully established billboards.

(e) Product Signs. Signs incorporated on machinery or equipment at the manufacturers or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks and gasoline pumps.

(f) Attention-Getting Devices. Although the use of pennants, flags, banners, whirlers, streamers, inflatable balloons or similar devices are generally prohibited for commercial or industrial use, they shall be allowed in conjunction with the opening of a new place of business or special events for 14 continuous days every 6 months.

(g) Signs Painted Directly on Buildings. These signs shall not be illuminated.

(h) Temporary Signs Advertising Community Event. Signs that display the date, time, location, and sponsor of special events of community interest. Such signs shall be designed so that they do not hinder the visibility of other signage, are compatible with the surrounding environment and are consistent with community

aesthetic sensibilities. Such signs shall not remain more than 14 days prior to or after the date of the event.

(i) Miscellaneous Temporary Signs. On-premises temporary signs advertising religious, charitable, civic, fraternal, political or similar organizations not to exceed 45 days' use per year.

(j) Searchlights. Searchlights shall be considered temporary signs that shall be displayed no more than 5 consecutive days and in no event shall be used for advertising by 1 entity for more than 30 days in the same calendar year.

(5) On-Premises Signs. On-premises signs display only advertising copy strictly incidental to the lawful use of the premises on which it is located and may contain, unless otherwise prohibited, any or all of the following information:

(a) The name of the owner, occupant, management, or firm occupying the premises;

(b) The address of the use;

(c) The kind or name of the business and /or the brand name of the principal commodities sold or produced on the premises; and

(d) Other information relative to a service or activity involved in the conduct of the business.

(6) On-Premises Sign Requirements.

(a) Signs Associated with Residential Land Use. Residential uses, such as co-housing developments, Home Based Business 2, group homes, or other similar types of uses, shall be allowed to post 1 non-illuminated sign not to exceed 4 square feet.

(b) Tourism Related Signs in the Rural Freeway Services Zone. 1 freeway-oriented advertising sign per business may be permitted in the Rural Freeway Services Zoning District, provided that the business must establish that it is a tourist-oriented business, i.e., that it satisfies a need of the traveling public and that it relies on the traveling consumer for a significant portion of its business. The height of such signs may be up to 60 feet.

(c) Seasonal Roadside Stands. 1 non-illuminated on-premises sign, excluding banners, shall be allowed to advertise a seasonal roadside stand, provided that it shall be no larger than 32 square feet. Regulations regarding off-premises seasonal roadside signs are outlined in 11(b) of this Subsection.

(d) Real Estate Signs Requirements. Real estate signs shall be permitted in all zones, provided that all such signs shall be located on the property to which they apply except as allowed in Subsection (9). Real estate signs shall not exceed 32 square feet and shall be removed upon closing of sale. In addition, real estate signs advertising the sale of lots located within a subdivision shall be permitted, provided that there shall be no more than 1 sign per subdivision entrance, and each sign shall be no greater than 32 square feet in area, no greater than 8 feet in height, and erected no longer than for a period of 1 year. Real estate signs shall be removed upon closing of sale. 1 sign may be also installed off-premises in order to direct visitors to the property. Regulations regarding off-premises real estate signs are outlined in 11(a) of this Subsection.

(e) On-Premises Temporary Portable Signs. A temporary portable sign is a sign whether on its own trailer, wheels, or otherwise was designed and manufactured so that it can be transported from one place to another. Use of 1 temporary

portable on-premises sign shall be allowed, provided that the portable sign shall not exceed 8 square feet in area. In addition, portable signs shall be set back a minimum of 15 feet from a public right-of-way, shall not be allowed in conjunction with any residential use, and shall be allowed only for a maximum of 30 days no more than twice in a calendar year.

(7) Business Signs. Each enterprise, institution or business shall be permitted wall signs, 1 under canopy sign per street frontage and 1 freestanding sign each. Multiple businesses in the same building shall apportion façade length, building, wall and street frontage such that any maximum is not exceeded for a particular property. Business signs are subject to the following minimum size requirements:

(a) Maximum wall sign shall not exceed 2 square feet for each lineal foot of the building wall on which the sign is attached, not to exceed 40 square feet.

(b) Maximum freestanding sign area shall not exceed 1 foot for each 5 lineal feet of street frontage, not to exceed 40 square feet.

(c) Under canopy sign area and dimensions shall be 1 square foot for each lineal foot of the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the wall. Minimum vertical clearance between the lower edge of an under canopy sign and the ground shall be 8 feet.

(8) Signs Advertising Industrial Businesses. The following requirements shall govern signage for industries:

(a) 1 building identification sign for each building shall be permitted provided that no sign shall exceed 25 square feet in area.

(b) Each enterprise, institution or franchise shall be permitted wall signs, 1 under canopy sign per street frontage and 1 freestanding sign each, subject to the following minimum size requirements. (Note: Multiple businesses in the same building shall apportion façade length, building, wall and street frontage such that any maximum is not exceeded for a particular property.)

(c) Maximum size.

(i) Maximum wall sign area shall not exceed 3 square feet for each lineal foot of the building wall on which the sign is attached.

(ii) Maximum projecting sign area shall be 1 square foot for each 2 lineal feet of building wall on which the sign projects, not to exceed 64 square feet. The total area of the projecting sign shall be subtracted from the permitted total of the façade signs.

(iii) Freestanding signs shall have a maximum of 1 square foot for each lineal foot of street frontage, not to exceed 150 square feet.

(iv) For under canopy signs, the maximum sign area shall be 1 square foot for each lineal foot of width of canopy, awning, marquee or similar structure from which the sign is suspended, measured perpendicular to the building wall.

(v) The minimum vertical clearance between the lower edge of an under canopy sign and the ground shall be 8 feet.

(9) Off-Premises Signs. A sign structure or billboard advertising an establishment, merchandise, service, or entertainment which is sold, produced, manufactured, or furnished at a place other than the property of which sign or billboard is located.

(10) General Requirements. Off-premises signs shall conform to the following requirements:
- (a) Off-premises signs shall allow an unobstructed sight distance of 300 feet.
- (b) Lighted signs shall be effectively shielded to prevent light from being directed at any portion of the highway right-of-way, or be of such intensity or brilliance to cause or to otherwise interfere or impair a driver's vision.
- (c) Maximum size of 300 square foot per face.
- (d) Maximum height of 30 feet, except as otherwise permitted.
- (e) 1 off-premises sign shall be permitted per parcel.

(11) Special Off-Premises Sign Requirements.
- (a) Real Estate Signs. Signs advertising the sale of lots located within a subdivision shall be permitted, provided that there shall be no more than 1 sign per subdivision entrance, and each sign shall be no greater than 32 square feet in area, no greater than 8 feet in height and erected no longer than a period of 1 year. 1 sign may be installed off premises in order to direct visitors to the property. Real estate signs shall be removed upon closing of sale.
- (b) Temporary Advertising for Seasonal Roadside Stand. 2 temporary off-site signs may be used to advertise seasonal roadside stands so long as the sign is removed after the growing season and is no larger than 16 square feet.
- (c) Billboard Sign Requirements. Billboards are outdoor advertising structures advertising an establishment, merchandise, service, or entertainment which is sold, produced or manufactured and/or furnished at a place other than on the property of which billboard is located. Billboards are prohibited except within the RFS, NRI, AVR, BR-I, BR-HI, and IF zones. Billboards shall meet the following requirements:
  - (i) Sign surface area: Maximum 300 square feet per face.
  - (ii) Maximum number of signs: one sign per structure, which may be single or double-faced.
  - (iii) Maximum Height: 40 feet.
  - (iv) Minimum Setback: 45 feet from the nearest right-of-way line; and 100 feet from the right-of-way line intersection point measured at any angle.
  - (v) Minimum Spacing: 500 feet on the same side of the road from another billboard.
  - (vi) Only 1 sign shall be allowed to face the same direction per location. This allows back-to-back or "V" formation, but prohibits 2 signs (side-by-side) facing the same location.

**14.16.830 Landscaping Requirements.**

(1) Purpose and Intent. Landscaping is essential to provide an aesthetically pleasing balance between the built and natural environment for the residents of Skagit County. Landscaping should be used to help:
- (a) Soften and enhance the appearance of the built environment and retain the rural character.
- (b) Buffer conflicting land uses.
- (c) Maintain property values.
- (d) Provide shade and visual relief to parking areas and streets.

(e) Reduce storm water runoff and erosion by providing areas for water retention and biofiltration where deemed necessary.

(f) Aid in protecting the rural character of Skagit County by helping to maintain and enhance the rural visual quality through the use of native plant materials.

(2) Applicability. An approved landscape plan is required for any new commercial or industrial building or use application. There are different requirements depending on the commercial/industrial zoning district.

(3) Application Procedures.

(a) Submittal. Landscape plans shall be submitted to the Planning and Permit Center. An approved plan is required prior to the issuance of a building permit. Plans shall be drawn to scale showing the location of buildings, above and below ground utilities, and the location, quantities and sizes of proposed plants and other proposed materials in the landscape area.

(b) Appeal. Any Applicant may appeal the decision of the reviewer pursuant to a Level I process in SCC 14.06 (Permit Procedures).

(4) Types, amounts, and locations of landscaping required.

(a) Type I.

(i) Description. Type I landscaping is intended to provide screening of areas to reduce the visual impact of incompatible or less desirable characteristics. It is intended to be a very dense sight barrier. The planting strip shall be a minimum of 20 feet wide.

(ii) Applicability.

a) A 20-foot-wide Type I buffer is required on all development within SRT, BR-I, BR-HI, NRI, and RMI zones where it abuts RI, RRv, RVR and R zoned land. Entire property lines need not be landscaped if Applicant can demonstrate the activity (building or use) is adequately screened and agrees to additional Type I landscaping with future applications. A request for a reduction shall be by Administrative Decision pursuant to SCC 14.06. Requirements for the NRI zone are found within that zone.

b) Type I landscapes may be applied as conditions to discretionary land use applications.

(iii) Amount of plantings within the planting strip.

a) Trees. 2 alternating rows of evergreen trees, with a minimum of 2.5-inch caliper and planted at intervals of no greater than 20 feet on center. The trees must be backed by a sight-obscuring fence, a minimum of 5 feet high that may be removed when the trees reach 10 feet high. Applicant may eliminate the fence by increasing the required width of the planting area by 10 feet.

b) Shrubs. Shrubs shall be planted a minimum of 5 feet wide using plants that are 3½ feet in height at the time of planting. A combination of plant materials and landscape materials shall be planted so that the ground surrounding the shrubs will be covered within 3 years.

c) Alternatively, a wall of at least 6 feet high may be used for screening to reduce the planting width 5 feet and shall be constructed of masonry, block, or textured concrete.

(b) Type II.

(i) Description. Type II landscaping is intended to provide a visual separation between uses and land use districts.

(ii) Applicability.

a) A 10-foot-wide Type II buffer is required on all development within AVR, AEO, RFS, RVC, RC, CSB, and RB, zones where it abuts RI, RRv, RVR, and R zoned land. Entire property lines need not be landscaped if Applicant can demonstrate the activity (building or use) is adequately screened and agrees to additional Type II landscaping with future applications. A request for a reduction shall be by Administrative Decision pursuant to SCC 14.06.

b) Type II landscapes may be applied as conditions to discretionary land use applications.

(iii) Amount of plantings.

a) Trees. Evergreen and deciduous trees, with no more than 50% being deciduous, a minimum of 2.5-inch caliper and planted at intervals of no greater than 20 feet on center.

b) Shrubs. A minimum of 3½ feet in height and other plant materials planted so that the ground will be covered within 3 years.

(c) Type III.

(i) Description. Type III landscaping is intended to provide aesthetic enhancement, retain the rural character and soften the appearance of streets, parking areas and building elevations of applications subject to this Section. This is the typical landscape requirement that every commercial/industrial application shall meet.

(ii) Applicability.

a) An 8-foot-wide Type III buffer is required on the street frontage of all development within all commercial/industrial zones. Entire property lines need not be landscaped if the Applicant can demonstrate the activity (building or use) is adequately screened and agrees to additional Type II landscaping with future applications. A request for a reduction shall be by Administrative Decision pursuant to SCC 14.06.

b) Type III landscapes may be applied as conditions to discretionary land use applications.

(iii) Amount of plantings.

a) Standards for AVR, AEO, NRI, BR-I, BR-HI, RFS, SRT, and RMI zones:

1) Trees. Evergreen and deciduous trees, with no more than 50% being deciduous, a minimum of 6 feet in height, and planted at intervals no greater than 30 feet on center, or maximum spacing of 1 tree for every 30 feet of road

frontage may be planted in groupings so as not to visually block a business entrance.

2) Shrubs and berms. Minimum of 3½ feet in height, and lawn or ground cover planted so that the ground will be covered within 3 years or earth mounding (berms) an average of 3½ feet in height planted with shrubs, or ground cover so that the ground will be covered within 3 years and produce a landscape at least 3½ feet in height.

b) Standards for RVC, RC, CSB, and R zones:

1) A minimum of 2 groupings 50 square feet each shall be provided.

2) A minimum of 1 tree in one group and 2 trees in the second group.

3) Shrubs shall be adequate to cover the minimum square footage requirement.

(d) Type IV.

(i) Description. Type IV landscaping is intended to provide relief and shade in parking areas.

(ii) Amount of plantings. Applications within: RFS, RMI, AVR, AEO, NRI, BR-I, BR-HI and SRT zoning designations shall have a minimum of 16 square feet of landscaping for every parking stall.

(iii) Design.

a) Each area of landscaping must contain at least 100 square feet of area and must be at least 4 feet in any direction. The area must contain at least 1 tree at least 6 feet in height and with minimum size of 1½ inches in caliper measured 6 inches above existing grade if deciduous. Deciduous trees shall have a clear trunk at least 5 feet above the ground. The remaining ground area must be landscaped with a variety of plant materials to include low shrubs, 2 feet at maturity, perennials, annuals and ground cover.

b) A landscaped area must be placed at the end of each parking row in a multiple lane parking area. This area must be at least 4 feet wide and must extend the length of the adjacent parking stall.

c) If less than 6 stalls are required, a minimum of 100 square feet shall be landscaped. The area does not need to meet the dimensional standards of Subsection (iii)(a), above.

d) Up to 100% of the trees proposed for the parking area may be deciduous.

e) The trees shall be protected from the public, either pedestrian or motor vehicles, by appropriate curbs, tree guards or other protective devices.

f) Applications within all other commercial/industrial zoning designations. For every 10 required stalls, a minimum of 200 square feet of landscaping shall be provided including at least 3 trees and a mix of shrubs and groundcovers.

(5) General Standards. The following general standards will be required in all districts where landscaping is required:

(a) Existing Vegetation. Preference is to retain as much of the existing mature vegetation (not including invasive non-native species) as possible within planting areas. Existing mature vegetation may be included in the required amount.

(b) Trees shall be varieties that will not conflict with underground or overhead utilities.

(c) No artificial lawn or shrubbery will be permitted in landscaped areas.

(d) Required landscaping or other vegetation within 30 feet of a driveway or street intersection shall not impair the sight vision between 30 inches and 8 feet from the ground. All trees shall have no branches or foliage below 8 feet above the street level.

(e) Erosion control measures and temporary run-off control may become part of a landscape plan.

(f) Maintenance for all landscaping and screening areas shall be provided by the owner of the landscaped property. Broken or dead trees or shrubs shall be replaced. All screening and landscaping areas shall be kept free of weeds and trash. Any property owner who fails to maintain landscaping areas will be considered to have committed an offense to this Code pursuant to SCC 14.44 (Enforcement and Penalties).

(g) Performance assurance bonding shall be in a cash deposit or other assurance acceptable to the County equal to 125% of the estimated installation costs if landscaping improvements have not been completed prior to application for occupancy. Such deposit shall be accompanied by a letter that shall stipulate the completion of the landscaping no later than 9 months from date of occupancy. If the conditions are not met, the County may use the deposit to perform the landscaping.

(h) Phased projects shall submit a landscape plan for the site as a whole before any issuance of a building permit is granted.

(i) Alternative landscape plans may be submitted which differ from the requirements contained in this Section. The Administrative Official shall make an administrative decision to approve or deny the landscape plan pursuant to a Level I process. All plans shall demonstrate how they meet the intent as outlined in this Section or that a hardship exists because of lot topography, size, or location.

(j) Landscape materials shall be provided consistent with the County's list of acceptable landscape materials.

**14.16.840 Performance Standards.**

(1) Purpose. It is intended that all activities and land uses within Skagit County adhere to a common standard of environmental performance criteria.

(2) Vibration. Every use shall be so operated that the ground vibration inherently and/or recurrently generated from use and/or equipment other than vehicles is not perceptible without instruments at any point on or beyond any zone district boundary in which the use is located.

(3) Heat, Glare and Steam. Any activity producing steam, heat or glare shall be carried on in such a manner that the steam, heat or glare shall not create a nuisance beyond the

boundary lines of the property within which the use is located. Building materials with high light reflective qualities shall not be used in construction of buildings where reflected sunlight would throw intense glare on adjacent areas. Artificial lighting shall use full cut-off fixtures so that direct light from high intensity lamps will not result in glare. Lighting shall be directed away from adjoining properties so that not more than 1-foot candles of illumination leaves the property boundaries.

(4) Electrical Disturbance. No activity shall emit electrical disturbance adversely affecting the operation of equipment or appliances at any point beyond the boundaries of the location site of the use creating such disturbance.

(5) Noise. On-site sound levels are not to exceed levels established by noise control regulations of the Department of Labor and Industries. Maximum permissible environmental noise levels to be emitted to adjacent properties are not to exceed levels of the environmental designations for noise abatement (EDNA) as established by the State of Washington, Department of Ecology as now exist, or as hereafter amended, provided that EDNA classifications will conform to certain zone designations established under this Ordinance as follows:

(a) Class A EDNA: Residential Use Zones (RI, RVR, RRv, R);

(b) Class B EDNA: Commercial Zones (RVC, RC, RFS, SRT, CSB, RB, BR-I, BR-HI, AVR), Public Use Zone OSRSI; and

(c) Class C EDNA: Industrial Zones (NRI, RMI), Forestry Zones (IF-NRL, SF-NRL, RRc-NRL), Agricultural Zone (Ag-NRL).

**14.16.850 General Provisions.**

(1) Any provision of this Ordinance may be suspended in an emergency situation by the Administrative Official, subject to approval by the Board of County Commissioners.

(2) There shall be no more than 1 primary dwelling unit per lot of record.

(3) Prohibition on extension of sewer service into rural and resource areas. Extension of sewer service is prohibited into rural and resource designated areas, except in these limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban densities.

(4) Development of lots of record. Notwithstanding other restrictions of Skagit County Code, except as set forth below, only lots of record meeting the minimum dimensional standards of the Zoning District in which they are located will be approved for development permits. An owner of contiguous lots may choose to aggregate (combine) them in order to meet this requirement. Aggregation of lots shall be recorded as a boundary line adjustment. Except for substandard lots created through testamentary provisions, developments may occur on lots of record that do not meet the minimum dimensional requirements of the Zoning District if one of the following exemptions apply:

(a) A lot that has been previously certified as a legal lot of record; or

(b) A lot upon which there is, or was, a legally placed residence; or

(c) A lot of record upon which a previous development permit has been issued pursuant to Skagit County Code.

(d) A lot of record that meets the following requirements:

(i) Compliance with all other requirements for a development permit pursuant to any provision of the Skagit County Code including the requirements of SCC 12.05 (On-site Sewage), except for SCC 12.05.210(4)(e); and

(ii) Compliance with SCC 14.28 (Concurrency) even if otherwise exempt; or

(iii) A development permit is required as part of a compliance order to protect the public's health, life, safety, and the environment.

(5) Storage of articles or vehicles in yards and rights-of-way.

(a) In no zoning district shall any portion of articles or vehicles be permitted to be stored in public rights-of-ways.

(b) All vehicles placed in required yards shall be currently licensed and registered.

(6) Non-issuance of building permits outside of a fire district.

(a) Within any zoning district, building permits shall not be issued for residential and/or commercial structures that are not determined to be within an official designated boundary of a Skagit County Fire District.

(b) Exceptions:

(i) A building permit may be approved if the Administrative Official determines that the building is a necessary component of the resource base of the zone.

(ii) A non-residential, non-commercial building may be approved if for miscellaneous structures necessary to convey utilities, radio transmission, etc. (i.e., radio towers or transmission or water lines).

(iii) Outside of a fire district, a single-family dwelling or accessory building permit may be applied for if it meets all of the following or comparable alternative fire protection requirements as determined by the Fire Marshal:

a) The lot was a legal lot of record prior to the adoption of interim controls on June 11, 1990.

b) Approved non-combustible roofing materials must be used.

c) Slash abatement within 200 feet of any portion of the exterior of the structure.

d) A safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of the structure on level ground and 100 feet downhill on sloped ground.

e) Building sprinklers installed per National Fire Protection Association 13D (NFPA 13D).

f) Exception: Buildings of 800 square feet or less, which are:

1) Unheated separate accessory structures to a full-time dwelling unit 20 feet from all other buildings; or

2) A building used as a vacation cabin and not as a full-time residence.

g) There is availability of 300 gallons of water on-site, 400 feet of 1-inch fire hose with foam applicator, and an internal combustion engine powered pump.

(7) When a lot has multiple zoning designations, then each zoned portion of the lot may be developed, subdivided, or used consistent with the applicable zoning district's use regulations. In cases where a zoned portion of a lot is smaller than the minimum lot size

of the applicable zone, that portion of the lot may still be segregated, as long as the requirements of SCC 12.48 and SCC 12.05 (except Section 12.05.210(4)(e)) are met.

**14.16.860 Agricultural Land Preservation**

(1) Purpose. The following zoning provision is intended to encourage long-term agricultural land protection. Owners of an existing house in the Agricultural Natural Resource or Rural Resource zone are hereby provided a mechanism to create a substandard lot in consideration for placing a permanent restriction on the balance of the property in the form of an Agricultural Preservation Agreement.

(2) Exceptions. Exceptions from the dimensional requirements of the SCC may be granted by the Administrative Official through the use of a County-adopted Agricultural Preservation Agreement and Agricultural Use Covenant and Agreement Relating to Development Rights, if they:

(a) Are not contrary to the public interest;

(b) Are not contrary to the Skagit County Comprehensive Plan;

(c) Do not increase the allowable density as prescribed by the Comprehensive Plan, and satisfy the criteria listed below:

(i) Parcel consists of predominantly Lowland Prime Soils (as defined by Skagit County's Planning and Permit Center's:"Farmland Soils Map").

(ii) Parcel is zoned Agriculture-NRL or Rural Resource-NRL.

(iii) Residential lots may not exceed 1 acre in size unless site constraints preclude placement of a well or septic system.

(d) An Agricultural Use Covenant is placed on the remainder of the property and granted to Skagit County. The covenant is an interest in real property under the provisions of RCW 64.04.130 and will be held in trust by Skagit County. The covenant will remain in effect until a court of competent jurisdiction finds that it is no longer possible to commercially use the property for the production of food or agricultural products. In lieu of granting an Agricultural Use Covenant to Skagit County, the property owner may convey a substantially similar conservation easement to a non-profit Skagit County-based land trust or other qualified conservation organization as defined in RCW 84.34.250.

(e) If these criteria are met, and a parcel has more than 1 residential structure existing as of September 11, 1996, then separate lots may be created for each such primary residence, provided that the requirements stated above are met for each lot.

**14.16.870 Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.**

(1) Title Notification. The owner of any site in or within 500 feet of Natural Resources Lands, for which an application for a development permit is submitted as defined in SCC 14.04, shall record a title notification with the Skagit County Auditor. The content and form must be approved by the Administrative Official and the Prosecuting Attorney. The notice shall be notarized and shall be recorded prior to approval of any development proposal for the site, and include the following language:

*This parcel lies within an area or within 500 feet of an area designated as a natural resource land (agricultural, forest and*

*mineral resource lands of long-term commercial significance) in Skagit County. A variety of natural resource land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated natural resource lands, and area residents should be prepared to accept such incompatibilities, inconveniences, or discomfort from normal, necessary natural resource land operations when performed in compliance with best management practices and local, State, and Federal law. In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. In addition, greater setbacks than typical may be required from the resource area, consistent with SCC 14.16.810. Contact the Skagit County Planning and Permit Center for details.*

**14.16.880 Nonconforming Uses and Structures.**

(1) Intent. Any lot, building, structure, or use of land, legally permitted or established at the time of the adoption of this Ordinance, shall be permitted to continue. A change in occupancy or ownership shall not affect such right to continue such use, building, or structure. It is the intent of this Ordinance:

(a) To permit these nonconformities to continue until they are removed, but not to encourage their survival, except as expressly provided in this Section; and

(b) That nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district; and

(c) That nonconforming uses or structures not be allowed to expand, be altered or reconstructed except as otherwise outlined in this Section.

(2) Enlargement, Alteration, Expansion or Change of Nonconforming Uses.

(a) Nonconforming uses. No nonconforming use shall be permitted to be enlarged, altered, or expanded, except that a nonconforming use may be extended throughout any part of the building which was designed for its use prior to the time of the adoption of this Chapter. This extension is allowed provided that no structural alterations, except those required by law are made therein, and that no expansion of the structure or parking requirements occurs.

(b) No nonconforming use shall be allowed to be re-established after abandonment. Thereafter, the use of the building, structure or site shall be in conformity with the regulations for the district in which it is located.

(c) A nonconforming use shall not hereafter be changed to any other nonconforming use, regardless of the conforming or nonconforming status of the building in which it is housed.

(3) Enlargement, Alteration, Reconstruction of Nonconforming Buildings and Structures. The following items (3(a) and (b)) outline requirements for routine maintenance, reconstruction/replacement after damage by fire, natural disaster, or other calamity, and structural repairs needed to maintain a building or structure in a safe structural condition:

(a) Routine maintenance and repairs may be performed on a nonconforming structure or building.

(b) When a nonconforming building or structure is damaged, said building or structure may be restored or replaced provided:

(i) A complete application for reconstruction or replacement is submitted within 1 year of the damage, and

(ii) That the restoration or replacement shall be made to conform to the regulations of the zoning district in which the building or structure is located, or if such regulations cannot physically be met without reducing the size of the building, the restoration shall not extend any nonconformity that existed prior to the damage.

(4) Abandonment. For the purposes of this Subsection, abandonment shall mean:

(a) An intention to abandon; and

(b) An overt act, which carries the implication that the owner does not claim or retain any interest in the right to the nonconforming use.

(5) Conformance after Abandonment. If any nonconforming use of land and/or building or structure ceases for any reason whatsoever for a period of 1 year or more, any future use of such land, building or structure shall thereafter be in conformity in the zoning district in which it is located. The mere presence of a structure, equipment or material shall not be deemed to constitute a continuance of a nonconforming use unless the structure, equipment, or material are actually being occupied or employed in maintaining such use.

(6) Procedure for Verifying Abandonment. When the Department obtains information indicating that a nonconforming use, building or structure has or may have been abandoned, the Department shall send a letter by certified mail return receipt requested to the property owner requesting confirmation of either abandonment or non-abandonment. Documentation that the nonconforming use, structure, or building has been occupied, used, or maintained within the last year shall be required. After proper notification, if the owner fails to respond to the request within 60 days, the building, structure, or use shall be deemed abandoned. If the owner replies that the building, structure, or use is not abandoned, the Department may treat this as a Level II permit application, in which case the Hearing Examiner will make a determination regarding the abandonment status, or the Department may determine that abandonment has not occurred.

**14.16.900 Rezone and Special Use Permit Requirements.**

(1) Rezones.

(a) All rezones shall be processed in conjunction with Comprehensive Plan amendments. The procedures for application, notice, etc., shall follow those for the Comprehensive Plan, which are found in SCC 14.08.020.

(b) Additional submittal requirements for rezones.

(i) A detailed statement of how the proposal meets the applicable approval criteria; and

(ii) A 1-inch equals 100 feet map showing the subject property and property lines and land use designations for all properties within 500 feet of the site.

(c) Additional approval criteria for rezones.

(i) The property can meet the detailed standards in SCC 14.16 applicable to the proposed zone.

(ii) For rezones from a commercial zone to RI, RVR, and RRv, all vacant lots within the proposed rezones shall be consolidated.

(iii) All Comprehensive Plan amendments/rezones to a commercial or industrial zone shall require a development project be commenced for the entire redesignated/rezoned area within 2 years of the redesignation/rezone, unless development is phased. For the purposes of this Section, "commenced" shall mean either 1) a commercial or industrial operation permitted by the redesignation/rezone has been established or 2) a complete building permit has been filed with the Planning and Permit Center for the principal building which will allow the commercial or industrial operation. Upon building permit approval, the principal building shall be completed (i.e., final inspections completed) within 3 years. Those portions of the redesignated/rezoned property which are not included within the development area and where the above timeframes are not met shall automatically revert to the original designation and zoning, unless a phasing plan is approved pursuant to Subsections a) and b), below. For purposes of this Subsection, "development area" shall mean all portions of the site needed to meet UDC requirements, such as lot coverage and setbacks.

a) If an Applicant desires to phase development of a commercial or industrial rezoned property, a phasing plan shall be submitted and reviewed as part of the Comprehensive Plan amendment/rezone application. When an amendment/rezone includes a phasing plan, the initial phase shall be commenced and completed within the timeframes articulated above. Subsequent phases shall be commenced and/or constructed within the timeframes established in the phasing plan, or within a 6-year period. Otherwise, the commercial designation/zoning shall expire and the redesignation/rezoning shall revert to its previous designation for those portions of the property where these requirements are not met.

b) Where a redesignation/rezone did not initially include a phasing plan, but prior to the automatic designation/zone reversion an Applicant desires the phasing of the operation, a phasing plan may be submitted to the County for consideration. This plan shall be reviewed through a Level II review process and be reviewed for compliance with the rezone criteria.

c) The time limits established above shall be tolled pending resolution of any appeals, and may be extended by the Board of County Commissioners upon a showing that the Applicant is

diligently taking actions to obtain necessary permits and approvals to establish the use.

(d) Approved rezones shall be shown on the official zoning map.

(2) Special Uses.

(a) Purpose. To provide a means to recognize and approve land uses not specifically identified as allowed uses. A special use permit must demonstrate that the proposed activity will not adversely affect or prevent those uses normally allowed within the respective district.

(b) Process/authority for Special Use permit.

(i) Administrative Special Uses shall be reviewed as a Level I permit, pursuant to SCC 14.06.

(ii) Hearing Examiner Special Uses shall be reviewed as a Level II permit, pursuant to SCC 14.06.

(iii) The Hearing Examiner shall have authority to order that a Special Use Permit be revoked, suspended, or modified based on a finding that the conditions have not been satisfied by the Applicant. The Administrative Official or party of record may request a review by the Hearing Examiner on a Special Use Permit pursuant to a Level II action, pursuant to SCC 14.06.

(iv) The Approving Authority's decision may be to grant or to deny an application.

(v) The burden of proof shall be on the Applicant to provide evidence in support of the application. The criteria for approval or denial shall include the following elements:

a) The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.

b) The proposed use complies with the Skagit County Code.

c) The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.

d) The proposed use will not generate intrusions on privacy of surrounding uses.

e) Potential effects regarding the general public health, safety, and general welfare.

f) For special uses in Industrial Forest - Natural Resource Lands, Secondary Forest - Natural Resource Lands, Agricultural - Natural Resource Lands, and Rural Resource - Natural Resource Lands, the impacts on long-term natural resource management and production will be minimized.

g) The proposed use is not in conflict with the health and safety of the community.

h) The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

(c) Approved special uses shall be shown on the official zoning map.

(d) All special uses shall require a development project be commenced for the entire parcel within 2 years of the permit approval, unless development is phased. For the purposes of this Section, "commenced" shall mean either 1) the use permitted by the permit has been established or 2) a complete building permit has been filed with the Planning and Permit Center for the principal building which will allow the use. Upon building permit approval, the principal building shall be completed (i.e., final inspections completed) within 3 years. Those portions of the property, which are not included within the development area and where the above timeframes are not met, shall automatically be removed from the special use approval, unless a phasing plan is approved pursuant to Subsections a) and b), below. For purposes of this Subsection, "development area" shall mean all portions of the site needed to meet UDC requirements, such as lot coverage and setbacks.

(i) If an Applicant desires to phase development of a special use, a phasing plan shall be submitted and reviewed as part of the special use permit application. When a special use includes a phasing plan, the initial phase shall be commenced and completed within the timeframes articulated above. Subsequent phases shall be commenced and/or constructed within the timeframes established in the phasing plan, or within a 6-year period. Otherwise, the special use shall expire for those portions of the property where these requirements are not met.

(ii) Where a special use did not initially include a phasing plan, but prior to the automatic permit reversion an Applicant desires the phasing of the operation, a phasing plan may be submitted to the County for consideration. This plan shall be reviewed through a Level II review process and be reviewed for compliance with the special use criteria.

(iii) The time limits established above shall be tolled pending resolution of any appeals, and may be extended by the Board of County Commissioners upon a showing that the Applicant is diligently taking actions to obtain necessary permits and approvals to establish the use.

(3) Special Uses with Specific Criteria.

(a) Agricultural processing facilities. The proposal must demonstrate to the Hearing Examiner's satisfaction that the following criteria can be met:

(i) The use does not substantially detract from natural resource production on-site or in the area.

(ii) The use is directly related to natural resource enhancement or production.

(b) Temporary manufactured home. A temporary manufactured home accessory to a farm dwelling unit on property meeting the definition of a farm in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises, as provided:

(i) The property must meet the definition of a farm in RCW 84.34.020 (Open Space Taxation).

(ii) Demonstrate compliance with the temporary worker standards in Washington State Law including RCW 19.27, RCW 70.114a, RCW 49.17, RCW 43.22, and RCW 43.70.

(c) Bed and breakfast. Bed and breakfast special use permits are subject to the following requirements:

(i) They are owner occupied and managed.

(ii) Parking is on-site and a minimum of 10 feet away from neighboring residences.

(iii) All lighting is directed away from neighboring residences.

(iv) It is demonstrated that the impacts will be no more obtrusive than a residence.

(v) 5 bedrooms or less are available for guest use.

(d) Outdoor Outfitters Enterprises. Special use permits for outdoor outfitters enterprises shall be subject to the following requirements:

(i) Temporary lodging may be allowed at temporary primitive campgrounds as regulated in each district, existing lodges/cabins, or approved bed and breakfasts.

(ii) No more than 5 self-contained RV's shall be allowed with such enterprises at any one time.

(iii) Temporary lodging in a single location shall not exceed 14 days for any 1 individual, group or party.

(iv) At least 7 days must pass before registered guests may return for lodging.

(v) A site plan showing the location, size, access of proposed primitive campsites, existing lodges/cabins, and RV sites is required to be submitted with the Special Use application.

(e) Home Based Business 2. Special Use permits are subject to the following criteria:

(i) Is carried out by a member or members of a family residing in the dwelling and may include up to 3 additional employees;

(ii) Is clearly incidental and secondary to the use of the property for dwelling purposes;

(iii) The business activity may be conducted in other than the dwelling;

(iv) Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property with the exception of 1sign not to exceed 4 square feet, provided such sign shall not be illuminated;

(v) Does not create a level of electrical interference, line voltage fluctuation, noise vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to a residential area;

(vi) Does not create a level of parking demand beyond that which is normal to a residential area; and

(vii) May have clients come to the site.

It should be noted that the intent of this category of Special Uses is to allow home based businesses to operate with the above-noted limitations. When the business grows beyond the criteria established above and the conditions included in any approval, the business shall relocate to a zoning classification which would permit the activity.

14.18

# TITLE 14
# SKAGIT COUNTY CODE

17938

## CHAPTER 14.18

## LAND DIVISIONS

**Sections**:


| | |
|---|---|
| 14.18.000 | General. |
| 14.18.100 | Preliminary Subdivisions. |
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| 14.18.300 | Conservation and Reserve Development (CaRDs) - An Alternative Division of Land |
| 14.18.310 | General Approval Provisions - CaRD. |
| 14.18.320 | Approval Provisions - CaRDs with 4 or fewer lots (Short CaRDs). |
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| 14.18.700 | Boundary Line Adjustments. |

**14.18.000 General.**

(1) Purpose. This Chapter governs the division and re-division of land into lots for the purpose of sale, lease or other transfer by utilizing one of the following processes: Long Subdivision, Short Subdivision, Planned Unit Development (Reserved), and Binding Site Plan. The term "lot" includes tracts, parcels, sites or other divisions. The Conservation and Reserve Development process is included as an overlay process to allow alternate residential development designs in rural and resource areas and to help achieve larger open space areas in accordance with the Comprehensive Plan. This Chapter also governs the minor adjustment of boundary lines through the Boundary Line Adjustment process. The intent of this Chapter is to carry out the policies of the Comprehensive Plan, the County-wide Planning Policies and the laws of the State of Washington relating to land division.

(2) Applicability/Exemptions. This Chapter shall apply to all divisions and re-divisions of land for the purposes of sale, lease or other transfer except:

(a) Cemeteries and other burial plots while used for that purpose;

(b) Divisions of land into lots 80 acres and greater. For purposes of computing the size under this Subsection exemption of any lot that borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such center line.

(c) Divisions made by testamentary provisions, or the laws of descent; provided, that newly created parcels are subject to all zoning and building code regulations in effect at the time of the filing of a complete development permit application for such parcel.

(3) General Provisions.

(a) Only a legal lot, as defined in SCC 14.04, may be divided.

(b) For the purpose of determining the gross acreage of a proposed land division, the acreage shall include that area which would be bounded by the centerline of any existing public road or street, which is adjacent to the land division, and the side lot lines of the lot running perpendicular to such centerline.

(c) For the purposes of determining whether proposed lots within a proposed land division meet the minimum lot size of the zone, the proposed lot acreage shall include:

(i) that area which would be bounded by the center line of any existing public road or street which is adjacent to the lot and the side lot lines of the lot running perpendicular to such center line; and

(ii) that area which would be bounded by the centerline of any proposed public or private road or street, which is adjacent to the lot and internal to the land division, and the side lot lines of the lot running perpendicular to such center line.

(4) Review for Conformity with Other Codes. The Approving Authority's decision may be to grant or deny any application or to require of the Applicant such conditions, modifications, and restrictions as are found necessary to make the application compatible with its environment and carry out the objectives and goals of this Chapter, RCW

58.17.110, the Comprehensive Plan, and other codes and ordinances of Skagit County, including, but not limited to, SCC Titles 14 and 15.

(5) General Requirements. The following requirements shall be met for any land division under this Chapter to be approved. In addition to these general requirements, any specific requirements relevant to each individual type of land division are found in their respective sections of this Chapter.

(a) The proposed land division shall comply with the applicable provisions of the Skagit County Comprehensive Plan and Skagit County Code.

(b) Adequacy of access. Each lot within a land division shall have approved access to a street conforming to County Road Standards, unless an alternative standard has been approved by the County Engineer in a pre-application meeting and documentation of such approval is submitted with the development application. To assure safe and adequate access, the County Engineer:

(i) May approve private streets, provided the private street requirements contained in the County Road Standards as adopted in SCC 14.36 are met, and provided adequate provision should be made for access to the private street by future land divisions;

(ii) May limit direct access to certain streets and require on-site public or private streets in lieu of individual driveways, in accordance with the County Road Standards;

(iii) Shall be satisfied that the Applicant has demonstrated sufficient access right, and appropriate pro-rata contributions for the entire access route, where access to the land division is gained via a private road;

(iv) Shall require off-site improvements to public or private streets needed to provide access from the subdivision to a road acceptable to the County Engineer; and

(v) May assure that the number of lots to be served by the road system complies with the Road Standards.

(c) Safe walking conditions for school children. In cases where a school is located within a 1/4 mile of a long subdivision, where it is likely the children will walk to school, information regarding pedestrian needs generated by the project will be required and reviewed. Where deemed necessary, safe walkways between the land division and the school may be required.

(d) Public Street Rights-of-Way. Dedication or deeding to the County of right-of-way or a portion thereof for public streets shall be required within or along the boundaries of all land divisions or of any lot(s) within them where facts support that such dedication is reasonably necessary as a result of the impact created by the proposed development and where one or more of the following circumstances are met:

(i) the County's Transportation Plan indicates the necessity of a new or additional right-of-way or portion thereof for street purposes;

(ii) the dedication is necessary to extend or to complete the existing or future neighborhood street pattern to provide a public transportation system that supports future development of abutting property consistent with the Skagit County Comprehensive Plan or Skagit County Zoning Code;



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(iii) where necessary to provide additions of right-of-way to existing County right-of-way to meet County Road Standards.

(e) Minimum road frontage of each lot shall be 70 feet except when located on a cul-de-sac, then 40 feet. Individual lots may be accessed by a 20-foot right-of-way. Panhandled lots will only be allowed if there is no other feasible access, as determined by the Administrative Official in a pre-application meeting and documentation is submitted with the development application. Newly constructed contiguous or adjoining easements for access purposes are not permitted.

(f) Parkland and facilities. The developer shall either provide parkland and facilities within the land division in accordance with the standards in the Skagit County Comprehensive Park and Recreation Plan or a fee in lieu of required land and/or facilities.

(g) Open space corridors. Open space easements shall be provided by any land division when such divisions are located within any community or regional open space corridor identified by the Skagit County Park and Recreation Plan. The residents or lot owners of the development shall be provided access to the open space easement. The area of the open space easement shall be counted as part of the site for purposes of density and floor area calculations. Maintenance of the open space easement shall be the responsibility of the County.

(h) The proposal shall be located within an official designated boundary of a Skagit County Fire Protection District, unless the division is to divide land for sale only and no development right is desired.

(i) Evidence must be supplied from the applicable purveyor of the availability of water to serve the projects and adequate provision for sewage disposal. The method of sewage disposal shall also be provided, including soil data, if individual sewage disposal is to be used, or if public sewer or community septic disposal is used, the name of the system. If individual wells are to be utilized, documentation approving the well sites must be provided, pursuant to SCC 12.48.

(j) Evidence of concurrency of services, per SCC 14.28.

(k) If access is proposed off of a State highway, a State access permit shall be obtained by the Applicant. The application for such permit shall be provided with the land division application. The access permit must be approved prior to the start of construction of on-site improvements, or final plat, whichever is sooner.

(l) If any portion of a proposed land division is located within a flood control zone as provided in RCW 86.16, written approval must be obtained from the State Department of Ecology (RCW 58.17.120).

(m) Proposed land divisions bordering upon waters of the State may be required to provide public access to and along such waters.

(n) All construction and site development activities related to the land division are prohibited until (1) the preliminary land division is approved, and (2) engineering plans are approved which are based on the approved preliminary land division.

(6) Transfer Development Rights (TDR). RESERVED

(7) Phased Development. An Applicant who chooses to develop a site in phases or divisions shall submit to the Department a phasing plan in conjunction with the specific land division application for concurrent review. Site improvements designed to relate to,

benefit, or be used by the entire development (such as stormwater detention pond or tennis courts in a residential development) shall be noted on the phasing plan. The phasing plan shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a phasing plan has been approved, the information contained therein shall be shown on, or the phasing plan shall be attached to and made a part of, the specific land division. Approval of a phasing plan does not constitute approval of the land division.

(8) No Development Permits if Violation. No building permit, septic tank permit, or other development permit shall be issued for any lot divided in violation of this Chapter, unless the permit is sought by an innocent purchaser. The innocent purchaser shall be entitled to recover their costs for determining compliance with this Chapter from any person, firm, corporation, or agent that sold or transferred the lot in violation of this Chapter, pursuant to the provisions of RCW 58.17.210.

(9) Innocent Purchaser.

(a) An innocent purchaser shall not previously have been granted innocent purchaser status by Skagit County. All contiguous lots created in violation of this Title which are under the same ownership at the time of application for innocent purchaser status shall be recognized only as a single lot and combined through a boundary line adjustment.

(b) An innocent purchaser of a lot created in violation of this Chapter who files a notarized affidavit of innocent purchase with the Planning and Permit Center on forms satisfactory to the Administrative Official shall be treated as follows for purposes of determining zoning compliance, and for establishing eligibility for building permits and future subdivisions:

(i) A lot recognized pursuant to this innocent purchaser provision will be treated the same as a legally subdivided lot if the parcel meets current zoning requirements for access, lot area, lot width, and has the ability to meet SCC 12.05 for septic requirements;

(ii) Innocent purchaser lots which do not meet current zoning requirements, but which did meet development requirements in effect at the time that they were created, will be treated the same as legally created lots subject to SCC 14.16; and

(iii) Innocent purchaser lots which do not meet current zoning requirements and which did not meet the development requirements in effect at the time of their creation will be treated the same as legally created lots for purpose of conveyance, but will not be eligible for building permits.

(iv) Any innocent purchaser may, alternatively, rescind the sale or transfer of the subject property and recover the costs of investigation, suit, and reasonable attorneys' fees occasioned thereby as provided in RCW 58.17.210.

(10) Modifications or Variances. Any request for a variance from or modification to any of the requirements of this Chapter other than to density or land use changes shall be processed as a development code variance, pursuant to the variance requirements of SCC 14.10. Variances to density and land use would constitute a rezone and shall follow procedures for a rezone in SCC 14.08. Applications for variances shall be heard

concurrent with the land division proposal. Applications for density or land use changes shall be heard prior to or concurrent with the land division proposal.

**14.18.100 Preliminary Subdivisions.**

The purpose of this Section is to specify requirements for the segregation of land into short subdivisions (4 or fewer lots) and long subdivisions (5 or more lots) in accordance with applicable State and County laws, rules and regulations, including permit processing procedures required by SCC 14.06. *See* SCC 14.18.000(2) for exemptions.

(1) Application Requirements for Preliminary Subdivisions.

(a) A registered engineer and/or a registered land surveyor shall prepare a preliminary subdivision map. The following information is required on the preliminary plat map:

(i) The name and address of all owners of record, the developer, and the registered land surveyor and/or registered engineer preparing the plat.

(ii) Legal description of the boundaries of the land.

(iii) Section subdivision showing the boundary of the plat in relation to the section, with notation of Section, Township, and Range. This information may be done as an insert drawn to a convenient scale or included within the boundary of the parcel as approved by the Administrative Official.

(iv) A vicinity sketch at a minimum scale of 2 inches = 1 mile.

(v) Total acreage of the portion to be platted, and adjacent tracts when under the same ownership. Acreage of individual phases, if applicable.

(vi) The date, scale (written and graphic), and a north arrow.

(vii) The scale shall be provided suitable to the size of the project.

(viii) The layout of existing and conceptual horizontal layout of proposed roads and utilities, including existing and proposed easements; the location of municipal boundaries, township lines, and section lines; the location, width and names of existing and proposed roads; and additional right-of-way required for substandard roads. Proposed roads shall be differentiated as such.

(ix) All roads serving 4 or more existing and/or proposed lots shall be named.

(x) The number and dimensions of all proposed lots and tracts. Lots and tracts shall be sequentially numbered or lettered.

(xi) The square footage and acreage of each individual lot.

(xii) Building front, rear and side setback lines with distance from the property line indicated. This may be shown by a typical insert.

(xiii) A certificate by a registered land surveyor certifying that the boundaries of the land have been surveyed and monumented and that all distances and bearings on the preliminary plat are accurate.

(xiv) All horizontal control survey work shall be Class "3." Angular error of closure shall not exceed 20' $\sqrt{N}$. The total linear error of closure shall not exceed 1/5,000.

(xv) Maximum error in feet shall not exceed +/- .26 feet.

(xvi) A survey of the portion of the section in which the plat is located showing the original or established corners, a description and the original traverse of the same showing error of closure and method of balancing shall also

be submitted. This is to be accompanied by a subdivision insert showing all calculations necessary to determine the corners and distances of the plat.

(xvii) Floodway and floodplain lines. Notation of flood hazard zone and map panel reference number.

(xviii) Protected critical area buffers pursuant to 14.24 (Critical Areas Ordinance).

(xix) If the subdivision is to be served by a well or wells, the area reserved for the well and the protection of same shall be shown on the plat;

(xx) The location of any wellhead protection areas that fall on the subject property from any adjacent off-site wells.

(b) Application requirements to be submitted:

(i) A complete application form provided by the Planning and Permit Center, with supporting documents as required below that contains sufficient information to determine compliance with adopted rules and regulations as outlined in SCC 14.16 and SCC 14.18 shall be submitted.

(ii) A title report issued within 90 days of application, showing all persons having an ownership interest, a legal description describing exterior boundary of application site and listing all encumbrances affecting said site;

(iii) A completed environmental checklist, if required by SCC 14.12 (SEPA), and WAC 197-11;

(iv) Proposed articles of incorporation, bylaws, and Covenants, Conditions and Restrictions (CC&Rs), if any;

(v) If critical areas are present on the site or within 200 feet, a critical areas assessment pursuant to SCC 14.24;

(vi) The method of sewage disposal, including soil data, if individual sewage disposal is used, or if public sewer or community septic disposal is to be used, the name of the system, and letter of approval;

(vii) Complete land division applications shall include compliance with all provisions outlined in SCC 12.48.240(1) (Water Requirements for Land Division) and any applicable State and Federal regulations regarding water use;

(viii) All restrictions proposed to be imposed on the use of the land;

(ix) A drainage plan in conformance with the requirements contained in SCC 14.32;

(x) Documentation of the date and method of original segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;

(xi) A list of any other permit applications having been filed for the same site;

(xii) Any required fees; and

(xiii) Any additional information determined to be necessary to demonstrate compliance with other portions of the Skagit County Code.

(c) The Administrative Official may waive specific submittal requirements determined to be unnecessary for review of the application.

(2) Additional Application Requirements for Long Subdivisions.
- (a) Ground contours with intervals of 5 feet or less, unless otherwise determined by the Planning and Permit Center.
- (b) Assessor's list of property owners within 300 feet.
- (c) Location, number and description of types of any existing and proposed community recreational facilities on site.
- (d) A conceptual grading plan showing proposed clearing and vegetation retention pursuant to SCC 14.24 and proposed topography detailed to 5-foot contours.

(3) Review Process.
- (a) Preliminary short subdivisions shall be processed as a Level 1 application, per SCC 14.06.
- (b) Preliminary long subdivisions with fewer than 9 lots shall be processed as a Level 1 application, per SCC 14.06.
- (c) Preliminary long subdivisions with between 9 and 50 lots shall be processed as a Level III-HE application, per SCC 14.06.
- (d) Preliminary long subdivisions with more than 50 lots shall be processed as a Level III-PC application, per SCC 14.06.
- (e) The review process shall determine conformity with the applicable approval requirements of SCC 14.18.000(5) and any additional applicable approval requirements in SCC 12.05, SCC 12.48, SCC 14.12, SCC 14.16, SCC 14.18, SCC 14.24 (Critical Areas Ordinance), SCC 14.28 (Concurrency), SCC 14.32 (Drainage). The proposed subdivision shall be approved, approved with conditions, or denied.

(4) Additional Approval Requirements for Preliminary Long Subdivisions. A public transit stop shall be provided in coordination with Skagit County Transit Authority and public transit regulations if over 10 lots are created and the project is located on a transit route.

(5) Limitations.
- (a) All preliminary subdivisions must be finalized per SCC 14.18.200 for lots to be created.
- (b) The following general limitations shall apply to all short subdivision applications:
  - (i) Only a legal lot, as defined in SCC 14.04, or a combination of 2 or more contiguous legal lots may be short subdivided;
  - (ii) A maximum of 4 lots may be created by any single application;
  - (iii) A maximum of 8 lots may be created from 2 or more contiguous parcels with any common ownership interest. 5 years must pass before another contiguous short plat in common ownership interest may be approved; and
  - (iv) Except as provided in SCC 14.18.000(2), if the lot to be subdivided was created through a prior short subdivision, at least 5 years must have passed since the recording of such prior short subdivision. Additional short subdivisions on the remainder of such lands will not be eligible for approval for 5 years unless the total divisions are less than 4 on a single legal lot or less than 8 on 2 or more contiguous parcels, in such instances, the total divisions shall not total over 4 or 8, respectively, during the 5-year period.

(6) Preliminary Subdivision Approval Duration.
- (a) Preliminary short subdivision approvals shall be valid for 36 months.

(b) Preliminary long subdivision approvals shall be valid for 60 months.

(c) If any condition is not satisfied and the final subdivision is not recorded within the approval period, the preliminary plat approval shall be null and void.

(d) If the final plat is being developed in phases, the initial phase must be recorded within the approval period, or the subdivision is null and void. Additional phases may continue to have validity, based on a phasing schedule established by the preliminary approval.

(7) Revisions to Approved Preliminary Subdivisions. Applications to revise subdivisions that have received preliminary approval, but not final approval, shall comply with the following:

(a) Revisions that result in any substantial changes as determined by the Department, shall be treated as a new application for purposes of vesting and shall be reviewed under the same process required for the preliminary plat, pursuant to SCC 14.06. For the purpose of this Section, substantial change includes:

(i) The creation of additional lots;

(ii) Changes in access points that are inconsistent with the Road Standards; or

(iii) Change in the proposal that leads to built or natural environmental impacts that were not addressed in the original approval.

(b) When revising an approved preliminary subdivision to a CaRD, only 1/2 of the original application fees shall be charged.

(c) Approval of the following modifications by the Department shall not be considered substantial revisions:

(i) Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary subdivision approval;

(ii) Changes in lot dimensions that are consistent with SCC 14.16;

(iii) A decrease in the number of lots to be created.

**14.18.200 Final Subdivisions.**

(1) Purpose. The purpose of this Section is to specify provisions that must be satisfied prior to the final approval and recording of final subdivision maps, for those preliminarily approved long and short subdivisions. Issuance of building permits or sale or lease of lots within a subdivision is not permitted until the final subdivision is recorded with one exception. In recognition of the original building right, 1 building permit on the original parcel may be pursued during the subdivision process, so long as it conforms to the preliminary subdivision.

(2) Application Requirements for Final Subdivisions.

(a) General. A final subdivision neatly drawn on tracing cloth or equivalent material and 7 dark line prints thereof shall be submitted to the Planning and Permit Center.

(b) Contents of Final Plat. In addition to the mapping specifications required in Section 14.18.100(1), the final subdivision shall show:

(i) A scale not less than 100' to the inch, unless otherwise determined by the Approving Authority, on maps 18" x 24", with a 2-inch border on the left edge, and 1/2-inch on all other sides.

(ii) All existing monuments of record, courses and distance necessary to restake any portion of said plat from said map. All other surrounding property shall be labeled in dotted lines whether platted or otherwise.

(iii) Bearings of all lots, tracts, and centerlines of public and private roads within the project boundary.

(iv) Individual lot accesses, distance of accesses to property lines, and road names.

(v) A certificate giving a full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner or owners.

(vi) Official seals of attesting officers and of the Registered Land Surveyor who platted said property shall be platted on the final tracing.

(vii) The final plat shall show acknowledgments, dedications, Treasurer's Certificate, approvals by the Chairman of the Board of County Commissioners, the Hearing Examiner, the County Engineer or Administrative Official of Public Works, the Director of the Planning and Permit Center, and the County Health Officer or their designees, and the certificate of the registered land surveyor who platted said property. Any conditions of approval will be noted on the face of the plat, or reference shall be made to any recorded documents containing conditions of approval or any pertinent covenants and restrictions. The subdivision shall contain all certifications required by the County based on the most current standard plat notes, plat water notes as required by 12.48.240(3), and any other notes or certifications that the Administrative Official determines are necessary to satisfy the conditions of plat approval.

(viii) All proposed lots less than 5 acres in size will require the well-protection zone(s) and approved on-site sewage system area(s) to be shown on all preliminary and final plat maps. If the well protection zone exercises the right to provide this sanitary control of the land through other legal provisions, such as recorded covenants or easements, these must be depicted on or recorded references must be shown on the plat.

(ix) When a private road is included in the land division the following note shall be included on the final plat:

*In no case shall the County accept a dedication or any obligation as to any such road, street, and/or alley until the same and all roads, streets, and/or alleys connecting the same to the full, current County road system have been brought to full, current County Road Standards and a right-of-way deed has been transferred to and accepted by the County.*

(c) A deposit to cover anticipated taxes and assessments for the current year is required for final short subdivisions, and for the current year and half of the next for final long subdivisions. The Applicant shall also provide certification from the Skagit County Treasurer's Office that property taxes for the subject property are not delinquent prior to the issuance of a final approval.

(d) All fees shall be provided, including required bonding, and fees in lieu.

(e) A typewritten copy of protective deed covenants shall accompany the final subdivision, if applicable.

(3) Review Process.

(a) Final short subdivisions shall be reviewed as a Level I application, per SCC 14.06.

(b) Final long subdivisions shall be reviewed as a Level IV application, per SCC 14.06.

(4) Final Subdivision Approval Requirements. Prior to approval of the final subdivision, the following requirements shall be met:

(a) All final subdivisions shall conform to the conditions in the preliminary subdivision approval.

(b) All final plats submitted for approval to the County Commissioners shall be accompanied by the written recommendation for approval or denial by the County Health Department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply, including approval of the engineering details for such facilities. Prior to approval by the Skagit County Health Office, engineering design and construction documents that comply with WAC 246-290 and 291, as-built documents approved by the purveyor or its designee, and a letter of acceptance by the purveyor must all be acknowledged in writing, and placed on file by the Planning Department. Requests for final approval must comply with SCC 12.48.240(2) and SCC 12.05 (On-Site Sewage).

(c) All final subdivisions submitted for approval to the County Commissioners shall be accompanied by the written recommendation for approval or denial from the County Engineer. Engineering plans for roads, drainage controls and other proposed or conditioned improvements shall be prepared and submitted by the Applicant and reviewed and approved by the County Engineer prior to the commencement of on-site clearing or construction activities and approval of the final subdivision.

(d) 1-inch diameter iron pipes or 1/2-inch rebar with identifying plastic cap shall be set at all lot corners (pipe length determined by soil conditions); cased monuments shall be set in asphalt roads. Temporary staking may be substituted prior to and during construction. Final staking shall be completed after utilities have been installed and roads constructed to subgrade standards.

(e) The design and construction of drainage facilities shall be in compliance with the current Skagit County Drainage Ordinance SCC 14.32.

(f) Roads leading to or within a plat or subdivision, whether dedicated public roads or private roads, shall be constructed in compliance with Skagit County Road Standards unless otherwise approved by the County Engineer.

(g) If public sewer or community septic disposal is to be used, the system must be constructed and stubouts provided to each lot; or as appropriately bonded pursuant to SCC 12.48.190 and 12.05.

(h) Where a driveway easement provides access to a lot not accessible directly from a road built to Skagit County Road Standards, the driveway shall be built to driveway standards contained in the Uniform Fire Code Section 902 as amended by Skagit County prior to final plat approval. Driveway easements shall be a

minimum of 20 feet wide and shall have additional width as required to contain any cuts, fills and slopes required to build a driveway.

(i) Each plat set or document shall be stamped, signed and dated by a professional surveyor.

(5) Improvements Required - Final Subdivisions. Before obtaining final subdivision approval, the Applicant shall complete the required improvements. Improvements may be bonded only as allowed by SCC 14.36 (Public Works Standards), SCC 12.05 (On-Site Sewage), and SCC 12.48 (Water Code).

(6) Maintenance of Private Streets and Community Property.

(a) All private roads, easements, community utilities and properties shall be owned and maintained by separate corporate entity or the owners of property served by the facility and kept in good repair and adequate provisions shall be made for appropriate pro-rata contributions for such maintenance by any future land divisions that will also use the same private road.

(b) In no case shall the County accept a dedication or any obligation as to any such road, street, and/or alley until the same and all roads, streets, and/or alleys connecting the same to the full, current County road system have been brought to full, current County Road Standards and a right-of-way deed has been transferred to and accepted by the County.

(c) Required easements for utility installation and maintenance shall be provided on all private roads.

(7) Filing of the Final Plat.

(a) All final plats shall be recorded in the County Auditor's Office only after approval by the Approving Authority. The Planning and Permit Center shall be responsible for recording of the final plat within 30 days of approval. All required fees shall be paid by the Applicant prior to recording. After the plat tracing has been filed for record with the County Auditor, it shall become the property of Skagit County.

(b) Prior to signature and final approval of a subdivision, the Planning and Permit Center shall return the plat tracing to the engineer or land surveyor of record, and no other party, for necessary corrections.

(8) Alterations of Final Subdivisions.

(a) Alterations after a final subdivision has been approved and recorded shall be processed in accordance with RCW 58.17.215 through RCW 58.17.218 and shall comply with regulations in effect at the time the alteration application was submitted. Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject subdivision to be altered or any portion to be altered.

(b) If the final subdivision is subject to restrictive covenants that were filed at the time of the approval of the final subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement based on the terms and conditions of the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

(c) An application for an alteration of an approved final subdivision shall be processed as a Level III-HE permit. The application may be approved if the proposed alteration is consistent with the requirements of the SCC.

(d) After approval of an alteration, the Applicant shall produce a revised drawing of the approved alteration of the final subdivision, to be processed in the same manner as set forth for final subdivisions in this Chapter.

(e) Any features contained on the original subdivision that has been relied upon in subsequent land development or County planning decisions shall be incorporated into the alteration.

(9) Vacations of a Final Subdivision.

(a) Subdivision vacations shall be processed as follows and in accordance with the provisions of RCW 58.17.212.

(b) All subdivision vacation applications shall be reviewed as a Level I permit.

(c) Applications for vacations of County roads may be processed pursuant to this Chapter only when such road vacations are proposed in conjunction with the vacation of the plat. Vacations limited to County roads shall be processed in accordance with RCW 36.87 and SCC 11.08.

**14.18.300 Conservation and Reserve Developments (CaRDs) - An Alternative Division of Land.**

A Conservation and Reserve Development (CaRD) is a method of single-family residential land development characterized by building lots or envelopes that are much smaller than typical of the zone, leaving open space for agriculture, forestry, continuity of ecological functions characteristic of the property, and preservation of rural character. This results in reduced impervious surface area and lowered costs of development and maintenance. Certain requirements of the zone may be modified when using the CaRD process, as specifically stated in the CaRD provisions.

(1) Purpose. The purposes of the CaRD provisions are:

(a) To buffer and protect natural resource lands;

(b) To reserve lands that may be appropriate for future urban growth areas;

(c) To help retain the rural landscape, character, and lifestyle;

(d) To protect critical areas by transferring development potential from the critical area portion of a site to a non-critical area portion of a site; and

(e) To create development patterns that provide for greater efficiency and flexibility for current and future land use; housing diversity; natural resource land and critical area conservation and protection; retention of open space; and provide incentives for utilizing CaRD land divisions.

(2) Applicability.

(a) A CaRD is an overlay permit, which must be accompanied by a land division permit (either a subdivision or a binding site plan developed as a condominium).

(b) CaRD approvals allow variations in the underlying zoning regulations but are not intended as and do not constitute rezoning.

(c) CaRDs are permitted in the following zones:

(i) Agriculture (on parcels 80 acres or 1/8 section, or greater);

(ii) Industrial Forest (on parcels 160 acres or 1/4 section, or greater);

(iii) Secondary Forest (on parcels 40 acres or 1/16 section, or greater);

(iv) Rural Resource (on parcels 20 acres or 1/32 section, or greater);
(v) Rural Reserve;
(vi) Rural Intermediate; and
(vii) Rural Village Residential.

(d) CaRDs are not permitted within urban growth areas.

(3) Additional Submittal Requirements.

(a) The substance of a CaRD application is the underlying land division application and the additional required CaRD information. To be considered vested, the information for both the land division application and the additional required CaRD information must be provided.

(b) In addition to the application materials for the underlying application, CaRD applications for 5 or more lots shall include the following information on a site plan:

(i) Approximate existing vegetation coverage shall be shown on the site plan, based on a recent aerial photograph or field survey of the site, which shall show locations of all forested, vegetated, and cleared areas.

(ii) Topography. Source may be USGS, unless specific site circumstances dictate 5-foot aerial contours.

(4) Process.

(a) The CaRD shall be reviewed in conjunction with the underlying land division permit it accompanies. No additional process shall be required.

(b) At the time of recording, all CaRDs shall be identified on the County's official land use map.

**14.18.310 General Approval Provisions - CaRD.**

(1) The application shall meet the requirements of the underlying land division permit and those outlined in this Section.

(2) Allowable density. The maximum residential gross densities shall not exceed those set forth in the following lot size table. The maximum density as allowed for by the Comprehensive Plan may not necessarily be granted if a density limitation is necessary to meet septic and/or water system requirements. 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. 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 SCC 14.24.350(5)(c).

| Zone | Maximum Residential Densities with a CaRD, Dwelling Units per Acre |
|---|---|
| Rural Intermediate | 1/2.5 acres or 1 per 1/256 of a section |
| Rural Village Residential | 1/1 acre or 1 per 1/640 of a section with public water and septic or 1/2.5 acres or 1/256 of a section with private water and septic |
| Rural Reserve | 2/10 acres or 2 per 1/64 of a section |
| Agricultural-Natural Resource Lands | 1/40 acres or 1 per 1/16 of a section |



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| Zone | Maximum Residential Densities with a CaRD, Dwelling Units per Acre |
|---|---|
| Industrial-Natural Resource Lands | 1/80 acres or 1 per 1/8 of a section |
| Secondary Forest-Natural Resource Lands | 1/20 acres or 1 per 1/32 of a section |
| Rural Resource - Natural Resource Lands | 4/40 acres or 4 per 1/16 of a section |

EXCEPTION: Residential gross densities for lands that are designated as Mineral Resource Areas (MRAs) or are within 1/4 mile of designated MRAs, shall be no greater than 1 residential dwelling unit per 10 acres, provided that if the underlying land use designation density of land within 1/4 mile of MRA lands is greater than 1 dwelling unit per 10 acres, the development rights associated with that density may be transferred to and clustered on that portion of the property located outside of 1/4 mile for the MRA lands, consistent with the CaRD policies in the Land Use Element of the Comprehensive Plan.

(3) Open space required. CaRDs shall provide open space. All lands within a CaRD shall be open space in accordance with SCC 14.18.310(5), except for the following:
- (a) building lots (i.e., lots which do not contain open space);
- (b) the development envelope of a lot containing open space; or
- (c) development envelopes when a binding site plan is utilized.

(4) Open space shall either be located in:
- (a) 1 separate tract within the CaRD, retained in its entirety for open space; or
- (b) A dedicated open space area on one of the lots in the CaRD. This lot shall have a building envelope, where a house and accessory structures may be located, which is no larger than the maximum lot size allowed by Section 14.18.310(7).

(5) Designation, allowed uses, and preservation of open space. Open space within a CaRD shall be designated per the following 4 categories, based on the zoning designation and characteristics of the site. CaRDs may contain more than 1 type of open space, provided that all open space shall be within 1 tract or lot.

(a) Open Space Preservation Areas (Os-PA) - All lands which have not received a site assessment pursuant to SCC 14.24 shall be placed in this category. If in the future a critical area site assessment is performed and the critical areas have been delineated (*see* SCC 14.24.170), then the Os-PA parcel may be changed to another open space designation based on the criteria set forth in this Section with the critical areas identified as Protected Critical Areas (PCAs). Non-residential historic sites and their landscape setting shall also be placed in this category. Historic sites used as residences shall be placed outside of the open space on a lot. All open space designated Os-PA shall be preserved pursuant to SCC 14.24.160 and 14.24.170 until such time as a different open space designation is requested and SCC 14.24 is satisfied. Uses and preservation of the Os-PA shall occur as follows:

(i) Critical Areas – follow the parameters set forth in SCC 14.24 for conservation and maintenance.

(ii) Historic sites – a use covenant with Covenants Conditions and Restrictions (CC&Rs) shall be determined through the CaRD review process and noted

on the face of the plat. The duration of the covenant shall be noted on the plat.

(b) Open Space Natural Resource Lands (Os-NRL) - The open space within CaRDs zoned Ag-NRL, IF-NRL, SF-NRL, or RRc-NRL shall be placed in this category, unless designated Os-PA, subject to the provisions of SCC 14.24. All open space designated Os-NRL shall be placed in a Natural Resource Lands Easement (NRLE), which restricts the grantor and its heirs, successors and assigns from exercising rights to use and subdivide the land for any and all residential, recreational, commercial, and industrial purposes and activities which are not incidental to the purpose of the NRLE until such time that the land no longer has long-term commercial significance for the production of food, agriculture products, timber or extraction of minerals. Property is restricted to natural resource production as defined in the NRLE; provided, that it may be used for those uses outlined in the underlying zone (except for a dwelling unit). In the case of Agriculture and Industrial Forest lands, restrictions defined in the NRLE may only be extinguished upon a declaration in a court of competent jurisdiction finding that it is no longer possible to commercially use the property for the production of food, agriculture products, timber, or extraction of minerals.

(c) Open Space Reserve (Os-RSV) - The open space within CaRDs zoned Rural Village, Rural Intermediate, and Rural Reserve, which is intended as a future development reserve tract, shall be placed in this category, unless designated Os-PA subject to the provisions of SCC 14.24. All open space designated Os-RSV may have the same uses as allowed in OS-RA. The applicable open space designation, which shall be maintained through a plat restriction, shall continue until the open space area is re-designated through a Comprehensive Plan amendment.

(d) Open Space Recreational/Amenities (Os-RA) - The open space within CaRDs zoned Rural Village, Rural Intermediate, and Rural Reserve and which is intended for recreation purposes, community facilities, and/or greenbelts shall be placed in this category. All open space designated Os-RA may be used for any recreational use outlined in the underlying zoning (including recreational special uses, so long as a special use permit is obtained), and for common facilities which serve only the CaRD. The applicable open space designation, which shall be maintained through a plat restriction, shall continue until the open space area is re-designated through a Comprehensive Plan amendment and all owners of property in the open space agree to the re-designation.

(6) Preservation of development rights in NRL areas. If a parcel is within a Natural Resource Land (NRL) and the Applicant wishes not to exhaust all of the development rights for the parcel, they may place any of the remainder developmental rights into an OS-RSV designation to be divided at a later date. The number of future lots available shall only be those remaining rights after the parent parcel has been divided. Where this occurs, the following criteria shall be met:

(a) 90% of the overall open space area of the original project shall be placed in OS-NRL;

(b) The amount of land placed into the Open Space Reserve shall not exceed the number of future lots times 1 acre;

(c) No additional open space will be required;
(d) A development plan showing all areas of future development and access points for future divisions shall be provided; and
(e) No portion of the reserved OS-RSV area shall contain critical areas.

(7) Lot Size Requirements.
(a) Minimum lot size. For detached dwellings, the minimum lot size is 5,000 square feet. For attached dwellings the minimum lot size is 3,000 square feet. All lots must demonstrate compliance with water supply, sewage system, and setback requirements.
(b) Maximum lot size. 1 acre, unless a larger lot is needed for one or more of the following reasons, in which case that lot shall be no larger than necessary to accomplish the purpose of the exception, and provided that the exception shall then be recorded on the face of the plat map:
(i) To satisfy individual water system supply (SCC 12.48) and/or on-site sewage system requirements (SCC 12.05); or
(ii) To contain both an existing residential building and existing accessory building(s); or
(iii) To contain both an existing residential building and proposed buildings accessory to a Natural Resource Land open space designation.
(c) In addition to the exceptions discussed under Subsection (b), above, 1 parcel within each CaRD may be greater than 1 acre, for the sole purpose of containing open space. In such a parcel, only 1 acre may be used for a residential dwelling unit and residential accessory buildings, unless a larger building area is allowed based on the criteria under Subsection (b), above, with the remainder of the parcel placed in a open space designation.
(d) As an alternative to Subsection (b), above, lots may be as large as 1.5 acres provided that the average size of all lots within the CaRD (except a lot containing open space) shall not exceed 1 acre.

(8) Setbacks for all buildings within the development:
(a) From a public road, a minimum of 20 feet. For lots designated Ag-NRL, IF-NRL, and SF-NRL, lots shall be configured so that houses are no more than 200 feet from adjacent public roads.
(b) A 200-foot setback shall be observed from adjacent NRL designated parcels.
(c) No other setbacks shall be required, except that fire separation may be required based on the UBC. Internal setbacks may be established by private covenant.

(9) Additional design requirements applicable to all CaRDs.
(a) Lots shall not be located in critical areas and their buffers designated pursuant to SCC 14.24.
(b) On CaRDs within or adjacent to an NRL designation, lots shall be placed to minimize potential impacts to Natural Resource Land production on both the subject property and any adjacent resource lands. Lots shall be located to not complicate resource access, normal field operations or harvesting, and to minimize the impact of resource land operations on the residential lot (such as airborne dust, noise, and smell).

(c) For the purpose of determining compliance of a binding site plan with this Section, a development envelope, which meets all the requirements of lots outlined herein, shall be drawn around each proposed building.

**14.18.320 Approval Provisions - CaRDs with 4 or fewer lots (Short CaRDs).**

(1) Lots shall be located to minimize infrastructure requirements such as roadways, driveways, utilities, etc. Where a Short CaRD is located adjacent to an existing public road, lots shall be located immediately adjacent to the road.

(2) As an alternative to Subsection (1), lots may be located elsewhere within the CaRD as long as the lots with new construction are clustered.

(3) Alternatives (1) and (2) above may be waived if the Short CaRD is processed subject to a Level III-HE process and the Hearing Examiner determines that the purposes of SCC 14.18.300 can be met and the required right-of-way or easement area for any access roads to serve the building lots/envelopes shall then be taken out of the allowable area for the building lots/envelopes.

**14.18.330 Approval Provisions - CaRDs with 5 or more lots (Long CaRDs).**

(1) Clustering of lots required. Except as described below for a parcel containing an existing house, clustering of lots within the CaRD into cluster pods shall be required, except under the following circumstances:

(a) Special conditions and circumstances exist which are not the result of actions or omissions by the Applicant;

(b) Impacts on resource lands or critical areas make clustering inappropriate, or topographic or critical area constraints make clustering infeasible; and

(c) Separate access points to the adjacent road, if necessary, are acceptable to the County Engineer.

Additional conditions may be applied if the clustering requirement is waived. In no way does the waiver of the clustering requirement modify the lot size requirements of this Section. A lot containing an existing house need not be included within a cluster, unless this is necessary to meet the other CaRD design requirements.

(2) Maximum number of dwelling units per cluster pod. The number of dwelling units in each cluster pod shall not exceed that specified by the following table:

| ZONING | MAXIMUM NO. OF UNITS/CLUSTER POD |
|---|---|
| Rural Resource; Rural Reserve; Rural Intermediate; and Rural Village | 14 |
| Agricultural; Industrial Forest; and Secondary Forest | 6 |

The size of septic fields, both community and individual, and/or community water systems may further limit the size of cluster pods within a development, if such limitation is necessary to meet septic and/or water system requirements.

(3) Screening of cluster pods. Except in Ag-NRL zoned CaRDs, cluster pods shall be screened from existing adjacent public roads and from other cluster pods either by:

(a) Existing topography and vegetation; or

(b) An approved landscaping plan.

**14.18.400 Planned Unit Development.**

**RESERVED.**

**14.18.500 Binding Site Plans.**

(1) Purpose. The purposes of this Section are:

(a) To provide an alternative administrative method for division of land for commercial and industrial zoned property, or condominiums;

(b) To allow the director to modify interior lot-based or lot line requirements contained within the zoning, building, fire and other similar uniform codes adopted by the County;

(c) To allow the director to authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan; and

(d) To specify administrative requirements for binding site plans in addition to the procedural requirements of SCC 14.06 and in accordance with applicable Washington State and Skagit County laws, rules and regulations.

(2) General Provisions.

(a) Any person seeking the use of a binding site plan to divide his or her property for the purpose of sale, lease or transfer of ownership of commercially or industrially zoned property, or creation of condominium units, is required to apply for, complete and have approved a binding site plan, as provided in RCW 58.17 and as required by this Chapter.

(b) The site that is subject to the binding site plan may be reviewed independently, based on as-built plans, for fully developed sites.

(c) Binding site plans shall be required for any commercial or industrial development that involves 2 or more leases or transfers of ownership which do not undergo a short plat or subdivision procedure.

(d) The site that is subject to the binding site plan shall consist of 1 or more contiguous legal lots of record.

(3) Complete Application.

(a) Prior to submitting an application, the Applicant is advised to meet with the Planning and Permit Center staff to discuss the application and permitting process. A completed application form and submittal of all required information shall ensure a timely review process.

(b) A proposed binding site plan shall be considered under the zoning and other County Codes in effect on the land at the time a fully completed application is filed with the Department.

(c) A complete application for binding site plan application shall consist of:

(i) A completed application form provided by the Planning and Permit Center, signed by all property owners or their authorized agents, with supporting documents as required below and which contains sufficient information to determine compliance with adopted rules and regulations, as outlined in SCC 14.18.000(5) and elsewhere in this Title.

(ii) A site plan in a form prescribed by the Administrative Official. At a minimum, the site plan shall include:

A) Date;
B) Graphic and numeric scale;
C) A vicinity map;
D) North arrow;
E) Total acreage;
F) The location and size of all proposed lots;
G) Proposed and existing structures including building envelopes and building setback lines;
H) All proposed or existing uses;
I) The location of proposed or existing open space including any required landscaped areas;
J) The location and identification of critical areas;
K) The layout of an internal vehicular and pedestrian circulation system, including proposed ingress and egress for vehicles and roadway widths, and additional right-of-way if required on substandard roads;
L) Proposed road names;
M) Designated floodways and floodplains;
N) The number and location of proposed or existing parking spaces on and off the site;
O) The location and size of utility trunk lines serving the site;
P) The location and size of water bodies and drainage features, both natural and man made;
Q) A layout of sewers; and
R) Existing and proposed easements and existing access.

(iii) A survey prepared by a professional land surveyor, licensed in the State of Washington.

(iv) A drainage plan subject to the requirements of SCC 14.32 (Drainage).

(v) A completed environmental checklist, if required by SCC 14.12 (SEPA), and WAC 197-11.

(vi) All existing or proposed covenants, easements, maintenance agreements or other documents applicable to use or maintenance of the site.

(vii) For new construction, a grading plan showing proposed clearing and tree retention and the existing and proposed topography, detailed to 5-foot contours, unless smaller contour intervals are otherwise required by the Skagit County Code or rules and regulations promulgated thereunder.

(viii) A phasing plan, acreage of phases, and time schedule, if the site is intended to be developed in phases.

(ix) Copy of any restrictive covenants.



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(x) Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation.

(xi) A list of any other permit applications having been filed for the same site.

(xii) The payment of fees.

(d) The Administrative Official may waive in writing specific submittal requirements determined to be unnecessary for review of the application.

(4) Review Process.

(a) Binding site plans for the creation of lots in existing developments, or for 8 or fewer lots, tracts, parcels, or units on a new development, shall be processed as a Level I permit.

(b) Binding site plans for the creation between 9 and 50 lots, tracts, parcels, or units shall be processed as a Level III-HE permit.

(c) Binding site plans for the creation of more than 50 lots, tracts, parcels, or units shall be processed as a Level III-PC permit.

(5) Approval Requirements. The application shall be reviewed and approved, approved with conditions, or denied, based on the following requirements:

(a) The binding site plan shall ensure that the collective proposal functions as 1 site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.

(b) The binding site plan shall meet the requirements outlined in SCC 14.16 (Zoning) and SCC 14.18.000(5), for new development.

(c) If a previously approved site plan is submitted for binding site plan approval, the conditions and limitations imposed by the Administrative Official may, where appropriate, include any conditions and limitations contained in the previously approved site plan. Subsequent development permits for the land will still be subject to compliance with the zoning, building, and other applicable land use codes and regulations existing at the time of submittal of the binding site plan review and expressly depicted on the binding site plan.

(d) When a binding site plan is being considered concurrently with another land development application, the Administrative Official will incorporate all conditions and limitations imposed on the concurrent application into the binding site plan. Subsequent site development permits for the land will still be subject to compliance with the zoning, building, and other applicable land use codes and regulations existing at the time of vesting of the application, unless addressed as part of the binding site plan review and expressly depicted on the binding site plan.

(e) The binding site plan shall contain applicable inscriptions or attachments setting forth limitations and conditions to which the plan is subject, including any applicable irrevocable dedications of property and containing a provision requiring that any development of the site shall be in conformity with the approved site plan.

(f) The Administrative Official may authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan.

(g) Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified on the binding site plan and enforced by covenants, easements or other similar mechanisms.

(6) Recording and Binding Effect.

(a) After approval of a binding site plan for land, all or a portion of which will be subjected to the provisions of RCW 64.32 or RCW 64.34 , the Applicant shall record the approved binding site plan with a record of survey (except for the provisions of RCW 58.09.090(1)(d)(iv)) as one recording document complying with the requirements of this SCC 14.18.500 labeled as "Binding Site Plan." Before recording, the Applicant shall complete the required improvements. In lieu of completion, all improvements except drainage-related facilities may be bonded.

(b) When a record of survey is not required pursuant to RCW 58.09.090(1)(d)(iv), the applicable record of survey data, consistent with the submittal requirements as adopted by the Administrative Official, shall be shown on the binding site plan to be recorded.

(c) Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the State of Washington. Surveys shall include those items prescribed by RCW 58.09.060, records of survey, contents - record of corner, information.

(d) The approved binding site plan record of survey recording forms shall include the following, in the format prescribed by the Administrative Official:

(i) Lots designated by number on the binding site plan within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;

(ii) Signature and stamp of the land surveyor who prepared the binding site plan;

(iii) Reference to the recording number of the completed survey as required by this Section if the boundaries have been previously surveyed;

(iv) Reference to all agreements or covenants required as a condition of approval;

(v) Notarized signatures of all persons having an ownership or security interest in the land being divided;

(vi) Approval of the Skagit County Engineer;

(vii) Approval of the Skagit County Treasurer;

(viii) Approval of the Administrative Official; and

(ix) Approval of the Health Official.

(e) The Administrative Official shall examine and sign the approved binding site plan and record of survey if it conforms to the commercial site development permit or the approved site plan and all conditions of approval. Binding site plans with the record of survey shall be recorded with the Skagit County Auditor's Office. A copy of the documents stamped with the recording number shall be sent to the Skagit County Assessor's Office, the Skagit County Treasurer's Office, Skagit County Public Works' Office, and to the Applicant.

(f) Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions, and requirements of the binding

site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

(g) Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of RCW 58.17 and shall be restrained by injunctive action and be illegal as provided in RCW 58.17.

(7) Site Improvements Required Prior to Approval of Building Permit. All public and private site improvements required by the approved binding site plan must be completed and accepted by the County or subjected to a performance security approved by the Administrative Official prior to issuing the first building permit for the site. Alternatively, the Administrative Official may condition the completion of such improvements pursuant to an approved phasing plan.

(8) Alterations of Approved Binding Site Plan.

(a) The Applicant may propose alteration of an approved binding site plan. Alterations shall be considered either major or minor. Major alterations shall be those which meet the criteria listed in SCC 14.18.100(7). Minor alterations shall be all others.

(b) The proposed alteration must be clearly shown on a new site plan and be accompanied by a letter of explanation.

(c) Major alterations shall be processed as under the same process as the original permit and shall require complete resubmittal of all application materials specified in SCC 14.18.100(7). Minor alterations shall be processed as a Level I permit.

(d) Binding site plans may be altered if the original intent of the recorded binding site plan has not been altered, and impacts to health and safety, environment, or the delivery of services are adequately mitigated. Conditions of approval beyond those originally applied to the project may be applied to the altered binding site plan. If an alteration to a previously recorded binding site plan or record of survey is approved, the Applicant must record the revised binding site plan or record of survey.

(9) Vacations of Recorded Binding Site Plans.

(a) Vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this Chapter. A binding site plan shall be vacated as a whole only.

(b) If a building permit or commercial site development permit which accompanies a binding site plan expires without construction, then the binding site plan shall be considered vacated unless the Planning and Permit Center determines that the expiration is consistent with the approved binding site plan.

**14.18.600 Condominiums.**

(1) Purpose. The purpose of this Section is to provide for review of a condominium proposal for conformance with zoning density requirements and street addressing, and for the precision and accuracy of the exterior boundary and legal description of the subject property, as shown on the final map.

(2) Final Submittal Requirements. Condominiums shall be consistent with recorded binding site plans. The following shall be submitted for approval of a condominium proposal.

(a) Two sets of prints of the final recording maps prepared in accordance with RCW 64.34.232.

(b) Legal Description from title report dated within 30 days prior to recording.

(c) Boundary closure calculations and supporting surveys.

(d) Copy of last real estate transaction for all adjoining unplatted parcels.

(e) Notes. The following notes shall be placed on the final condominium map page:

*(i) Approval of the Planning and Permit Center.*
*This condominium meets the density standards of SCC 14.16.*

*1. The exterior boundary and legal description of this condominium meets or exceeds the review standards of the Planning and Permit Center.*

*2. The Planning and Permit Center review consisted only of review SCC 14.18.600 and does not constitute binding site plan approval as contemplated under RCW 58.17.040(7).*

(ii) A signature line for the Director of the Planning and Permit Center shall appear following the notes required by this Section.

**14.18.700 Boundary Line Adjustments.**

(1) Purpose. The purpose of this Section is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of legal lots or building sites in order to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve a building site, to achieve increased setbacks from property lines or sensitive areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes.

(2) Procedures and Limitations of the Boundary Line Adjustment Process. Adjustment of boundary lines between adjacent lots shall be consistent with the following review procedures and limitations:

(a) Applications for boundary line adjustments shall be reviewed as a Level I permit as provided in SCC 14.06. The review shall include examination for consistency with SCC 14.16, shoreline master program (SCC 14.26), applicable Board of Health regulations, and, for developed lots, uniform fire and building codes.

(b) Any adjustment of boundary lines must be approved by the Department prior to the transfer of property ownership between adjacent legal lots.

(c) A boundary line adjustment proposal shall not:

(i) Result in the creation of an additional lot or substandard lot,

(ii) Result in a lot that does not qualify as a building site pursuant to Health Department requirements for sewer and water,

(iii) Reduce the overall area in a land division devoted to open space, or

(iv) Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat.

(3) Final Approval and Recording Required.

(a) A title insurance certificate updated not more than 30 days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the Department with boundary line adjustment final review

documents. All persons having an ownership interest within the boundary line adjustment shall sign the final recording document in the presence of a notary public.

(b) Prior to final approval, documentation authorizing the transfer of property ownership shall be placed on the original boundary line map along with the legal descriptions of those portions of land being transferred when lots are under separate ownership. Lot lines within lots under the same ownership will be adjusted upon the recording of the boundary line adjustment.

(c) Boundary Line Adjustments shall be based on legal descriptions, certified by a licensed surveyor or title company, of the revised lots, tracts, or parcels.



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14.22

# TITLE 14
# SKAGIT COUNTY CODE

17938

## CHAPTER 14.22

## RECORDS OF SURVEY

**Sections:**


14.22.010 Records of Survey.
14.22.020 Copies.
14.22.030 Records of Monument.
14.22.040 Copies of Records of Monument.

**14.22.010 Records of Survey.**
Records of land survey shall be 18 inches x 24 inches, and shall be subject to recording fees.

**14.22.020 Copies.**
Copies of records of survey shall be provided upon request for a fee.

**14.22.030 Records of Monument.**
Records of monument shall be filed without charge on the standard form prescribed by the Department of Natural Resources, Bureau of Surveys and Maps.

**14.22.040 Copies of Records of Monument.**
Copies of records of monument shall be provided upon payment of the required fee.



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14.24

# TITLE 14
# SKAGIT COUNTY CODE

17938

## CHAPTER 14.24

## CRITICAL AREAS ORDINANCE

**Sections:**


| | |
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| 14.24.020 | Title and Purpose |
| 14.24.030 | Authority |
| 14.24.040 | Applicability, Jurisdiction and Coordination |
| 14.24.050 | Resource Information and Maps |
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| 14.24.400 | Geologically Hazardous Area Designations |
| 14.24.410 | Initial Project Review |
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14.24.500 Fish and Wildlife Habitat Conservation Act Designations
14.24.510 Initial Project Review
14.24.520 Site Assessment Requirements
14.24.530 Fish and Wildlife Habitat Conservation Area Mitigation Standards
14.24.600 Flood Hazard Area Designations
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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
14.24.740 Technical Team

17938

**14.24.010 Introduction.**

The ordinance codified in this Chapter was developed under the directives of the Growth Management Act to conserve and protect critical areas. Critical areas are defined as wetlands, aquifer recharge areas, flood hazard areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. Some of these areas, such as geologic hazards and flood hazard areas are critical because of the hazard they represent to public health. Others, such as fish and wildlife habitats and wetlands are critical because of their public value.

Critical areas are dynamic natural systems that are a part of Skagit County's changing landscape. While critical areas are present throughout the County their exact location cannot be mapped accurately enough for regulatory purposes. Maps are useful primarily as an indicator of the distribution and extent of critical areas. Maps will be used wherever possible as part of the screening process for evaluating individual permit applications. Although a number of map resources are utilized in this Chapter, regulatory measures such as buffer requirements are based upon the identification of critical areas during the permit, development authorization, or other County approval processes. Critical areas will be designated by definition and then classified through site assessments so that they can be identified using scientifically based criteria and protected. The use of site assessments to confirm the actual presence and classification of critical areas is central to the management approach developed under this Chapter.

The ordinance codified in this Chapter was drafted to provide County regulatory structure for identification, designation and protection of critical areas. This Chapter allows staff of the Planning and Permit Center to provide site visits, preliminary reviews, and pre-application meetings to assist in the identification of critical areas. In addition, performance based alternatives have been built into this Chapter to allow flexibility in compliance with dimensional requirements. In the event that hardships and grievances occur, this Chapter contains provisions to allow for reasonable use exceptions, variances and appeals. Through this Chapter, Skagit County will work with the landowner in the management of critical areas.

This Chapter represents a significant first step in the management of critical areas. Incentives will play an ever-increasing role in enlisting landowner participation in conservation programs. A county-wide education program may be developed to alert the community to the valuable functions and formidable hazards associated with critical areas. Local, State and Federal governments must continue to work towards the consolidation and coordination of regulatory requirements.

(Ord. 16156 Appx. B (part), 1996)

**14.24.020 Title and Purpose.**

This Chapter shall be known as the Critical Area Ordinance of Skagit County, Washington and is adopted to assist in orderly development, conserve the value of property, safeguard the public welfare, and provide for the protection of the quality and quantity of groundwater used for public water supplies (RCW 36.70A.070(1)) and provide protection for the following critical areas:

(1) Wetlands: Wetlands serve many important ecological and environmental functions and help to protect public health, safety and welfare by providing flood storage and conveyance, erosion control, fish and shellfish production, fish and wildlife habitat, recreation, water quality protection, water storage, education, scientific research and other public benefits. It is the purpose of this Chapter to protect these functions to

prevent the continual loss of wetlands, and where practical to enhance or restore wetlands functions and values.

(2) Flood Hazard Areas: It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas according to the provisions established under SCC 14.34 (Flood Damage).

(3) Aquifer Recharge Areas: Potable water is an essential life-sustaining element. Much of Skagit County's drinking water comes from groundwater supplies. Once groundwater is contaminated, it is difficult, costly, and sometimes impossible to clean up. It is the purpose of this Chapter to prevent contamination and depletion, avoid exorbitant clean up costs, hardships and potential physical harm to people.

(4) Geologically hazardous areas include areas susceptible to the effects of erosion, sliding, earthquake, or other geologic events. They pose a threat to the health and safety of citizens when incompatible residential, commercial, industrial, or infrastructure development is sited in areas of a hazard. Geologic hazards pose a risk to life, property, and resources when steep slopes are destabilized by inappropriate activities and development or when structures or facilities are sited in areas susceptible to natural or human caused geologic events. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices so that risks to health and safety are acceptable. When technology cannot reduce risks to acceptable levels, building and other construction within identified geologically hazardous areas shall be prohibited.

(5) Fish and Wildlife Habitat Conservation Areas: Skagit County currently supports the highest wildlife species diversity and population numbers of any county in Washington State. In addition to their intrinsic value, certain species of fish and wildlife represent important historic, cultural, recreational and economic resources. Many species serve as indicators of the condition of the environment and the quality of life that Skagit County residents have invested in, enjoy and respect. It is the purpose of this Chapter to protect, restore where practical, and enhance fish and wildlife populations and their associated habitats. It is also the purpose of this Chapter to address requirements associated with listing of wild salmonid species under the Federal Endangered Species Act.

(Ord. 16156 Appx. B (part), 1996)

**14.24.030 Authority.**

The ordinance codified in this Chapter is adopted under the authority of RCW 36.70 and RCW 36.70A, and Article 11 of the Washington State Constitution.

(Ord. 16156 Appx. B (part), 1996)

**14.24.040 Applicability, Jurisdiction and Coordination.**

(1) Applicability. This Chapter shall be consistently applied to any land use or development under County jurisdiction within the geographical areas that meet the definitions and criteria for critical areas regulation as set forth in this Chapter.

(2) Relationship To Other Federal, State and Local Jurisdictional Agencies' Regulations. Many State, Federal and regional regulations apply to projects conducted within critical areas. Uses otherwise allowed by County codes do not eliminate other agency regulatory requirements.

(a) Federal regulations include:

(i) Clean Water Act, Section 404, 401

(ii) Coastal Zone Management Act
(iii) Endangered Species Act
(iv) Federal Water Pollution Control Act
(v) Food Security Act - Swampbuster
(vi) National Environmental Policy Act
(vii) National Floodplain Insurance Program
(viii) River and Harbor Act, Section 10

(b) State regulations include:
(i) RCW 43.21C State Environmental Policy Act
(ii) RCW 75.20 Hydraulic Project Approval
(iii) RCW 76.09 Forest Practices Regulations
(iv) RCW 77.12 Bald Eagle Protection Rules
(v) RCW 78.44 Surface Mining Act
(vi) RCW 90.03 State Water Code
(vii) RCW 90.48 State Water Pollution Control Act
(viii) RCW 90.58 Shoreline Management Act

(c) Regional regulations include:
(i) Skagit County Flood Damage Prevention Ordinance
(ii) Skagit County SEPA review
(iii) Skagit County Shoreline Management Program
(iv) Skagit County Solid Waste Permits
(v) Skagit County Stormwater Management Regulations and Standards
(vi) Skagit County On-Site Sewage Disposal Permits (septic systems)

(d) Tribal regulations include: Tribal Environmental Policy Act (TEPA) on non-trust lands located within tribal reservations.

(3) Jurisdictional Substitution. In cases where other agencies possess jurisdictional control over critical areas and it is determined by the Administrative Official that the permit conditions satisfy the requirements of this Chapter, those requirements may substitute for the requirements of this Chapter. Such requirements shall be a condition of critical area approval and be enforceable by the County. Such agencies may include, but are not limited to, the United States Army Corps of Engineers, Environmental Protection Agency, and Fish and Wildlife Service; the Swinomish Tribe, and the Washington State Department of Ecology, Department of Natural Resources and Department of Fish and Wildlife. The County shall notify the Applicant in writing when any such substitution is made. The County shall also notify the public through a Notice of Decision as provided in SCC 14.06 and shall provide opportunity for written comment by the Washington State Department of Ecology and/or the Washington Department of Fish and Wildlife as to whether the substitution provides required protection of critical areas.

(4) Jurisdictional Coordination. In addition to the provisions established in this Chapter, the County shall coordinate its own programs with those of other public and private organizations to enhance management of Critical Areas in Skagit County. A partial list of public and private programs providing additional protection to critical areas includes:

(a) Local plans or programs:
(i) Nookachamps Watershed Management Plan
(ii) Padilla Bay/Bayview Watershed Management Plan
(iii) Samish Watershed Management Plan

(iv) Skagit County Flood Damage Prevention Ordinance
(v) Skagit County SEPA review
(vi) Skagit County Shoreline Management Program
(vii) Skagit County Solid Waste Permits
(viii) Skagit County Stormwater Management Regulations and Standards
(ix) Skagit County On-Site Sewage Disposal Permits (septic systems)
(x) Skagit County Open Space Taxation Program

(b) State and Federal programs
(i) Washington State Hydraulic Project Permits
(ii) Washington State Pesticide Applicator License Requirements
(iii) Washington State Waste Discharge Permits
(iv) Washington State Water Quality Certification Requirements (401)
(v) Washington State Forest Practices Permits
(vi) Federal Corps 404 Permits and Section 10 Permits

(c) Tribal programs include Tribal Environmental Policy Act (TEPA) requirements.

**14.24.050 Resource Information and Maps.**

(1) Recognizing the necessity for accurate geographic information, the Skagit County Planning and Permit Center shall continue to work on a comprehensive inventory identifying the location, size, and other characteristics of critical areas in Skagit County.

(2) The results of the inventory shall be transferred to maps and published. These maps shall be available at the Planning and Permit Center for public inspection.

(3) When completed, critical area maps shall serve as guides to the location and extent of such critical areas. In the interim, critical areas preliminary inventory maps shall be used to alert the public and responsible officials to the potential presence of critical areas on the site of proposed projects.

(4) Skagit County's critical area maps, with the exception of the Flood Insurance Rate Map used to designate certain flood hazard areas, are provided only as a general guide to alert the user to the possible distribution, location and extent of critical areas. Map identification of critical areas provides only approximate boundaries and locations in Skagit County. The actual locations and boundaries of critical areas, as well as their quality and quantity, shall be based upon the presence of the features applicable to each critical area element in this Chapter. Maps shall not be considered a regulatory standard or substitute for site specific assessments. The application of definitions, methodologies and performance standards pursuant to the site specific assessment requirements provided in this Chapter is the controlling factor in determining the actual presence and extent of critical areas.

(5) The Skagit County critical area maps utilize the best information currently available to the County and will be updated on a continual basis. Sources for general map information include, but are not limited to, those listed at the end of this document in Appendix B and subarea maps such as watershed study maps noted in the reference section of this Ordinance.

(6) On an annual basis, Skagit County shall make formal requests for updated information to the resource agencies responsible for updating the map information contained in Appendix B. Incorporation of such updated information into Skagit County critical areas maps shall be made by Skagit County Mapping on a minimum of an annual basis.

(7) Critical areas mapped under the site assessment requirements of this Chapter shall be compiled in a database and incorporated into critical area maps on an annual basis. This map information shall be utilized to facilitate tracking of compliance with the requirements of this Chapter to ensure long-term protection of critical areas.

**14.24.060 Authorizations Required.**

With the exception of activities identified as Allowed without Standard Review under SCC 14.24.100, any land-use activity that can impair the functions and values of critical areas or their buffers through a development activity or by disturbance of the soil or water, and/or by removal of, or damage to, existing vegetation shall require critical areas review and written authorization pursuant to this Chapter. Vegetation destruction or removal, other than the normal maintenance of existing landscaping identified as Allowed without Standard Review under SCC 14.24.100(14), shall be prohibited within a critical area or its required buffer, unless the Applicant has submitted a request for and the County has approved a buffer management plan pursuant to the requirements of the particular critical area that demonstrates there will be no adverse impact to the critical area with the proposed vegetation removal and disturbance of the soil or water and includes any mitigation or buffer enhancement necessary to address critical areas impacts. Authorizations required under this Chapter overlay other permit and approval requirements of the Skagit County Code. Regardless or whether a County development permit or approval is required, any proposed alteration that can adversely affect a critical area or its standard buffers' functions must comply with the substantive and procedural requirements of this Chapter. Critical areas review pursuant to this Chapter shall be conducted as part of the underlying permit or approval, where applicable. It is the responsibility of the landowner, or designee, who conducts or proposes to undertake land use activities that can adversely impact critical areas or their buffers to obtain County authorization prior to commencing such activities. In some cases, the typical thresholds that trigger review and permits from the County have been reduced to zero for any development activity located within a critical area or its required buffer. *See*, e.g., SCC 15.04.030 (Uniform Codes) and SCC 14.32 (Drainage).

(1) Procedures: No land use development permit, land division, development approval, or other County authorization required by County Ordinance shall be granted until the Applicant has demonstrated compliance with the applicable provisions of this Chapter.

(a) The Applicant shall demonstrate that the proposal submitted conforms to the purposes and standards of this Chapter, assesses impacts on the critical area from activities and uses proposed, and identifies protective mechanisms adequate to meet the requirements of this Chapter.

(b) The Administrative Official or designee shall review each proposal and determine if the proposal is consistent with applicable regulations of this Chapter and if the protective mechanisms proposed are sufficient to protect the critical area, public health, safety and welfare, and if so, shall condition approval accordingly. If not, the Administrative Official shall specify conditions of approval. If the Administrative Official determines that there are no conditions under which the proposal could be approved, then the Administrative Official shall deny the proposal.

(c) Takings, hardships associated with dimensional requirements, and grievances are addressed through the reasonable use exception (SCC 14.24.150), variance procedures (SCC 14.24.140) and appeal provisions (SCC 14.24.730) respectively.

Any proposed development or land division shall be conditioned as necessary to mitigate impacts to critical areas as required by this Chapter and, subject to the reasonable use exception of SCC 14.24.150, any project that cannot adequately mitigate its impacts to critical areas shall be denied.

(2) Conflicts with Other Provisions: If any provision of this Chapter conflicts with any other applicable provision of the Skagit County Code, the more restrictive shall apply unless specifically excepted in this Chapter.

(3) Satisfaction of the requirements of this Chapter shall also be sufficient to satisfy the requirement for critical areas analysis and mitigation pursuant to RCW 43.21C and SCC 14.12 (SEPA).

(4) SEPA Compliance: The goals, policies and purposes set forth in this Chapter shall be considered policies of Skagit County under the State Environmental Policy Act. When applicable the Applicant must meet SEPA requirements pursuant to SCC 14.12.

(5) Other Permits Required: It is recognized that many city, County, State, and/or Federal permit conditions may apply to the proposed action, and that compliance with the provisions of the Chapter may not necessarily constitute compliance with other such requirements. (Ord. 16851 Attch. A (part), 1998; Ord. 16156 Appx. B (part), 1996)

**14.24.070 Public Notice and Records.**

(1) Public notice for projects subject to the provisions of this Chapter shall be provided pursuant to SCC 14.06 (Permit Procedures).

(2) Records of all critical area assessments and related land use approvals and conditioning shall be maintained by the County and be made available to the public upon request.

**14.24.080 Critical Area Review Procedures Generally.**

The administrative procedure for critical areas review shall be as follows:

(1) Determination that an activity requires standard County review: All applications for approval of activities requiring written authorization pursuant to SCC 14.24.060 of this Chapter shall require the submission of a critical areas checklist completed and filed by the Applicant on the forms provided by the Planning and Permit Center. If not otherwise required, all applications for critical areas review shall include a description of the proposed activity and a site plan showing the location of the proposed activity and associated area of disturbance in relation to all known critical areas or critical area indicators. Upon receipt of the application, the Administrative Official shall determine whether the proposed activity fits within any of the Activities Allowed without Standard Review found in SCC 14.24.100. If the proposed activity is so allowed and meets the associated conditions for such an allowance, no other critical areas review shall be required, except as necessary for the Administrative Official to ensure that any conditions for such an allowance are met in practice. The Administrative Official shall note this determination in the application file and provide written authorization for the project or activity to proceed as proposed in the application when undertaken in accordance with any conditions for such an allowance.

Proposed activities identified under SCC 14.24.100 that do not meet the conditions for such an allowance or that the Administrative Official determines may result in significant adverse impacts to a critical area or its buffer shall be subject to standard critical areas review.

(2) Method for Initial Determination of Critical Areas: Upon determination that the proposed activity is not allowed without standard review, and upon receipt of a completed critical areas checklist, the Administrative Official shall use the following method to determine whether critical areas or their required buffers will possibly be affected by the proposed activity:

(a) Review the critical areas checklist together with the maps and other critical areas resources identified in the relevant sections of this Chapter, and

(b) Complete the Critical Areas Staff Checklist; and

(c) Inspect the site; and

(d) Complete the Critical Areas Field Indicator form.

(3) Determination that Critical Areas are not Affected: If the Administrative Official determines that critical area indicators are not present within 200 feet of the proposed activity or within a distance otherwise specified in this Chapter, then the review required pursuant to this Chapter is complete, except as necessary for the Administrative Official to ensure that the proposed activity is undertaken as described in the application and as shown on the site plan. The Administrative Official shall note this determination in the application file and provide written authorization for the project or activity to proceed as proposed in the application or, where applicable, with any specific conditions of approval. This determination shall not constitute approval of any use or activity nor its compliance with the requirements of this Chapter, outside the scope of that stated in the application. Any proposed change in use or scope of activity from that contained in the application shall be subject to further review under this Chapter. The Applicant shall acknowledge in writing that this determination by the Administrative Official regarding the apparent absence of critical area indicators and the likelihood that critical areas will not be affected is not intended as an expert certification regarding the presence or absence of critical areas and that the critical areas review process is subject to possible reopening if new information is received as described in Subsection (4) below. If the Applicant wants greater assurance of the accuracy of any such critical area indicators determination, the Applicant shall hire a qualified critical areas expert to provide such assurances.

(4) Re-opening of review process.

(a) If at any time prior to completion of the public input process on the associated permit or approval, the Administrative Official receives new evidence that a critical area may be present within 200 feet of the project area or within a distance otherwise specified in this Chapter, then the Administrative Official shall reopen the critical areas review process pursuant to this Chapter and shall require whatever level of critical areas review and mitigation as is required by this Chapter.

(b) Once the public input process on the associated permit or approval is completed and the record is closed, then the Administrative Official's determination regarding critical areas pursuant to this Chapter shall be final, unless appealed as described in SCC 14.24.730 below; provided, however, that the Administrative Official shall not be prevented from reopening the critical areas review process if County staff relied on misinformation provided by the Applicant in the application or checklist. For the purposes of this Subsection, "misinformation" means information regarding the nature and/or location of the proposed activity as presented in the application or regarding the presence of a critical area or critical

area indicators on the subject property which the Applicant knew or should have known was relevant at the time of the submittal of the checklist. Prior to reopening a critical areas review under this Subsection, the Administrative Official shall make a site visit. No critical areas review shall be reopened under this Section unless the Administrative Official determines, after the site visit, that the Applicant provided misinformation.

(c) If a critical areas review is reopened under this Subsection after a permit or approval is granted, the burden of proof on whether the Applicant submitted "misinformation" at the time of the submittal of the checklist shall be on the Administrative Official. The fact that the Applicant no longer owns the subject property at the time the Administrative Official discovers the misinformation shall not be a bar to reopening critical areas review. The Applicant or landowner who submitted the critical areas checklist upon which the misinformation was discovered shall be the responsible party for compliance with this Chapter, including any necessary mitigation.

(5) Determination that Critical Areas are Affected: If the Administrative Official determines that critical area indicators are present within 200 feet of the proposed activity or within a distance otherwise specified in this Chapter, then the Administrative Official shall note this determination in the application file and the Applicant shall be required to provide the critical areas site assessment specified in this Chapter. Development of a Site Assessment may precede a County site visit, provided that no disturbance of vegetation or land surface occurs prior to County authorization.

(6) Waiver of Site Assessment Requirements. In circumstances where the Administrative Official has identified the presence of critical area indicators within 200 feet of a proposed project or activity, the Administrative Official may consider waiving the site assessment requirements of this Chapter upon receiving a written request from the Applicant.

(a) Such a waiver shall only be granted under the following conditions:

(i) The critical area in question has been preliminarily identified by County technical staff as being either a Type 5 water or a Category IV wetland; and

(ii) The Administrative Official determines that the project or activity as proposed will not impact the critical area and will not impact a buffer twice the standard width; and

(iii) The Administrative Official determines that such a waiver will not reduce the long-term protection of the identified critical area; and

(iv) Prior to any such waiver, the Administrative Official shall either convene a site visit by a Technical Team or provide opportunity for review and comment by members of a Technical Team in which participation has been solicited from appropriate Federal, State and Tribal natural resource agencies, and

(v) The Administrative Official shall consider all comments received from individual team members prior to waiving the site assessment requirements of this Chapter and shall include these comments in the record along with the basis and rationale for any such decision, and

(vi) The property owner has submitted a site-specific Farm Management plan, approved by the Skagit County Conservation District consistent with adopted NRCS standards to the Administrative Official.

a) Such Plans must be sufficient to meet the environmental quality standards of the State of Washington established pursuant to RCW 90.48 Water Pollution Control, WAC 173-201 Water Quality Standards for Surface Waters of the State of Washington, and WAC 173-200 Water Quality Standards for Ground Waters of the State of Washington.

b) Plans shall include BMP's, including Riparian buffers, sufficient to ensure long-term protection of anadromous fish and their habitats.

1) Review and approval of Farm Management Plans.

A) Upon receipt of a properly submitted conservation plan, the Administrative Official shall review the plan for consistency with this Chapter.

B) The Administrative Official shall have the authority to approve, deny or condition submitted conservation plans utilizing available resource information.

C) Conservation plans that are denied or conditioned shall be returned to the landowner within 30 days of submission along with a letter detailing the aspects of the plan that were inconsistent with this Chapter. Any such plans may be modified on a voluntary basis by the landowner and re-submitted.

D) Approved farm management plans shall conform to the requirements set forth in SCC 14.06.170.

(b) For any project or activity for which the site assessment requirement has been waived, no further critical area review shall be required, except as necessary for the Administrative Official to ensure that the proposed activity is undertaken as described in the application and as shown on the site plan. Such projects or activities shall not be required to comply with the Protected Critical Area requirements established under SCC 14.24.170 of this Chapter. The Administrative Official shall note this waiver in the application file and provide written authorization for the project or activity to proceed as proposed in the application or, where applicable, with any specific conditions of approval.

(7) Critical Areas Determination and Conditions of Approval: Based on the critical areas site assessment report and other available critical areas information, the Administrative Official shall make a determination on the proposed activity. A determination to approve a proposed activity shall include designation of Protected Critical Areas (PCAs) pursuant to SCC 14.24.170 and stipulation of binding conditions and required mitigation, monitoring, maintenance or other conditions of approval pursuant to this Chapter. If the Administrative Official determines that there are no conditions under which the proposed activity could be approved, then the Administrative Official shall deny the proposal.

(8) Option to apply for a variance: If, as a result of the critical areas site assessment and determination, the Applicant believes that he or she is eligible for a variance from one or

more of the dimensional requirements of this Chapter, then the Applicant may request a variance as described in SCC 14.24.140.

(9) Option to apply for a reasonable use exception: If, as a result of the critical areas site assessment and determination, the Applicant believes that the requirements of this Chapter, including any request for a variance from the requirements of this Chapter, still leave the Applicant with no reasonable economically viable use of his or her property, then the Applicant may apply for a reasonable use exception pursuant to SCC 14.24.150 of this Chapter.

(Ord. 16851 Attch. A (part), 1998; Ord. 16156 Appx. B (part), 1996)

**14.24.090 Critical Areas Checklist, Site Assessment and Conditions Of Approval.**

(1) Critical areas checklist. Pursuant to SCC 14.24.060 and .080 of this Chapter, every application for an activity that might alter or adversely affect a critical area or associated buffer shall include a critical area checklist on a form provided by the Administrative Official. The checklist shall identify all critical area indicators and/or all known critical areas within 200 feet of the proposed activity or within a distance otherwise specified in this Chapter. The checklist shall be signed by the Applicant and shall inform the Applicant that if the information on the checklist is later determined incorrect, then the project or activity may be subject to conditions or denial as necessary to meet the requirements of this Chapter. Any permit or approval issued based on misinformation (as described in SCC 14.24.080(4)) could be rescinded and the site required to be restored to its original condition prior to disturbance.

(2) Site assessment required. If, after the site visit, the Administrative Official determines that the proposed activity area is within 200 feet, or within a distance otherwise specified in this Chapter, of an area that may contain critical area indicators, or if the Administrative Official determines that the proposed activity will adversely impact a critical area or its associated buffer, then a complete critical areas Site Assessment shall be required. Critical areas site assessments, as described in more detail in the various Sections for each type of critical area, shall be submitted as part of a complete application for a development permit or other County approval of land use activities having the potential to impact critical areas or their buffers. If the Applicant, together with assistance from the Administrative Official, cannot obtain permission for access to properties within 200 feet of the project area, then the critical areas assessment may be limited accordingly.

(3) Site assessment preparation. The critical area site assessment shall be prepared by a qualified expert for the type of critical area or areas involved and shall contain the information specified for each type of critical area under Articles II-VI. In general, the site assessment shall include critical area inventory, assessment of impacts and, where applicable, proposed mitigation, land-use restrictions and landowner management, maintenance and monitoring responsibilities. The qualified expert may consult with the Administrative Official prior to or during preparation of the site assessment to obtain County approval of modifications to the contents of the site assessment where, in the judgment of the qualified expert, more or less information is required to adequately address the critical area impacts and required mitigation. The Administrative Official shall allow for peer review and receipt of recommendations from qualified resource agency personnel as part of the County process for approval of qualified experts.

(4) Any site plans required by this Chapter may be combined into a single site plan wherever possible.

(5) Critical areas determination and conditions of approval. Upon receipt of a properly completed site assessment report, the Administrative Official shall make a formal determination on the proposed activity as to whether it meets the requirements of this Chapter and under what conditions. In making this determination, the Administrative Official shall utilize the information provided in the site assessment report and all other resource information available to the County. If the Administrative Official determines that additional technical information or input is necessary or warranted, the Administrative Official shall either contact appropriate Federal, State or Tribal agencies or utilize a Technical Team to provide review and comment on the proposed activity. Formal determinations made by the Administrative Official shall include the basis and rationale for the determination, as well as detailed specification of related conditions of approval, land use prohibitions, and required landowner mitigation, management, monitoring and/or maintenance. All such requirements shall be incorporated into a binding agreement pursuant to SCC 14.24.170 of this Chapter.

(6) Complete record. A complete record of all formal determinations by the Administrative Official, along with related critical areas checklists, site assessments, binding agreements, conditions of approval, land use prohibitions, required mitigation and a full record of comments received from Federal, State or Tribal agencies or from members of the Technical Team, shall be maintained by the County and made available to the public upon request.

**14.24.100 Activities Allowed Without Standard Review.**

The following developments, land-use activities and associated uses occurring in critical areas and their buffers are allowed without standard critical areas review from the County, provided that they are consistent with other applicable provisions of this Chapter and other Chapters of the Skagit County Code. All such activities shall be carried out in ways that cause the least impact to critical areas and their buffers. If any damage is caused to a critical area or buffer in connection with such activity, the critical area and its buffer must be restored to the extent feasible. To be allowed without standard review does not give permission to destroy a critical area or ignore risk. Proponents of such activities shall be responsible for notifying the Administrative Official if any damage occurs and shall provide all necessary restoration or mitigation. For information on identifying, protecting or mitigating adverse impacts to critical areas, refer to sections in this Chapter on wetlands, aquifer recharge areas, geologically hazardous areas, fish and wildlife habitat conservation areas, and flood hazard areas.

(1) Emergencies that threaten the public health, safety and welfare. An emergency is an unanticipated and imminent threat to the public health or safety or to the environment which requires immediate action within a period of time too short to allow full compliance with this Chapter. Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods that can address the emergency but also that have the least possible impact to the critical area or its buffer. The responsible party shall restore the critical area and buffer after the emergency to the extent feasible. The person or agency undertaking such action shall notify the Administrative Official within 1 working day or as soon as practical following commencement of the emergency activity. Following such notification, the Administrative Official shall determine if the action

taken was within the scope of the emergency actions allowed in this Subsection. If the Administrative Official determines that the action taken or any part of the action taken was beyond the scope of allowed emergency actions, then the enforcement provisions of SCC 14.44 (Enforcement/Penalties) shall apply.

(2) Existing activities defined as ongoing agriculture on designated agricultural land, including related development and activities which do not result in expansion into a critical area or its buffer and which do not result in significant adverse impacts to a critical area or its buffer, provided that such activities comply with the provisions of SCC 14.24.120 of this Chapter.

New development and/or expansion of existing agricultural operations shall comply with both the substantive and procedural provisions of this Chapter. Existing and ongoing agricultural activities that result in significant adverse impacts to a critical area or its buffer shall not be allowed without standard review under this Section.

(3) Normal and routine maintenance or repair of existing structures, utilities, sewage disposal systems, potable water systems, drainage facilities, ponds, or public and private roads and driveways associated with pre-existing residential or commercial development, provided any maintenance or repair activities shall use reasonable methods with the least amount of potential impact to the critical areas and any impact to a critical area or its buffer shall be restored after the maintenance to the extent feasible.

(4) Normal maintenance, repair, or operation of existing structures, facilities, and improved areas accessory to a single-family residential use, provided any maintenance or repair activities shall use reasonable methods with the least amount of potential impact to the critical area and any impact to a critical area or its buffer shall be restored after the maintenance to the extent feasible. This allowance shall not be construed as applying to agricultural activities undertaken outside of the Agriculture-NRL district.

(5) Modification of an existing single-family residence that does not change the use from residential, does not expand the building footprint or increase septic effluent, and does not adversely impact critical areas or their buffers.

(6) Modification of other than a single-family use which does not expand the building footprint, alter the use or increase septic effluent, pursuant to the requirements of the nonconforming use and structure provisions, and does not adversely impact critical areas or their buffers.

(7) Outdoor recreational activities which do not adversely impact critical areas or their buffers.

(8) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling soil, planting crops, or changing existing topography, water conditions or water sources and provided further that the activity does not adversely impact critical areas or their buffers.

(9) The lawful operation and maintenance of public and private diking and drainage systems which protect life and property along the Skagit and Samish Rivers and tidal estuaries in Skagit County. This exemption shall apply to the existing structures and design prism of levees, dikes, and artificial watercourses and the following sub-flood control zones: Britt Slough SFCZ, South Mount Vernon SFCZ and Dunbar SFCZ 40 feet landward of the landward toe of the structure or facility and 40 feet waterward of the waterward toe of the structure, measured horizontally from the face of the levee, dike or bank of the artificial drainage structure toward the Ordinary High Water Mark. The exempt area for operation

and maintenance may be managed to meet Federal standards for funding assistance established by the United States Army Corps of Engineers under Public Law 84-99 or other laws and regulations adopted to guide the diking and drainage functions. This exemption shall not apply to public or private activities which expand the levee, dike or drain beyond its design characteristics at the time of adoption of this Critical Areas Ordinance, and activities which expand or create new facilities shall not be exempt.

(10) Education and scientific research activities which do not adversely impact critical areas or their buffers.

(11) Construction or modification of navigational aids and channels markers.

(12) Site investigation work necessary for land use applications such as surveys, soil logs, percolation tests and other related activities which do not adversely impact critical areas or their buffers. In every case, critical area impacts shall be minimized and disturbed areas shall be immediately restored.

(13) Activity adjacent to artificial watercourses which are constructed and actively maintained for irrigation and drainage; provided, that any activity shall comply with RCW 75.20.100 and .103 by securing written approval from the State Department of Fish and Wildlife; and provided further, that the activity must also comply with all applicable State and local drainage, erosion and sedimentation control requirements for water quality. The operator shall notify the Administrative Official in writing regarding the location and nature of anticipated activities a minimum of 14 days prior to commencing any such activity. Such notification shall be a condition for allowance of this activity without standard review.

(14) Maintenance activities such as mowing and normal pruning, provided that such maintenance activities are limited to existing landscaping improvements and do not expand into critical areas or associated buffers, do not expose soils, do not alter topography, do not destroy or clear native vegetation, and do not diminish water quality or quantity. This allowance shall not be construed as applying to agricultural activities undertaken outside the Agriculture-NRL district.

(15) Fish, wildlife, wetland and/or riparian enhancement activities not required as mitigation provided that the project is approved by the U.S. Department of Fish and Wildlife, the Washington State Department of Fish and Wildlife or the Washington State Department of Ecology.

(Ord. 16851 Attch. A (part), 1998; Ord. 16156 Appx. B (part), 1996).

**14.24.110 County Regulation Of Forest Practices For The Protection Of Critical Areas.**

Forest practices governed under RCW 76.09 are subject to the provisions of this ordinance as follows:

(1) All Class IV-General forest practices that propose conversion to a use other than commercial timber production shall be subject to all of the provisions of this ordinance.

(2) Any request for County approval of a Conversion Option Harvest Plan (COHP) shall be subject to all of the provisions of this ordinance.

(3) The County shall coordinate the review of forest practice applications within the urban growth areas (UGAs) of incorporated cities and towns through inter-local agreements, provided that the County shall continue to condition forest practices within all UGAs to the full extent of this ordinance until such time its jurisdictional responsibility is amended by inter-local agreements.

(4) Forest practices of any class governed by RCW 76.09 that:

(a) do not fall under Subsections (1), (2) or (3) above;
(b) where no significant threat to the public safety or welfare is indicated; and
(c) where no indications exist of future conversion to uses other than forest practices shall be subject to the 6 year moratorium provisions of this Chapter consistent with RCW 76.09. All forest practice related activities, however, will be regulated by the Department of Natural Resources under the provisions of RCW 76.09 and WAC 222. Requests for waivers of the 6 year moratorium shall be subject to all the provisions of this ordinance (*see* Subsections (5), (6) and (7) below).

(5) When harvesting takes place without a forest practice application (FPA) or where an undeclared conversion of forested land to a specified use has occurred under a non-conversion FPA without an approved COHP in good standing, the County shall impose a 6 year moratorium on all future activities which require a permit or land use approval from the County beginning from the date the harvesting activity was discovered by the DNR or the County.

(6) Waiver of the 6 year moratorium. The Applicant may apply to the County for a waiver of the 6-year moratorium. The fee for all waiver applications shall be paid to the County and shall be double the standard fee amount charged by the DNR for a Class IV-General Conversion review.

(a) Waiver for 1 single-family residence and outbuildings. The 6-year moratorium may be waived for constructing a single-family residence or outbuildings, or both, on a legal lot and building site where such activity complies with all applicable County Ordinances. Such waiver may be issued by the Planning Director where a finding can be made that granting the waiver meets the criteria noted in Subsection (c) below. Before acting on the request for waiver of the moratorium, the Planning Director, or designee, shall issue a Notice of Development Application (NODA) consistent with the procedures under SCC 14.06, including a 15-day comment period; provided further, where the initial critical area review and site visit concludes that no critical areas have been impacted, or do not exist, the Director may waive the NODA requirement and issue the waiver.

(b) For all other development approvals, including but not limited to subdivisions, short subdivisions, Comprehensive Plan amendments, rezones, special use permits, variances, and fill and grade permits (except where fill and grading is necessary to serve a single-family residence associated with a waiver request), the County shall require a public hearing before the Hearing Examiner consistent with the procedures contained in SCC 14.06 for such action.

(c) For both (a) and (b) above, the following shall provide the criteria for considering a waiver to the 6-year moratorium:

(i) A critical areas site assessment must be prepared where warranted by the CAO following initial review and site visit of the use proposed for the property subject to the moratorium. The site assessment shall determine the level of impacts to County regulated critical areas and associated buffers that have occurred due to logging and any associated conversion activity. The site assessment shall also include an estimated time needed for recovery of the critical area to a state comparable to what it was before the forest practice took place.

(ii) If, based on the prepared site assessment and comments received, the Planning Director (for single-family residences) or Hearing Examiner (for waivers subject to public hearings) determines that recovery of the critical area(s) and associated buffers can be achieved within 6 years, then a mitigation plan shall be prepared and implemented consistent with the CAO and the waiver shall be lifted. If, however, critical areas and their buffers cannot be restored within a 6-year period to a level of critical area function comparable to what it was prior to the logging activity, the request for a waiver of the moratorium shall be denied and the County shall not accept applications for development permits for a duration of 6 years unless compensatory mitigation can be performed as approved by the County. For purposes of this Section, compensatory mitigation shall mean compliance with SCC 14.24.240(10), for wetlands; there are no compensatory mitigation options for fish and wildlife habitat conservation areas (SCC 14.24.500), including riparian areas, and none for geologically hazardous areas (SCC 14.24.400)-- the landowner must meet the mitigation standards under SCC 14.24.530 and/or SCC 14.24.430 in order to be eligible for the waiver.

(7) In situations where a request for waiver has been denied based on the evidence provided in the site assessment and public comment, restoration to the extent feasible shall occur within the critical area and their standard buffers (including reforestation), and no further land use approvals shall be issued for the duration of the 6-year moratorium.

**14.24.120 Ongoing Agriculture On Lands Designated Agriculture-NRL.**
**RESERVED.**

**14.24.130 Strategic Plan For Protecting Wild Salmonids.**
**RESERVED.**

**14.24.140 Variances.**

(1) A critical areas variance may be authorized as provided in SCC 14.10 Variances as a Hearing Examiner Variance.

(2) The Hearing Examiner shall ensure the opportunity for public comment, including that from the Washington Departments of Ecology, Fish and Wildlife and Natural Resources, and affected Indian tribes, before deciding on variance requests and shall develop and maintain a public record on each variance request which includes all findings, assessments and public comments. Such record shall be made available to the public before the variance decision is made.

(3) Variances to the dimensional setbacks of this Chapter may be issued by the Hearing Examiner following the preparation of a site assessment by a qualified professional where the conclusion of the site assessment supports a modification of the dimensional requirements. Such a conclusion must also include all necessary mitigation. The Hearing Examiner must make a finding that the issuance of a zoning variance by itself will not provide sufficient relief to avoid the need for a variance to the dimensional setback and other requirements for critical areas regulated by this Chapter, and that a prepared site assessment and mitigation plan demonstrates that the proposed project

allows for development of the subject parcel with the least impact on critical areas while providing reasonable use of the property, and full mitigation of project impacts.

(4) If the Hearing Examiner decides to grant the variance, the Hearing Examiner shall make a further finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure and allows the minimum impact to critical areas necessary to allow such reasonable use.

(5) If the Hearing Examiner decides to grant the variance, the Hearing Examiner shall make a further finding that the granting of the variance will be consistent with the general purpose and intent of this Chapter, and will not create significant adverse impacts to the associated critical areas or otherwise be detrimental to the public welfare.

(6) In granting any variance, the Hearing Examiner shall prescribe such conditions and safeguards as are necessary to secure adequate protection of critical areas from adverse impacts and to ensure that impacts to critical areas or their buffers are fully mitigated. The Hearing Examiner shall consider and incorporate as appropriate recommendations from Federal, State or Tribal resource agencies.

(7) The Hearing Examiner shall maintain a record of all decisions made on requests for variances. Such record shall include the basis and rationale for any such decision as well as any comments provided by Federal, State or Tribal agencies or members of a Technical Team. Such record shall be made available to the public upon request.

(8) Appeals of a Hearing Examiner decisions on Variance requests shall be made pursuant to the provisions of SCC 14.06.

**14.24.150 Reasonable Use Exception.**

(1) If the application of this Chapter would result in denial of reasonable and economically viable use of a property, and if such reasonable and economically viable use of the property cannot be obtained by consideration of a variance pursuant to SCC 14.24.140, then a landowner may seek a reasonable use exception from the standards of this Chapter. Reasonable use exceptions shall only apply to legal lots of record established prior to the effective date of this Chapter. Reasonable use exceptions are intended as a "last resort" when no plan for mitigation and/or variance can meet the requirements of this Chapter and allow the Applicant a reasonable economically viable use of his or her property. The reasonable use exception shall follow the variance and public notification procedures of SCC 14.10 and SCC 14.06, and shall only be granted under the following conditions:

(a) The application of this Chapter would deny all reasonable and economically viable use of the property so that there is no reasonable and economically viable use with a lesser impact on the critical area than that proposed; and

(b) The proposed development does not pose a threat to the public health and safety; and

(c) Any proposed modification to a critical area will be evaluated by the Hearing Examiner through consideration of a Site Assessment and mitigation plan prepared by the Applicant's qualified consultant pursuant to the requirements of this Chapter, and will be the minimum necessary to allow reasonable and economically viable use of the property; and

(d) The Applicant has requested and been denied a Variance under the provisions of 14.24.140; and

(e) The Hearing Examiner may issue, as part of the findings in any decision made under this Subsection, conditions of approval, including modifications to the size and placement of structures and facilities to minimize impacts to critical areas and associated buffers. As part of the findings, the Hearing Examiner may also specify mitigation requirements that ensure that all impacts are mitigated to the maximum extent feasible; and

(f) The Hearing Examiner shall provide opportunity for public comment before a decision on a request for a reasonable use exception is made, including comments from appropriate Federal, State and Tribal natural resource agencies. The Hearing Examiner shall maintain a record of all information, including public comments, which were used in making a decision on a request for a reasonable use exception. This record shall be made available to the public upon request.

(2) Decisions issued by the Hearing Examiner on requests for reasonable use exceptions may be appealed pursuant to the provisions of SCC 14.06.

(Ord. 16156, Appx. B (part), 1996; Ord. 16851, Attch. A (part), 1998; Ord. 16156, Appx. B (part), 1996.)

**14.24.160 Critical Area and Buffer Mitigation Requirements - General Provisions.**

(1) Buffers.

(a) As described in more detail in each relevant section, buffers have in some cases been determined necessary and appropriate to protect critical areas and their functions or to prevent risk from a critical area hazard. In those sections of this Chapter where specific buffers are identified, those buffers are deemed "required" or "standard" buffers. If a project or activity does not propose any alteration of those buffers or of the associated critical area and the Administrative Official determines that these buffers are adequate to protect the critical area or to prevent risk of a hazard from the critical area, then subject to the provisions of SCC 14.24.170, no additional mitigation will be required. Once the critical area and its buffer have properly been delineated through a critical areas assessment and any County conditions of approval have been established, no further critical areas mitigation assessment is required, except as necessary to ensure that long-term protection of critical areas and buffers is met in practice through compliance with SCC 14.24.170(1). The Applicant shall ensure the protection of critical area by either:

(i) Performing a site assessment on the entire parcel; or

(ii) Limit the site assessment to 200 feet surrounding a proposed project or activity and place all of the land not delineated into a Protected Critical Area (PCA) or Open Space - Protected Area (OS-PA).

(b) If, however, based on unique features of the particular critical area or its buffer or of the proposed development, the Administrative Official determines that additional buffers and/or mitigation measures beyond these buffers are necessary to adequately protect the function of the critical area or to prevent risk of a hazard from the critical area, the Administrative Official may impose such additional mitigation requirements, provided the Administrative Official can demonstrate, based on best available science, why that additional mitigation or buffering is required to adequately protect the critical area function or to prevent hazard from a critical area.

(c) Further, if the Applicant proposes to reduce these buffers or to alter the critical area or its required buffer, then the Applicant shall demonstrate pursuant to SCC 14.24.140, based on best available science, why such buffer and/or critical area modification, together with such alternative mitigation proposed in the critical areas assessment, is sufficient to provide equal or better protection of the critical area function or provide no increased risk of a hazard from the critical area.

(d) The critical areas assessment and the conditions of approval shall make adequate provision for long-term protection related to critical areas and buffers, and shall include the requirements established in SCC 14.24.170. However, critical areas and/or buffers identified as Protected Critical Areas (PCAs) as defined in this Chapter do not require any provisions for public access, and appropriate restrictions may be included in the easement or title documents. Critical areas and/or buffers identified as PCAs are however subject to periodic inspection by the Administrative Official, upon prior notification to the landowner, to ensure long-term protection.

(e) Protected critical areas.

(i) For proposed land divisions, critical areas and their associated buffers identified through the site assessment and County review process shall be designated as PCAs and placed in separate tracts or easements and protected through protective covenants implemented through a binding agreement between the landowner and the County. (*See* Protected Critical Area Requirements, SCC 14.24.170.)

(ii) For development projects or land use activities not involving a new land division, the critical area and its associated buffer identified through the site assessment process shall instead be identified as a PCA by either easement, open space designation or permit conditions, all including restrictive covenants and recorded with the Auditor on a site plan to insure long term protection. Critical areas and/or buffers identified as PCAs are subject to periodic inspection, upon prior notification to the landowner, to ensure long term protection.

(f) Open Space - Protected Area. If a portion of a parcel contains a proposed development project that triggers a development permit, and has not had its critical areas and associated buffers delineated because it was outside the project or area affected by the project, then further critical areas assessment may be required in the future prior to any change of use, or new development permit for that portion of the site. *See* SCC 14.24.080.

(2) Mitigation. All proposed alterations to critical areas or associated buffers shall require mitigation sufficient to provide for and maintain the functional values of the critical area or to prevent risk from a critical area hazard and shall give adequate consideration to the reasonable economically viable use of the property. Mitigation of one critical area impact should not result in unmitigated impacts to another critical area. Mitigation may include, but is not limited to: buffers, setbacks, limits on clearing and grading, best management practices for erosion control and maintenance of water quality, or other conditions appropriate to avoid or mitigate identified adverse impacts. Subject to the reasonable use exception provisions of SCC 14.24.150, any proposed critical area alteration that cannot adequately mitigate its impacts to a critical area shall be denied.

(3) Preferred mitigation sequence. Mitigation includes avoiding, minimizing or compensating for adverse impacts to regulated critical areas or their buffers. The preferred sequence of mitigation is defined below:

(a) Avoid the impact altogether by not taking a certain action or parts of an action;

(b) Minimize the impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(c) Rectify the impact by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project or activity;

(d) Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.

(4) All proposed mitigation shall be included in the critical areas assessment. The critical areas mitigation shall include the following:

(a) Description of proposed mitigations (critical areas lost/critical areas gained);

(b) Analysis of avoidance, minimization, reduction, and compensation;

(c) Functional analysis of mitigation/analysis of prevention of risk hazard;

(d) Proposed Applicant or landowner monitoring or inspection measures and schedule, including specification of method and frequency of submittal of reports on results to County; and

(e) Contingency plan.

(5) The Administrative Official shall make the final determination regarding required mitigation. Required mitigation shall be included in an approved mitigation plan.

(6) Financial Assurance. The Administrative Official or his/her designee shall require the complete mitigation proposed in the site assessment to be completed prior to final approval of the development permit. For all projects with an estimated mitigation cost of $4,000 or over, the Administrative Official shall require financial assurance which will assure compliance with the mitigation plan if the complete mitigation proposed in the site assessment cannot be completed prior to final approval of the development permit. Financial assurance shall be in the form of either a surety bond, performance bond, assignment of savings account or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the County Prosecuting Attorney, shall be in the amount of 125% of the estimated cost of the uncompleted actions or construction, and shall be assigned in favor of the Skagit County Planning and Permit Center. The term of the financial assurance shall remain in place until the required mitigation is complete. (Ord. 16960, Attach. A (part), 1998; Ord. 16156, Appx. B (part), 1996).

(7) County monitoring of critical areas mitigation. Annually, the Administrative Official shall make a significant sampling of projects and activities for which critical area site assessments were required, including mitigation plans, potentially impacting fish-bearing streams and/or Category I, II or III wetlands. The sample shall be taken from permits or approvals issued more than 10 months prior to the sampling date. The selected sites shall be inspected for critical area and buffer size and condition and for compliance with any required mitigation or other conditions of approval. Results of such sampling shall be

included in the permanent record for the project or activity, shall be reported to the Board of County Commissioners on an annual basis, and shall also be utilized for enforcement purposes.

**14.24.170 Protected Critical Area (PCA) Requirements.**

(1) PCA identification and recording.

(a) PCA identification. Approval of development projects which trigger a development permit and other land-use activities that can cause adverse impacts to critical areas and/or their buffers shall require the identification and designation of PCAs by the Administrative Official. However, if the applicant chooses, the site assessment may be limited to 200 feet surrounding a proposed development only if there are either no other activities occurring or proposed on the remainder of the parcel which are in conflict with this Chapter. Once an activity is proposed the applicant must re-enter the process identified in 14.24.160 and 14.24.170. The portions of the parcel which have not received a site assessment shall be placed into an Open-space Protected Area (OS-PA) which includes a recorded notification that the area must have a site assessment completed 200 feet around any proposed activity before that activity may occur. The same requirements for a PCA under Section 14.24.170(1) shall apply to an OS-PA. If the development project is a CaRD application and is within a natural resource land, the remainder parcel shall be put into OS-NRL and shall have all of the constraints that are set forth in this Chapter. PCAs shall include all critical areas and associated buffers on the proposed project or activity site which have been identified through the site assessment process.

(b) PCA recording. All PCAs shall be recorded with the County Auditor in accordance with the procedures established under this Section. The Applicant shall be responsible for all fees and other costs associated with recording of PCAs.

(c) Binding agreements. For each project or activity that requires recording of PCAs, the following information shall be recorded with the Auditor as part of a binding agreement between the landowner and the County which shall run with the land and be readily available to the public upon request:

(i) Binding agreement signed by the landowner and the Administrative Official or designee which stipulates any special conditions of approval, protective covenants, binding conditions, or other requirements such as use restrictions, required mitigation, and/or landowner maintenance or monitoring requirements established at the time of approval;

(ii) Required final plat map or site plan clearly showing the locations of PCAs, existing vegetation and permanent buffer edge markers;

(iii) Additional information necessary to document the critical areas inventory at the time of approval, including descriptions of identified critical areas, their locations, functions and values, and existing critical areas or buffer vegetation;

(iv) Identification of any County responsibilities beyond those required by this Chapter;

(v) Reference to the County file containing the complete record of information pertaining to approval of the project or activity.

(d) Permanent buffer edge markers. Except as provided under Subsection (i) below, the outer edges of all PCAs, with the exception of aquifer recharge areas, shall be clearly marked on-site by the Applicant or landowner with permanent rebar stakes and critical area markers. Critical area markers may be either approved critical area signs or inexpensive steel posts painted a standard color approved by the Administrative Official that is clearly identifiable as a critical area marker. Installation of permanent markers shall be the responsibility of the landowner.

(i) The Administrative Official may waive or modify the requirement for permanent buffer edge markers provided that any such decision shall be based on a site-specific determination that future verification of PCA locations will not be substantially more difficult without the placement of permanent markers and that such waiver or modification will not result in reduced long-term protection of critical areas. Prior to approving any such waiver or modification, the Administrative Official shall provide the opportunity for review and comment by members of a Technical Team in which participation has been solicited from appropriate Federal, State and Tribal natural resource agencies. The comments of individual team members shall be included in the permanent record and made available to the public upon request.

(ii) Where such permanent markers are required, the Administrative Official shall specify their frequency of placement and general location. Permanent markers shall be placed to locate the edge of the PCA to an approximate accuracy of within 5% of the specified buffer width or within 5 feet, whichever is larger. The spacing intervals of the markers shall be such as to provide comparable accuracy of line-of-sight determination of buffer edges. The locations of all required stakes/ markers shall be shown on the plat map or site map recorded with the Auditor.

(2) Protected Critical Area (PCA) Designations for New Land Divisions:

(a) For land divisions and PUDs where site assessments have occurred pursuant to SCC 14.24.170(1)(a), all PCAs shall be placed into separate tracts or easements, whose uses shall be regulated by the provisions of this Chapter and any conditions of approval, including protective covenants and binding agreements as provided for under Subsection (1) above. Area within a PCA can be included in total acreage for development purposes and may be used in lot area or density calculations. PCAs may be owned and maintained by the owner of the lot of which they are a part or transferred to the County, homeowners association or land trust. See SCC 14.24.180 regarding incentives that may be available for lands designated as PCAs.

(b) Recording. PCA designations shall be recorded with the Auditor as part of the plat approval process. The Auditor file number referencing the agreement shall be on the face of the plat and its provisions shall run with the land.

(c) PCA descriptions. The location of PCAs shall be clearly identified on site plans and on preliminary and final plat maps. PCAs shall be labeled using the letters A through Z, or another labeling system approved by the Administrative Official.

Where more than 1 lot is involved, each lot shall carry independent labeling as described in subsection (4)(a) below.

(d) Ingress, egress and use. Owners of PCAs shall grant ingress and egress by the Administrative Official or his or her agent for monitoring and evaluation of compliance with established conditions of approval, binding conditions or any required mitigation. As part of an approved land division, the use limitations required of a designated and regulated critical area according to the provisions of this Chapter, including the conclusions of the critical areas site assessment report and any conditions of approval, protective covenants and other binding conditions, shall be clearly stated on the face of the recorded plat.

(3) PCAs on Pre-Existing Lots.

(a) For development proposals and other land use activities that can adversely impact critical areas on pre-existing lots, not part of a proposed land division, PUD or other form of multiple lot development, PCAs shall be identified on a scaled site plan showing the location of the PCA, structures (existing and proposed) and their distances from the PCA and lot lines to show relative location within the subject parcel(s). The project or activity shall be conditioned for critical area protection and the resulting information recorded with the Auditor as defined under Subsection (1) above. The site plan may be prepared by the Applicant and all distances and locations of structures may be measured from the established PCA boundary to within plus or minus 5 feet.

(b) Ingress and egress. Owners of PCAs shall grant ingress and egress by the Administrative Official or designee for monitoring and evaluation of compliance with established conditions of approval, binding conditions or any required mitigation.

(4) PCA Mapping, Labeling, and Area Calculations.

(a) All PCAs or OS-PAs shall be mapped. The area shall be delineated on the final plat map or on a site plan to an accuracy of plus or minus 5 feet horizontal and monumented in the field by a qualified expert pursuant to 14.24.170(1)(d). If a survey was not used to map the critical area, a note on the final plat map shall be recorded stating that a legal survey was not performed to delineate the critical area and that the surveyor is not incurring liability for the exact boundaries of the critical area on the plat map.

(b) During construction phases of development, clear temporary marking using flagging and staking shall be maintained along the outer limits of the delineated PCA or the limits of the proposed site disturbance outside of the PCA. Prior to the start of construction activity, and as necessary during construction, temporary markings shall be inspected and approved by the Administrative Official or designee. The person responsible for inspecting the temporary flagging shall provide written confirmation to be included in the record as to whether or not the flagging has been installed consistent with the permit requirements prior to commencement of the permitted activity.

(c) All PCAs shall include the necessary labeling to show calculated area (in square feet or acreage), and type and/or class of critical area within each lot. This information shall be noted on the face of the approved plat or site plan.

(d) Signs or fencing required as part of critical area mitigation. The Administrative Official shall require permanent signs or fencing where the Administrative Official determines that it is a necessary component of a mitigation plan. Examples include situations where variances to the dimensional requirement of this Chapter have been granted and the development will occur within a PCA; or where the sensitivity of the PCA will be impacted unless access to the PCA is limited (such as changes of use to farming where livestock is involved). The intent is to provide clear and sufficient notice, identification and protection of critical areas on-site where damage to a critical area or buffer by humans or livestock is probable due to the proximity of the adjacent activity.

(e) Sign, marker and fence maintenance. It is the responsibility of the landowner, or any subsequent landowner, to maintain the required PCA markers, signs or fences in working order throughout the duration of the development project or land use activity. Maintenance includes any necessary replacement. Removal of required signs, markers or fences without prior written approval of the Administrative Official shall be considered a violation of this Chapter.

(Ord. 16960,Attch. A (part), 1998)

**14.24.180 Incentives.**

(1) The following incentives are intended to minimize the burden to individual property owners from application of the provisions of this Chapter and assist the County in achieving the goals of this Chapter:

(a) Open Space. Any property owner on whose property a critical area or its associated buffer is located and who proposes to put the critical area and buffer in a separate open space tract may apply for current use property tax assessment on that separate tract pursuant to RCW 84.34. The County shall develop current use tax assessment programs for agricultural and small forest lands less than 20 acres and other open spaces.

(b) Conservation Easement. Any person who owns an identified critical area or its associated buffer may place a conservation easement over that portion of the property by naming the County or its qualified designee under RCW 64.04.130 as beneficiary of the conservation easement. This conservation easement can be used in lieu of the creation of a separate critical areas tract to qualify for open space tax assessment described in Subsection (1) above. The purpose of the easement shall be to preserve, protect, maintain, restore and limit future use of the property affected. The terms of the conservation easement may include prohibitions or restrictions on access and shall be approved by the property owner and the County.

(c) Density Credit. On lands containing critical areas or their associated buffers, the county shall allow a transfer of density for residential uses from the portion of the property containing the critical areas or buffers to that portion of the property that does not contain critical areas or buffers, provided that the resulting density on the portion of the property that does not contain critical areas or their buffers:

(i) does not create any adverse impacts to the critical area that cannot be adequately mitigated and

(ii) provided that all other development regulations can be met on site.

(d) Conservation Futures Fund. The County has established a Conservation Futures Property Tax fund as authorized by RCW 84.34.230. Properties containing critical areas or their associated buffers may be considered for acquisition under a purchase of development rights with these funds. Acquisitions shall be done through the Farmland Legacy Program as recommended by the Conservation Futures Advisory Committee, under the provisions of Ordinance No. 16380 and Resolution No. 16766.

(2) For any tract placed into or encumbered with a PCA, the County shall use its best efforts to assist the property owner in obtaining open-space tax status on that portion of the property and/or in dedicating that property to a nonprofit land trust organization to eliminate or minimize property tax burdens.

(3) The County shall seek to educate the public regarding critical areas, the beneficial functions of critical areas and the requirements of this Chapter in an effort to encourage citizen understanding, compliance and stewardship.

(4) The County shall, where practical, provide incentives to landowners to restore critical areas or their buffers that have been adversely affected by previous land use activities.

(Ord. 16960, Attch. A (part), 1998; Ord. 16156, Appx. B (part), 1996.)

**14.24.200 Wetlands Designations.**

Wetlands shall be identified and designated through a site visit and/or a site assessment utilizing the definitions, methods and standards set forth in the Washington State Wetland Identification and Delineation Manual, Department of Ecology publication # 96-94.

(Ord. 16156 Appx. B (part), 1996)

**14.24.210 Initial Project Review.**

(1) A site visit shall be conducted to confirm the presence of wetland indicators listed in the critical areas checklist or identified on critical areas map references as being within 200 feet of a proposed project or activity. A positive confirmation by the Administrative Official that site indicators are present or that the proposed project may impact the wetland area will then require a professional site assessment.

(2) The Administrative Official shall use the following map references to assist in making a determination:

(a) Wetlands mapped under the National Wetland Inventory by the U.S. Department of Interior; Fish and Wildlife Service;

(b) Areas mapped as hydric soils under the Soil Survey of Skagit County Area, Washington by the United States Department of Agriculture; Soil Conservation Service;

(c) A water of the State as defined under WAC 222-16-030 and maintained in the Washington State Department of Natural Resources Stream Type Maps; and

(d) Wetlands previously identified through the methodology specified under SCC 14.24.200 for another project.

(Ord. 16156, Appx. B (part), 1996.)

**14.24.220 Wetlands Site Assessment Requirements.**

If a wetlands site assessment is required, it shall meet the following requirements:

(1) A wetland reconnaissance shall be performed by a qualified wetlands professional. The reconnaissance shall identify the presence of wetlands within 200 feet of the project or

activity area. If this wetland reconnaissance demonstrates no wetlands within 200 feet of the activity area, then no further study is required.

(2) A wetland delineation shall be performed as part of a site assessment where a wetland reconnaissance confirms the presence of a wetland or the Applicant chooses to perform a delineation instead of a Wetland Reconnaissance. The delineation shall be performed by a qualified wetland professional trained in conducting delineations in accordance with the methodology specified under SCC 14.24.200 above.

(3) Wetlands site assessment: The site assessment shall be prepared by a qualified wetland professional consistent with this Section and SCC 14.24.200 above. The site assessment shall include the following:

(a) Site plan prepared in accordance with the requirements of the Skagit County Planning and Permit Center indicating the presence of wetlands within 200 feet of the project or activity area. This site plan information may be prepared by the Applicant with review by the qualified wetlands professional. If the Applicant together with assistance from the Administrative Official cannot obtain permission for access to properties within 200 feet of the activity area then an approximation of the extent of off-site wetlands within 200 feet of the area may be completed based on aerial interpretation and/or visual observation from nearby vantage points;

(b) Wetland community description including Cowardian classification and wetland rating based upon Washington State Department of Ecology's Washington State Wetland Rating System (1993);

(c) Delineation report including a site map indicating wetland boundaries and the locations of all data points;

(d) Values and functions assessments shall include but not be limited to discussion of water quality, fish and wildlife habitat, flood and stream flow attenuation, recreation and aesthetics;

(e) Project description and impact assessment shall include a detailed narrative describing the project, its relationship to the wetland and its potential impact to the wetland; and

(f) Any proposed mitigation plan shall include a discussion on how the project has been designed to avoid and minimize adverse impacts to wetlands and should follow the general mitigation plan requirements described in SCC 14.24.240 below and Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals, Department of Ecology, March 1994.

(g) Approval of any activity that can adversely affect regulated wetlands shall conform to the requirements set forth in SCC 14.24.170(1).

(Ord. 16156, Appx. B (part), 1996)

**14.24.230 Alteration Of Wetlands.**

(1) A regulated wetland or its required buffer can only be altered if the wetlands site assessment shows that the proposed alteration does not degrade the quantitative and qualitative functioning of the wetland, or any degradation can be adequately mitigated to protect the wetland function. Any alteration approved pursuant to this Section shall include mitigation necessary to mitigate the impacts of the proposed alteration on the wetland as described in SCC 14.24.240 (Mitigation) below.

(2) Regulatory authority including mitigation requirements under this Chapter shall be based on the dimensional thresholds listed below and the relative functional value and uniqueness of the wetland established in accordance with the Washington State Department of Ecology, Wetlands Rating System for Western Washington (1993), for Wetland Categories I through IV:

| Wetland Rating | Dimensional Threshold |
|---|---|
| Category I | No Exemptions |
| Category II | Exempt If Less Than 2,500 sq. feet |
| Category III | Exempt If Less Than 2,500 sq. feet |
| Category IV | Exempt If Less Than 10,000 sq. feet |

(a) Dimensional threshold is for the total wetland size, which also applies to the wetland mosaics as described in the Wetland Rating System.

(b) Category III and IV dimensional thresholds may be increased as a future amendment to this Chapter, if the County completes an inventory of Category III and IV wetlands in the County that would not be regulated by a larger dimensional threshold, to determine the quantitative and qualitative function of those unregulated wetlands.

(3) Storm water discharge.

(a) Storm water discharges to wetlands shall be controlled and treated to provide all known and reasonable methods of prevention, control, and treatment as mandated in the State Water Quality Standards, WAC 173-201A, as required by State law.

(b) Category IV wetlands may be structurally or hydrologically modified for control of stormwater quantity, quality, or both only when it has been demonstrated that no other alternative solutions are available. The wetlands cannot be altered if the quantity or quality of the wetland is reduced. Further, the wetland cannot be utilized for such purposes if the alteration will impact any other critical area or their buffer. The area shall be recorded as a Protected Critical Area.

(Ord. 16156, Appx. B (part), 1996)

**14.24.240 Wetland Mitigation Standards.**

(1) Mitigation Plan Requirements: Along with the other provisions of the other subsections below, the following items are required as part of a mitigation plan:

(a) Description of Project or Activity and Impact Assessment shall include a detailed narrative describing the project or activity, its relationship to the wetland and its potential impact to the wetland.

(b) Any proposed mitigation plan shall include a discussion on how the project or activity has been designed to avoid and minimize adverse impacts to wetlands and should follow the general mitigation plan requirements described in SCC 14.24.240 below and Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals, Department of Ecology, March 1994.

(2) Standard Wetland Buffers Requirements: Buffers satisfy the first step in the mitigation sequence set forth in this Section. They are necessary in order to avoid potential project generated impacts. Buffers help maintain water quality and habitat diversity while stabilizing hydrology and minimizing direct human disturbance to wetlands. Buffer widths are based on wetland rating, the functions that the buffer is expected to perform, and the intensity of the proposed land use. The following standard buffers shall be required for regulated wetlands unless otherwise provided for in this Section:

| | |
|---|---|
| CATEGORY I | 150 |
| CATEGORY II | 100 |
| CATEGORY III | 50 |
| CATEGORY IV | 25 |

(a) Wetland buffers shall be measured horizontally in a landward direction from the wetland edge, as delineated in the field, pursuant to the requirements of SCC 14.24.220. Where lands adjacent to a wetland display a continuous slope of 25% or greater, the buffer shall include such sloping areas. Where the horizontal distance of the sloping area is greater than the required standard buffer, the buffer shall be extended to a point 25 feet beyond the top of the bank of the sloping area.

(b) Except as otherwise specified, wetland buffers shall be retained in their natural condition.

(c) Where buffer disturbance or alteration has or will occur in conjunction with regulated activities, re-vegetation with native vegetation shall be required and completed 1 month before the end of the growing season.

(d) Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland.

(3) As described generally in subsection (1) above, if an Applicant does not propose to alter the required buffer, then no additional wetland impact mitigation shall be required unless the Administrative Official demonstrates why, based on best available science for the specific functions and values of the particular wetland or the specific adverse impacts of the proposed activity, additional buffers and/or other mitigation is necessary to adequately protect the wetland functions and values.

(4) If an Applicant proposes to decrease or alter a required buffer or alter a wetland pursuant to SCC 14.24.140, the Applicant shall demonstrate why such buffer and/or wetland modification, together with such alternative mitigation proposed in the wetland area assessment is sufficient to adequately protect the wetland functions and values.

(5) Performance Based Buffer Alternatives: Buffer widths may be increased, decreased or averaged in accordance with the following provisions. In implementing alternative buffer widths, the Administrative Official shall provide opportunity for review and comment from a Technical Team or from appropriate Federal, State and Tribal natural resource agencies to ensure the use of best available science. These comments shall be included in

the public record along with the basis and rationale for requirement or approval of any such alternative buffer widths.

(a) Buffer Width Increasing: Standard buffers may be increased upon a determination by the Administrative Official with confirmation from the Washington State Departments of Ecology and/or Fish and Wildlife that buffer width averaging is not adequate to protect the functions and values of the wetland and increased buffer widths are necessary to:

(i) Maintain viable populations of existing species listed by the Federal or State government as endangered, threatened or sensitive; or,

(ii) Maintain critical habitat for those species referenced in Subsection (i) above;

(iii) Protect wetlands against severe erosion that standard erosion control measures will not effectively address;

(iv) If the wetland contains variations in sensitivity, increasing the buffer widths will only be done where necessary to preserve the structure, function and value of the wetland.

(b) Buffer Width Averaging: Buffer averaging allows limited reductions of buffer width in specified locations, while requiring increases in others. Averaging of required buffer widths will be allowed only if the Applicant demonstrates that all of the following criteria are met:

(i) Averaging is necessary to accomplish the purposes of the proposal and that no reasonable alternative is available; and

(ii) Averaging width will not adversely affect the wetland functions and values; and

(iii) The total area contained within the wetland buffer after averaging is no less than that contained within the standard buffer prior to averaging. The buffer width shall not be reduced below 50% of the standard buffer width or 25 feet, whichever is greater, unless the Administrative Official determines that no other reasonable alternative exists and that no net loss of wetland functional values will result, based on a functional assessment provided by the Applicant utilizing a methodology approved by the Administrative Official.

(c) Buffer Width Decreasing: Decreasing of standard buffer widths will be allowed pursuant to SCC 14.24.140 only if the Applicant demonstrates that all of the following criteria are met:

(i) Buffer width averaging pursuant to Subsection (b), above, is not possible due to site characteristic; and

(ii) A decrease is necessary to accomplish the purposes of the proposal and no reasonable alternative is available; and

(iii) Decreasing width will not adversely affect the wetland functions and values; and

(iv) If a portion of a buffer is to be reduced, the remaining buffer area will be enhanced, using native vegetation, artificial habitat features, vegetative screening and/or barrier fencing as appropriate to improve the functional attributes of the buffer and to provide adequate protection for wetland functions and values; and

(v) The buffer width shall not be reduced below 50% of the standard buffer width or 25 feet, whichever is greater, unless the Administrative Official determines that no other reasonable alternative exists and that no net loss of wetland functional values will result, based on a functional assessment provided by the Applicant utilizing a methodology approved by the Administrative Official.

(6) Roads, bridges and utilities: Road, bridge and utility construction may be permitted across Category II, III or IV wetlands and/or their buffers under the following conditions:

(i) It is demonstrated to the Administrative Official that there are no alternative routes that can be reasonably used to achieve the proposed development;

(ii) The activity will have minimum adverse impact to the wetland area;

(iii) The activity will not significantly degrade surface or groundwater;

(iv) The intrusion into the wetland area and its buffers is fully mitigated

(v) The Administrative Official shall provide opportunity for review and comment by a Technical Team in which participation has been solicited from Federal, State and Tribal natural resource agencies.

(7) Allowed uses in buffers: Low impact uses and activities which are consistent with the purpose and function of the habitat buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the habitat involved provided, that such activity shall not result in a decrease in wetland functional values and shall not prevent or inhibit the buffer's recovery to at least pre-altered condition or function. Examples of uses and activities which may be permitted in appropriate cases, as long as the activity does not retard the overall recovery of the buffer, include removal of noxious vegetation, pedestrian trails, viewing platforms, and stormwater management facilities such as grass-lined swales.

(8) Establishment of Limits of Clearing: The location of the outer extent of the wetland buffer and the limits of the areas to be disturbed shall be marked in the field and be included as a condition of a development permit or approval. Such field markings may be field-approved by the Administrative Official prior to the commencement of permitted activities. Markings shall be maintained throughout the duration of any construction activities.

(9) Exceptions to Mitigation Requirements: Requirements for mitigation do not apply under the following circumstances:

(a) When a wetland alteration is intended exclusively for the enhancement or restoration of an existing regulated wetland and the proposal will not result in a loss of wetland function and value, subject to the following conditions:

(i) The enhancement or restoration project shall not be associated with a development activity.

(ii) An enhancement or restoration plan shall be submitted for site plan review. The restoration or enhancement plan must include the information required under SCC 14.24.220.

(b) When a wetland is a part of a development activity that is permitted by the Corp of Engineers NWP 14 permitting crossing of wetlands as part of road construction.

(10) Compensatory Mitigation.

(a) General Provisions:

(i) Compensatory mitigation shall be conducted on property which shall be protected and managed to avoid further loss or degradation. The Applicant or violator shall provide for long term preservation of the compensation area.

(ii) Compensatory mitigation shall follow an approved Compensatory Mitigation Plan pursuant to SCC 14.24.230 and reflect the restoration/creation ratios specified in Subsection (b) below.

(iii) Enhancement of existing wetlands, other than Category I and Category II wetlands, may be considered for compensation by doubling the ratios in Subsection (b) below.

(iv) Compensation shall be completed prior to, or concurrently with, wetland loss, or, in the case of an enforcement action, prior to further development of the site.

(b) On-Site Compensation: As a condition of any development permit or approval which results in on-site loss or degradation of regulated wetlands and/or wetland buffers, or as an enforcement action pursuant to SCC 14.44, the Administrative Official shall require of the Applicant compensatory mitigation to offset impacts resulting from the actions of the Applicant or violator. On-site compensation is generally preferred over off-site compensation.

Except under SCC 14.24.240(9) (Exceptions), any person who alters or proposes to alter regulated wetlands shall restore or create areas of wetland in order to compensate for wetland losses. The following ratios in the table below apply to creation or restoration which is in-kind (*i.e.*, the same type of wetland), on-site, and is accomplished prior to or concurrently with loss. The first number specifies the acreage of wetlands to be restored or created and the second specifies the acreage of wetlands lost:

| Wetland On-Site Restoration/Creation Ratios: Wetland Created: Wetland Area Lost | |
|---|---|
| Category I | 4:1 |
| Category II or Category III | |
| Forested | 3:1 |
| Scrub/shrub | 2:1 |
| Emergent | 2:1 |
| Category IV | 1.25:1 |

(c) Off-Site Compensation: Off-site compensation allows replacement of wetlands away from the site on which the wetland has been impacted by a regulated activity. Off-site compensation will be conducted in accordance with the restoration/creation ratios described in Subsection 14.24.240(10)(b) and selecting compensation sites in Subsection 14.24.240(10)(e). Off-site compensation shall occur within the same drainage basin of the same watershed where the wetland loss occurs, provided that Category IV wetlands may be replaced outside of the watershed if there is no reasonable alternative. In such instances, the stormwater storage function provided by Category IV Wetlands must be provided for within the design of the development project. Off-site compensation can be allowed only under one or more of the following circumstances:

(i) On-site compensation is not feasible due to hydrology, soils, or other factors;

(ii) On-site compensation is not practical due to probable adverse impacts from surrounding land uses or would conflict with a Federal, State or local public safety directive;

(iii) Potential functional values at the site of the proposed restoration are greater than the lost wetland functional values;

(iv) When the wetland to be altered is of a limited functional value and is degraded, compensation shall be of the wetland community types needed most in the location of compensation and those most likely to succeed with the highest functional value possible.

(d) Out-of-kind compensation can be allowed when out-of-kind replacement will best meet the provisions of Subsection (10)(e) of this Section and the mitigation sequence outlined in this Section.

(e) Selecting Compensation Sites: General Provisions.

(i) Except in the case of cooperative compensation projects in selecting compensation sites, Applicants shall pursue locations in the following order of preference:

A) Filled, drained, or cleared sites which were formerly wetlands and where appropriate hydrology exists;

B) Upland sites, adjacent to wetlands, if the upland is significantly disturbed and does not contain a mature forested or shrub community of native species, and where the appropriate natural hydrology exists.

(ii) Where out-of-kind replacement is accepted, greater restoration/creation ratios may be required.

(11) Timing: Construction of compensation projects shall be timed to reduce impacts to existing wildlife and plants. Construction shall be timed to assure that grading and soil movement occurs during the dry season and planting of vegetation shall be specifically timed to needs of the target species.

(12) Alternative Compensation Projects: The Administrative Official may encourage, facilitate and approve innovative wetland mitigation projects. Advance compensation or mitigation banking are examples of alternative compensation projects allowed under the provisions of this Section wherein one or more Applicant(s), or an organization with demonstrated capability, may undertake a compensation project together if it is demonstrated that all of the following circumstances exist:

(a) Creation of one or several larger wetlands may be preferable to many small wetlands;

(b) The group demonstrates the organizational and fiscal capability to act cooperatively;

(c) The group demonstrates that long term management of the compensation area will be provided;

(d) There is a clear potential for success of the proposed compensation at the identified compensation site;

(e) Conducting compensation as part of a cooperative process does not reduce or eliminate the required replacement ratios outlined in SCC 14.24.240 (10). Exception: where a compensatory mitigation plan including a 5 year monitoring agreement is included as a condition of approval, such plan shall allow for 1:1 replacement ratios upon successful completion of the monitoring agreement;

(f) Wetland mitigation banking programs consistent with the provisions outlined in the Department of Ecology's publication 92-12 (Wetland Mitigation Banking) and publication 94-29 (Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals) will be considered as a method of compensation for unavoidable, adverse wetland impacts associated with future development.

(Ord. 16156 Appx. B (part), 1996)

**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 RCW 90.48, RCW 90.54, WAC 173-200, WAC 173-201A, WAC 173-160, WAC 246-290, and WAC 246-291, as the same may hereafter be amended.

**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 RCW 90.22; 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.

**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 WAC 173-304 and WAC 173-351.

(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.

**14.24.330 Initial Project Review.**

(1) General procedures: Applicants for all development projects not allowed under SCC 14.24.100 or SCC 14.24.320 of this Chapter 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 the Skagit County Planning and Permit Center 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 the Planning and Permit Center 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.

**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 the Skagit County Planning and Permit Center. 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 1000 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, one 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.

**14.24.350 Aquifer Recharge Area Mitigation.**

The Planning and Permit Center and 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 WAC 173-200 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, the Planning and Permit Center and/or 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 Skagit County Code 12.48.

(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 ½ 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 RCW 90.22, 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 1/2 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 SCC 14.24.350(5)(c) 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 (i) of this Section, or if the proposed development is drawing water from an aquifer that meets the demonstration standard as specified in SCC 14.24.350(5)(c), 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 SCC 14.24.350(5)(c).

(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 the Skagit County Planning and Permit Center. 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).

**14.24.360 Public Notice and Review.**

In addition to the provisions for public notice provided under SCC 14.24.070 of this Chapter, 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 I 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.

## ARTICLE 4. GEOLOGICALLY HAZARDOUS AREAS

**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. 16156 Appx. B(part), 1996)

**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);

(b) The project area falls within or 200 feet from slopes having the following characteristics: Gradients of 15% or greater intersecting geologic contacts with permeable sediments overlying low permeability sediment or bedrock and springs or groundwater seepage are present;

(c) The project area falls within or 200 feet from any area having a 40% slope or steeper and with a vertical relief of 10 feet or more;

(d) The project area falls within or 200 feet from any areas of historic failure such as areas designated as quanternary earth slumps, earthflows, mudflows, lahars, debris flows, rock slides, landslides or other slope failures on maps or technical reports published by the U. S. Geological Survey such as topographic or geologic maps, or the Geology and Earth Resources Division of the Washington Department of Natural Resources, or other documents authorized by government agencies;

(e) The project area falls within or 200 feet from any areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action shall be addressed as a flood hazard consistent with the County Flood Damage Prevention Ordinance, SCC 14.34 (Flood Damage);

(f) Areas that have shown movement during the Holocene epoch or which are underlain or covered by wastage debris of that epoch;

(g) The project area falls within or 200 feet from any slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

(h) The project area falls within or 200 feet from any slopes with a gradient greater than 80% and subject to rock fall during seismic shaking;

(i) The project area falls within or 200 feet from any areas that show evidence of or are at risk from snow avalanches.

(3) Seismic Hazards: Seismic hazard areas shall include areas that are subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction or surface faulting.

(a) The project includes structures (as defined in the currently adopted Building Code of Skagit County) proposed to be located in any of the areas described in items (i) or (ii) of this Subsection or located in areas to have a potential for soil liquefaction and soil strength loss during ground shaking as identified on the *U. S. Geologic Survey Relative Slope Stability Map of the Port Townsend Quadrangle, Puget Sound Region, Washington*, (1985), or as identified in the field. A geologic hazard site assessment is not required for soil liquefaction and soil strength loss resulting from seismic activity unless other criteria provided in this Section apply. The Building Official shall require evaluation using the provisions set forth in the adopted building code.

(b) The structures or critical facilities are proposed to be located on a Holocene fault line. (No critical facilities shall be located on a Holocene fault line as indicated on investigative maps or described in studies by the United States Geologic Survey, Geology and Earth Resources Division of the Washington Department of Natural Resources, or other documents authorized by government agencies, or as identified in the field.) All developments on a Holocene fault line shall require a disclosure statement indicating the property is located on an active fault and may be geologically hazardous.

(4) Volcanic Hazards: The project area is located in a volcanic hazard zone for Glacier Peak, Washington (Open-File Report 95-499); or in a volcanic hazard area of Mount Baker, Washington (Open-File Report 95-498). A site assessment is not required for volcanic hazard areas unless other criteria provided in this Section apply.

(5) Other Geologic Hazard Indicators:

(a) The project area falls within or 200 feet from an alluvial fan as designated on the *Skagit County Alluvial Fan Study Orthophoto Maps*;

(b) The project area falls within or 200 feet from a mine hazard area as designated on the *Department of Natural Resources Map: Coal Measures of Skagit County*, (1924) or within 200 feet of any other current or historic mine operations determined to be geologic hazards as described by the Title and Purpose of the Critical Areas Ordinance 14.24.020(4) Geologically Hazardous Areas;

(c) Areas of Unknown Geologic Hazards: As part of any development application where no current information is available to confirm that the items identified in this Section are present on the project area, the critical areas review required by SCC 14.24.060 of this Chapter will provide a description of the known and visible site features and be used by the Administrative Official in evaluating whether a

geologically hazardous area site assessment is required pursuant to this Section. (Ord. 16156, Appx. B (part), 1996)

**14.24.420 Site Assessment Requirements.**

(1) County Site Visit Determination: The Administrative Official shall make a determination using the following progressive order:

(a) No Site Assessment: Where the Administrative Official determines that the project or activity area has no potential for impacting adjacent ownership and property, other types of critical areas, public property (such as roads and other facilities) or living quarters of any kind, including any existing or proposed off-site, the Administrative Official shall not require additional site assessments prior to approval under the provisions of this Chapter.

(b) Site Assessment Required: If the Administrative Official determines during the site visit described in Section 14.24.410 that the proposed development activity falls within 200 feet of an "Area of Known or Suspected Risk" and the geologic condition may pose a risk to life and property on or off the project area, then a geologically hazardous area site assessment of the project area by a qualified professional as described in Subsection (2) below shall be required as part of the complete development permit application.

(2) Geologically Hazardous Area Site Assessment: When required by the Administrative Official, a site assessment report shall be prepared by a qualified professional. Portions of the report relating to recommended design or mitigation shall be prepared under supervision of a licensed professional engineer. A qualified professional shall mean an engineer, licensed in the State of Washington, with training and experience analyzing geologic, hydrologic, and groundwater flow systems in Washington State; or by a geologist who earns his or her livelihood from the field of geology and/or geotechnical analysis, with training and experience analyzing geologic, hydrologic and groundwater flow systems in Washington State, who has received a relevant degree from an accredited 4-year institution of higher education.

The Geologically Hazardous Area Site Assessment report shall classify the type of hazard in accordance with Sections 14.24.400 and 14.24.410. The site assessment report shall include the following as appropriate:

(a) A site plan must be prepared in accordance with the requirements of the Planning and Permit Center. The site plan shall depict the height of slope, slope gradient and cross section of the site. The site plan shall indicate the location of all existing structures, proposed structures and any significant known geologic features on the subject site. The site plan shall also include the location of springs, seeps, or other surface expressions of groundwater. The site plan shall also depict any evidence of surface or stormwater runoff;

(b) A detailed description of the project, its relationship to potential geologic hazard(s), and its potential impact upon the hazard area(s), the subject property and adjacent properties. The description shall make a determination if a geologically hazardous area(s), as described in Section 14.24.020(4), is present on the subject site. The narrative shall include a full discussion of the geologic factors and conditions on the subject site resulting in the qualified professionals conclusions;

(c) An assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the subject property and potentially affected adjacent properties. Soils analysis shall be accomplished in accordance with the Unified Soil Classification System;

(d) A description of load intensity including surface and groundwater conditions, public and private sewage disposal systems, fills and excavations and all structural development;

(e) An assessment describing the extent and type of vegetative cover to include tree attitude;

(f) For Potential Coastal Bluff Geologic Hazards: Estimate of the bluff retreat rate, which recognizes and reflects potential catastrophic events such as seismic activity or 100-year storm event;

(g) For Potential Landslide Hazards: Estimate slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure. Quantitative analysis of slope stability or slope stability modeling may be required by the Administrative Official;

(h) Additional site assessment standards may be required by the Administrative Official.

(3) Site Assessment Conclusions:

(a) Where the qualified professional determines that a geologically hazardous condition is not present on the subject site and/or will not occur as a result of the proposed project, will have no potential for impacting adjacent ownership and property, other types of critical areas, public property (such as roads and other facilities) or living quarters of any kind, including any existing or proposed off-site, the Administrative Official shall not require additional site assessments prior to approval under the provisions of this Chapter. The qualified professional shall be required to certify that a geologic hazard is not present on the subject parcel as described in Section 14.24.020(4).

(b) Properties identified by the Administrative Official and the qualified professional containing geologically hazardous conditions shall require a geologically hazardous area mitigation plan. Critical facilities as defined under Section 14.04 shall not be sited within designated geologically hazardous areas (Exception: volcanic hazard areas). No residential structures shall be located in Geologically Hazardous Areas or their buffers that cannot be fully mitigated.

(Ord. 16156 Appx. B (part), 1996)

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**14.24.430 Geologically Hazardous Area Mitigation Standards.**

The mitigation plan shall be prepared by a professional engineer or geologist under supervision of a professional engineer and include a discussion on how the project has been designed to avoid and minimize the impacts discussed under item (2). The plan shall also make a recommendation for the minimum building setback from any bluff or slope edge and/or other geologic hazard shall be based upon the geotechnical analysis under items (2) and (3) above required. Mitigation plans shall include the location and methods of drainage, locations and methods of erosion control, a vegetation management and/or restoration plan and/or other means for maintaining long-term stability of geologic hazards. The plan shall also address the potential impact of mitigation on the hazard area, the subject property and affected adjacent properties. The mitigation plan must be approved by the Administrative Official and be implemented as a condition of project approval.

Within designated geologic hazards, mitigation plans shall address the appropriate items listed below as required by the site assessment. One or more of the following mitigation standards, as required by the Administrative Official, shall be included as components of a mitigation plan pursuant to the requirements of Section 14.24.420, (Site Assessment Report). Other mitigation standards, other than those listed below, may be required by the Administrative Official depending on the geologic hazard and the site conditions.

(1) Mitigation Standards.

(a) A temporary erosion and sedimentation control plan prepared in accordance with the requirements of Skagit County Drainage Ordinance (SCC 14.32), as amended.

(b) A drainage plan for the collection, transport, treatment, discharge and/or recycle of water in accordance with the requirements of the Skagit County Drainage Ordinance (SCC 14.32), as amended.

(c) All proposals involving excavations and placement of fills shall be subject to structural review under the appropriate provisions as found in the currently adopted Building Code of Skagit County.

(d) Critical Facilities as defined under Chapter 14.04 shall not be sited within designated geologically hazardous areas. (Exception: volcanic hazard areas).

(e) Surface drainage shall not be directed across the face of a landslide hazard (including marine bluffs or ravines). If drainage must be discharged from the hazard area into adjacent waters, it shall be collected above the hazard and directed to the water by tight line drain and provided with an energy dissipating device at the point of discharge.

(f) All infiltration systems such as, stormwater detention and retention facilities, and curtain drains utilizing buried pipe or French drain, are prohibited in geologically hazardous areas and their buffers unless a site assessment report indicates such facilities or systems will not affect slope stability and the systems are designed by a licensed civil engineer. The engineer shall also certify that the system and/or facilities are installed as designed.

(g) Vegetation Removal and Replanting: Removal of vegetation in landslide hazard, erosion hazard and coastal bluff hazard areas shall be minimized. Any replanting that occurs shall consist of trees, shrubs, and ground cover that is compatible with the existing surrounding vegetation, meets the objectives of erosion prevention

and site stabilization, and does not require permanent irrigation for long-term survival.

(h) A minimum buffer with a width of 30 feet shall be established from the top, toe and all edges of all landslide hazardous areas. Existing native vegetation shall be maintained in accordance with mitigation recommendations within the buffer area. The buffer may be reduced to a minimum of 10 feet when an applicant demonstrates to the Administrative Official that the reduction will adequately protect the proposed development, adjacent developments and uses and the subject critical area. The buffer may be increased by the Administrative Official for development adjacent to a marine bluff or ravine which is designated as unstable on the *Coastal Zone Atlas, Washington, Volume Two Skagit County* (1978) or where the Administrative Official determines a larger buffer is necessary to prevent risk of damage to proposed and existing development (as in the case where the area potentially impacted by a landslide exceeds 30 feet). Normal non-destructive pruning and trimming of vegetation for maintenance purposes; or thinning of limbs of individual trees to provide a view corridor, shall not be subject to these buffer requirements.

(i) Seismic Hazard Areas: Structural development proposals shall meet all applicable provisions of the Building Code as adopted by Skagit County. The Administrative Official shall evaluate documentation submitted pursuant to Section 14.24.420(2) (Site Assessment Report) and condition permit approvals to minimize the risk on both the subject property and affected adjacent properties. All conditions on approvals shall be based on known, available, and reasonable methods of prevention, control and treatment. Evaluation of geotechnical reports may also constitute grounds for denial of the proposal.

(2) Alterations of the buffer and/or geologically hazardous area. Alterations of the buffer and/or geologically hazardous area may occur for development meeting the following criteria:

(a) No reasonable alternative exists; and

(b) A site assessment report is submitted and certifies that:

(i) There is a minimal hazard as proven by evidence of no landslide activity in the past in the vicinity of the proposed development and a qualitative analysis of slope stability indicates no significant risk to the development proposal and adjacent properties; or the geologically hazardous area can be modified or the development proposal can be designed so that the hazard is eliminated or mitigated so that the site is as safe as a site without a geologically hazardous area;

(ii) The development will not significantly increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions;

(iii) The development will not decrease slope stability on adjacent properties; and

(iv) Such alterations will not adversely impact other critical areas.

(3) Non-Compliance and Failed Mitigation Plans.

(a) Projects found to be in non-compliance with the mitigation conditions issued as part of the development approval are subject to enforcement actions necessary to bring the development into compliance with this Chapter.

(b) Mitigation plans which do not fulfill the performance required based on the site assessment/geotechnical report findings or otherwise fail to meet the intent of this Chapter shall be revised and the subject development brought into compliance with the revised mitigation plan.

(4) Mitigation Plan Certification: Upon completion of the project, a qualified professional shall certify that the mitigation plan has been properly implemented. The certification shall be required prior to final approval of the project by the Administrative Official.

**14.24.440 Public Review and Record.**

In addition to the provisions for public notice provided under SCC 14.24.070 of this Chapter, the Administrative Official shall provide official Notice of Decision and make the site assessment report available for public review upon approval of any project requiring a Geologically Hazardous Area site assessment pursuant to SCC 14.24.420(2) and shall maintain a public record of all materials pertinent to approval decisions.
(Ord. 16156, Appx. B (part), 1996)

**14.24.500 Fish and Wildlife Habitat Conservation Area Designations.**

(1) Fish and Wildlife Habitat Conservation Areas (HCA) shall be designated and classified as provided for in the definition Section of this Chapter. The map and species references indicated are intended to serve only as a guide during development review. In all cases, actual presence or absence for the listed species or habitat shall prevail.

(2) In addition to the HCAs identified in Subsection (1), additional species and habitats of local importance may be designated by the Administrative Official based on declining populations, sensitivity to habitat manipulation or special value including but not limited to commercial, game or public appeal.

(3) In order to nominate an area or a species to the category of Habitats and Species of Local Importance, an individual or organization must:

(a) Demonstrate a need for special consideration based on:

(i) Declining population,

(ii) Sensitivity to habitat manipulation, or

(iii) Commercial or game value or other special value, such as public appeal;

(b) Propose relevant management strategies considered effective and within the scope of this Chapter;

(c) Provide species habitat location(s) on a map (scale 1:24,000). Submitted proposals will be reviewed by the Administrative Official and forwarded to the Departments of Fish and Wildlife, Natural Resources, and/or other local and State agencies or experts for comments and recommendations regarding accuracy of data and effectiveness of proposed management strategies.

Skagit County will hold a public hearing for proposals found to be complete, accurate, potentially effective and within the scope of this Chapter. Approved nominations will become designated "Habitats/Species of Local Importance" and will be subject to the provisions of this Chapter.

(4) The following species and habitats have been designated on a site-specific basis according to the official Species and Habitats of local Significance Map.

(a) Great Blue Heron nest sites

(b) Vauxs Swifts Communal Roosts

(c) Pileated Woodpecker nest sites
(d) Osprey nest sites
(e) Townsend Big-eared Bat communal roosts 17938
(f) Cavity Nesting Ducks breeding areas
(g) Trumpeter Swan concentrations
(h) Harlequin Duck breeding areas
(i) Waterfowl Concentrations

(Ord. 16851, Attch. A (part), 1998; Ord. 16156, Appx. B (part), 1996)

**14.24.510 Initial Project Review.**

(1) A site visit shall be conducted by the Administrative Official to determine whether HCAs identified on a critical area checklist or on available map resources or whether HCAs not previously identified are present within 200 feet of the project or activity site.

(2) Habitat Conservation Areas are designated by definition in SCC 14.04 and are referenced as follows:

(a) An area with which anadromous fish, endangered, threatened or sensitive species have a primary association and/or their habitat such as those designated and mapped by the Washington State Department of Fish and Wildlife, Priority Habitats and Species Program.

(b) A water of the State as defined under WAC 222-16-030.

(c) Any public or private tidelands available for shellfish harvest, kelp or eelgrass beds, herring or smelt spawning areas such as those designated in the Priority Habitats and Species Map of Skagit County. For commercial and recreational shellfish areas, this includes but may not be limited to those areas identified in the Lower Skagit River Basin Water Quality Study (November 1993), the Padilla Bay/Bay View Watershed Nonpoint Action Plan (May 1995) and the Samish Bay Watershed Nonpoint Action Plan and Final Closure Response Strategy (December 1995).

(d) A Critical Biological Area as designated and mapped by the Department of Ecology Coastal Zone Atlas dated June 1978 and/or the maps.

(e) Designated species and habitats of local importance pursuant to SCC 14.24.500.

(f) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat.

(g) Lakes, ponds, streams, and rivers planted with game fish by a government or Tribal entity;

(h) Areas with which anadromous fish species have a primary association; and

(i) State Natural Area Preserves and Natural Resource Conservation Areas.

(3) If the Administrative Official determines through the site visit described in Section (1) above that a Fish and Wildlife Habitat Conservation Area (HCA) as defined by SCC 14.04 may be present within 200 feet of the proposed project or activity area, then a site assessment/habitat management plan as described in SCC 14.24.520 below shall be required as part of the complete application.

(Ord. 16851 Attch. A (part), 1998: Ord. 16156 Appx. B (part), 1996)

**14.24.520 Site Assessment Requirements.**

Site Assessment/Habitat Management Plans shall be prepared by a qualified fish and wildlife biologist with experience assessing the relevant species and habitats and include at a minimum, the following requirements:

(1) Site Plan prepared in accordance with the requirements of the Planning and Permit Center indicating all Fish and Wildlife Habitat Conservation Areas falling within 200 feet of the subject property. This site plan may be prepared by the Applicant subject to review by the qualified fish and wildlife biologist;

(2) Project narrative describing the proposal including, but not limited to, associated grading and filling, structures, utilities, adjacent land uses, description of vegetation both within and adjacent to the habitat conservation area, and when deemed necessary by the Administrative Officer, surface and subsurface hydrologic analysis;

(3) Impact analysis identifying and documenting the presence of all habitat conservation areas and discussing the project's affects on the Fish and Wildlife Habitat Conservation Areas;

(4) Regulatory analysis including a discussion of any Federal, State, Tribal, and/or local requirements or special management recommendations which have been developed for species and/or habitats located on the site;

(5) Mitigation report including a discussion of proposed measures of mitigating adverse impacts of the project and an evaluation of their potential effectiveness. Measures may include but are not limited to: establishment of buffer zones, preservation of critically important plants, and trees, limitation of access to habitat areas, seasonal restrictions of construction activities, establishment of a timetable for periodic review of the plan and/or establishment of performance or maintenance bonds;

(6) Management and maintenance practices including a discussion of ongoing maintenance practices that will assure protection of all fish and wildlife habitat conservation areas on-site after the project has been completed. This Section should include a discussion of proposed monitoring criteria, methods and schedule.

(7) Approval of any activity that can adversely affect fish and wildlife habitat conservation areas shall conform to the requirements set forth in SCC 14.24.170(1).

(Ord. 16156, Appx. B (part), 1996)

**14.24.530 Fish and Wildlife Habitat Conservation Area Mitigation Standards.**

Fish and wildlife habitat conservation areas shall be protected in accordance with Skagit County's determination of appropriate conditions considering the site-specific recommendations from agencies with jurisdictions over the specific area, which may include but not be limited to the Washington State Department of Fish and Wildlife, Department of Ecology, Federally recognized Indian Tribes located within Skagit County, WDFW Management Recommendations for Washington Priority Habitats and Species, and site-specific information supplied by the Applicant.

Skagit County Planning and Permit Center shall review development proposals for potential impacts to fish and wildlife habitat conservation areas. The determination of potential impacts shall be dictated by site conditions and made by the Administrative Official in consultation with the Washington State Departments of Ecology, Fish and Wildlife and Natural Resources and Federally recognized Indian Tribes located in Skagit County. If it is determined that a proposed project may have an adverse effect on a Fish and Wildlife Habitat Conservation Area, the

Applicant shall implement a Habitat Management Plan including mitigation measures in conformity with the performance standards outlined below.

(1) Riparian Performance Standards: Riparian buffer areas shall be established from the ordinary high water mark. The intent of riparian buffers is to protect 5 basic riparian forest functions that influence in-stream and near-stream habitat quality. These are:

(a) Recruitment of large woody debris (LWD) to the stream: LWD recruitment creates habitat structures necessary to maintain salmon/trout productive capacity and species diversity.

(b) Shade: Shading by the forest canopy maintains cooler water temperatures and influences the availability of oxygen for salmon/trout.

(c) Bank integrity (root reinforcement): Bank integrity helps maintain habitat quality and water quality by reducing bank erosion and creating habitat structure and instream hiding cover for salmon and trout.

(d) Runoff filtration: Filtration of nutrients and sediments in runoff (surface and shallow subsurface flows) helps maintain water quality.

(e) Wildlife habitat: Functional wildlife habitat for riparian-dependent species is based on sufficient amounts of riparian vegetation to provide protection for nesting and feeding.

(2) Standard Riparian Buffers. Riparian areas have the following standard buffer requirements (Note: riparian areas do not extend beyond the toe of the slope on the landward side of existing dikes or levees. *See* also SCC 14.24.100 for list of activities allowed within critical areas, including riparian areas.):

| WATER TYPE | RIPARIAN BUFFER |
|---|---|
| TYPE 1 AND 2 | 200 FEET |
| TYPE 3 | 100 FEET |
| TYPE 4 AND 5 | 50 FEET |

In areas adjacent to lakes having Urban or Rural Residential designations under the Skagit County Shorelines Master Program, the standard riparian buffer shall be consistent with the standard setback associated with that Shorelines designation. Once buffers are established, they shall not be altered except as allowed below. Riparian buffers not currently meeting the minimum standards shall be restored; provided, that such restoration does not conflict with other provisions of this Chapter.

In implementing buffer widths other than the standard riparian buffers identified above, the Administrative Official shall provide opportunity for review and comment from a Technical Interdisciplinary Team or from appropriate Federal, State or Tribal natural resource agencies to ensure the use of best available science. These comments shall be included in the public record along with the basis and rationale for requirement or approval of any such non-standard buffers.

(a) Increasing Buffer Widths. The Administrative Official has the authority to increase the standard buffer widths on a case-by-case basis, or to establish non-riparian buffer widths, when such buffers are necessary to protect priority fish or wildlife (*e.g.*, great blue heron nesting colonies, osprey or cavity nesting ducks) using the HCA. This determination shall be supported by appropriate documentation from the Departments of Ecology and Fish and Wildlife, showing that the increased buffer width is reasonably related to the protection of the fish and/or wildlife using the HCA.

(b) Decreasing Buffer Widths. Decreasing standard buffers will be allowed only if the Applicant demonstrates that all of the following criteria are met:

(i) Buffer width averaging pursuant to Subsection (c), below, is not possible due to site characteristic; and

(ii) A decrease is necessary to accomplish the purposes of the proposal and no reasonable alternative is available; and

(iii) Decreasing width will not adversely affect the fish and wildlife habitat functions and values; and

(iv) If a portion of a buffer is to be reduced, the remaining buffer area will be enhanced, using native vegetation, artificial habitat features, vegetative screening and/or barrier fencing as appropriate to improve the functional attributes of the buffer and to provide equivalent or better protection for fish and wildlife habitat functions and values; and

(v) The buffer width shall not be reduced below 50% of the standard buffer width unless the Administrative Official determines that no other reasonable alternative exists and that no net loss of HCA riparian functional values will result, based on a functional assessment provided by the Applicant utilizing a methodology approved by the Administrative Official.

(c) Averaging Buffer Widths. Buffer widths may be modified by averaging buffer width. Buffer width averaging shall be allowed only where the Applicant demonstrates to the Administrative Official that the habitat contains variations in sensitivity due to existing physical characteristics; that width averaging will not adversely impact the functional values of wildlife habitat; that width averaging meets performance standards for protecting fish species, and that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.

The buffer width shall not be reduced below 50% of the standard buffer width unless the Administrative Official determines that no other reasonable alternative exists and that no net loss of HCA riparian functional values will result, based on a functional assessment provided by the Applicant utilizing a methodology approved by the Administrative Official.

(3) Allowed Uses in HCAs or Buffers.

(a) Roads, bridges and utilities: Road, bridge and utility construction may be permitted across a Fish and Wildlife Habitat Conservation Area and/or its buffer under the following conditions:

(i) It is demonstrated to the Administrative Official that there are no alternative routes that can be reasonably used to achieve the proposed development;

(ii) The activity will have minimum adverse impact to the Fish and Wildlife Habitat Conservation Area;

(iii) The activity will not significantly degrade surface or groundwater;

(iv) The intrusion into the Fish and Wildlife Habitat Conservation Area and its buffers is fully mitigated; and

(v) The Administrative Official shall provide opportunity for review and comment by a Technical Team in which participation has been solicited from Federal, State and Tribal natural resource agencies.

(b) Docks. Docks designed to facilitate low-impact uses, such as education and/or private, non-commercial recreation may be permitted within Fish and Wildlife HCAs under the following conditions:

(i) The activity will have minimum adverse impact to the Fish and Wildlife Habitat Conservation Area;

(ii) The activity will not significantly degrade surface or groundwater;

(iii) The intrusion into the Fish and Wildlife Habitat Conservation Area and its buffers is fully mitigated; and

(iv) The Administrative Official shall provide opportunity for review and comment by a Technical Team in which participation has been solicited from Federal, State and Tribal natural resource agencies.

(c) Limited park or recreational access to a fish and wildlife habitat area or its required buffer, provided that all of the following are satisfied:

(i) The access is part of a public park or a recreational resort development that is dependent on the access for its location and recreational function;

(ii) The access is limited to the minimum necessary to accomplish the recreational function;

(iii) The access and the balance of the development is consistent with other requirements of SCC Title 14 and the Skagit County Shoreline Management Master Program; and

(iv) The proponent obtains a written approval from the County, after consultation with the Technical Team, for the limited access and associated mitigation.

(d) Low impact uses and activities which are consistent with the purpose and function of the habitat buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the habitat involved provided, that such activity shall not result in a decrease in riparian functional values and shall not prevent or inhibit the buffer's recovery to at least pre-altered condition or function. Examples of uses and activities which may be permitted in appropriate cases, as long as the activity does not retard the overall recovery of the buffer, include removal of noxious vegetation, pedestrian trails, viewing platforms, and stormwater management facilities such as grass-lined swales.

(e) In the riparian buffer, removal of hazardous, diseased or dead trees and vegetation when necessary to control fire, or to halt the spread of disease or damaging insects consistent with the State Forest Practices Act, RCW 76.09, or when the removal is

necessary to avoid a hazard such as landslides or pose a threat to existing structures may be permitted with prior written approval. Any removed tree or vegetation shall be replaced with appropriate species. Replacement shall be performed consistent with accepted restoration standards for riparian areas within 1 calendar year. The Administrative Official may approve alternative tree species to promote fish and wildlife habitat. Prior to commencement of tree or vegetation removal and/or replacement, the landowner must obtain written approval from the Planning and Permit Center, unless it qualifies as an emergency under SCC 14.24.100(1).

(f) To allow for greater flexibility in a development proposal, an Applicant has the opportunity to remove timber within a standard buffer widths shown above if the Applicant's mitigation measures incorporate all of the performance standards based upon water type listed in the table below. In conformance with professional standards used by the Washington Department of Natural Resources for forest practices in sensitive areas, all removal of timber within HCA buffers shall be subject to conditioning specified by the Administrative Official in conjunction with an on-site Technical Team review in which participation by representatives of the proponent, Ecology, WDFW, WDNR and natural resource representatives of affected Indian tribes is solicited.

The intent of this Section is to provide an additional opportunity for an Applicant to propose some level of timber removal within the riparian habitat zone as long as it can be demonstrated that the function of the buffer can be maintained at the levels described below. If the buffer, in its current state, cannot meet these standards, then the Administrative Official will not be able to give its approval for any activity which would inhibit recovery of or degrade the current buffer.

The current performance of a given buffer area is compared to its potential performance as rated by the Soil Conservation Service, Soil Survey of Skagit County, 1989. In consultation with a representative from the Natural Resource Conservation Service, Soil Conservation District or professional forester, the Applicant will determine the capability of the site for woodland management using the most suitable tree species according to the Soil Survey and establish the stand characteristics that would be expected from a mature stand of those species established on-site. If the current stand can exceed the riparian protection that could be expected based on site potential, then additional activity may be allowed provided the following performance standards can be met. For type 1 and 2 streams, an alternative method may be utilized to allow limited timber harvest within the outer 100 feet of a buffer:

| PERFORMANCE-BASED RIPARIAN STANDARDS*<br>(THESE STANDARDS MUST BE EXCEEDED BEFORE ADDITIONAL ACTIVITY CAN BE PERMITTED WITHIN THE RIPARIAN ZONE) | |
|---|---|
| Watertype | Performance standards |
| Type 1 & 2<br><br>(Fish Bearing) | Maintain 95% of total LWD recruitment expected to enter the stream from a mature stand; and<br><br>Maintain 85% of the trees which are greater than 24" DBH within 100' of stream; and<br><br>Maintain an average of 75% canopy cover (based on canopy densitometer readings at stream edge)<br><br>The Applicant may further request some limited timber harvest of up to 30% of the merchantable timber within the outer 100 feet of any 200 foot required buffer provided the harvest:<br><br>(a) does not reduce the LWD and canopy requirements; and<br><br>(b) the Applicant will increase the total buffer size by 50 feet to mitigate for the limited timber harvest in the required buffer to provide additional wildlife habitat. The additional 50 foot buffer shall retain a minimum of 50% of the total number of trees with 25% of the total trees left having a diameter at breast height (DBH - 4 1/2 feet) greater than 12 inches; and<br><br>(c) no more than 50% of the dominant trees in the outer 100 feet may be harvested. |
| Type 3<br><br>(Fish Bearing) | Maintain 85% of total LWD recruitment expected to enter the stream from a mature stand; and<br><br>Maintain 85% of the trees which are greater than 18" DBH within 100' of stream; and<br><br>Maintain an average of 75% canopy cover (based on canopy densitometer readings at stream edge). |
| Type 4 & 5<br><br>(Non-fish Bearing) | Maintain 50% of total LWD recruitment expected to enter the stream from a mature stand; and<br><br>Maintain 85% of the trees which are greater than 24" DBH within 50' of stream; and<br><br>Maintain an average of 75% canopy cover (based on canopy densitometer readings at stream edge). |

*Note: Applicants electing to employ performance based mitigation in accordance with the above matrix shall include appropriate analysis and justification in their Site Assessment/Habitat Management Plan.

(4) Bald eagle habitats shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292), a cooperative Habitat Management Plan shall be developed in coordination with the Department of Fish and Wildlife whenever activities that alter habitat are proposed near a verified nest territory or communal roost.

(5) Wetlands that are identified as a fish and wildlife habitat conservation area shall be protected according to the provisions in SCC 14.24.530(2)(a), Increasing Buffer Width. If the wetland buffer widths called for under SCC 14.24.530(2), Standard Buffer Widths conflict with this Section, the buffer widths providing the greatest protection shall apply.

(6) If the project falls within 200 feet of any public or private tidelands suitable for shellfish harvest and requires an on-site sewage system, such system shall be required to have an operation and maintenance agreement on file with the County as provided for in WAC 246-272-15501(2)(b)(i and ii) and be designated as an "area of special concern" consistent with the provisions of WAC 246-272-15501.

(7) All other fish and wildlife habitat conservation area, including Habitats/Species of Local Significance, shall be protected on a case by case basis by means of a Habitat Management Plan based on the PHS program, as set forth in SCC 14.24.510 and 14.24.520, Initial Project Review and Site Assessment/Habitat Management Plan.

(8) Approval of any activity that can adversely affect fish and wildlife habitat conservation areas shall conform to the requirements set forth in SCC 14.24.170(1).

(Ord. 16851 Attch. A (part), 1998: Ord. 16156 Appx. B (part), 1996)

**14.24.600 Flood Hazard Area Designations.**

Flood Hazard Areas shall be designated as those areas identified as A, AO, AH, A1-10, A12, A14, A16, A 18, A21-22, V1 and V4 zones on the Official Flood Insurance Rate Map for Skagit County as amended. Cumulatively these zones represent the floodway and 100-year floodplain. (Ord. 16156 Appx. B (part), 1996)

**14.24.610 Initial Project Review.**

Project review shall be conducted in accordance with the procedures and requirements for reviewing an application for a permit under SCC 14.34 (Flood Damage) as amended. (Ord. 16156, Appx. B (part), 1996).

**14.24.620 Site Assessment Requirements.**

Site assessments and associated engineering requirements for flood hazard areas shall be addressed under the provisions of SCC 14.34 (Flood Damage). (Ord. 16156 Appx. B (part), 1996).

**14.24.630 Flood Hazard Area Mitigation Standards.**

(1) All development shall conform to the provisions of SCC 14.34 (Flood Damage), and the Uniform Building Code, which contain structural safeguards to reduce risk to human life, health and property from flooding.

(2) Any use or development shall not alter the normal movement of surface water in a manner that would cause the unnatural diversion of floodwater to otherwise flood-free areas.

(Ord. 16156, Appx. B (part), 1996).

**14.24.700 Compliance Tracking.**

(1) The Administrative Official shall undertake a coordinated system of compliance tracking to ensure that conditions of approval, mitigation requirements, and required landowner maintenance and/or monitoring responsibilities are being met.

(2) Compliance tracking efforts shall include complaint driven site visits and review on an annual basis of a representative sampling of projects or activities having received critical areas approval a minimum of 10 months prior to the sampling date.

(3) If the Administrative Official determines that increased compliance tracking is warranted based on unacceptably high levels of non-compliance, the number of projects or activities to be sampled shall be increased.

(4) If, based on compliance tracking efforts, the Administrative Official discovers violations of this Chapter, such violations shall be subject to the enforcement provisions set forth under SCC 14.44.

**14.24.710 Fees.**

The Board of County Commissioners by resolution after a public hearing shall establish fees for projects requiring additional services by the County to be on the basis of all direct costs incurred by the County, including, but not limited to, the following:

(1) Costs of inspection time;

(2) Costs for testing completed facilities;

(3) Costs for administration;

(4) Costs of engineering - review time;

(5) Costs for evaluation of non-compliant activities, for determination of associated mitigation requirements, and for implementation of required mitigation if undertaken by the County;

(6) Any other special costs attributable to the project.

(Ord. 16156 Appx. B (part), 1996).

**14.24.720 Administrative Official.**

(1) The Administrative Official or duly authorized agent shall administer and enforce this Chapter. The Administrative Official shall apply the provisions of this Chapter consistent with the Washington State Growth Management Act (RCW 36.70A), the Skagit County Comprehensive Plan, the Skagit County Countywide Planning Policies and the goals of this Chapter. In all instances where administrative discretion is exercised, the Administrative Official or his or her designee, shall document the basis for such determinations. Such documentation shall be included in the official file for the proposed project or activity and be made available for public review upon request.

(2) If the Administrative Official finds that any of the provisions of this Chapter are being violated, he or she shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrative Official shall take all actions authorized by this Chapter to insure

compliance with or to prevent violation of its provisions, including referring violations to the prosecutor's office.
(Ord. 16156 Appx. B (part), 1996).

**14.24.730 Appeals from the Administrative Official.**

Appeals may be taken to the Hearing Examiner by any aggrieved party affected by any decision of the Administrative Official under this Chapter. Such appeals shall be filed and processed consistent with the provisions of SCC 14.06 (Permit Procedures).
(Ord. 16156 Appx. B (part), 1996).

**14.24.740 Technical Team.**

The Administrative Official or the Hearing Examiner or other appropriate hearing body may, as they deem necessary, utilize an interdisciplinary team to provide technical assistance where necessary to assess a proposal or make a determination.

(1) Members of the interdisciplinary team shall be selected by the Administrative Official, Hearing Examiner or appropriate hearing body as appropriate. Selection of the team shall include the proponents (upon their request) and local, State, Tribal or Federal representatives with expertise in the field and/or independent professionals with expertise relating to the critical area issue.

(2) The functions of the interdisciplinary team are to field check and verify critical area determinations by reviewing the information included with an application, identify areas of concern, and help focus the preparation of subsequent reports and environmental documentation on the most relevant issues.

(3) The Administrative Official, Hearing Examiner or appropriate hearing body, as appropriate, will coordinate this effort and pursue a consensus process in seeking advice from the team.

(4) A complete public record will be maintained of written opinion submitted by individual team members.

## APPENDIX A

Department Of Ecology Designated Low-Flow Water Courses (RCW 90.22)

White Creek (tributary of Colony Creek)
Jones Creek (tributary of Skagit River)
Carpenter Creek (tributary of Tom Moore Slough)
Lake Erie (the tributary between Lake Erie and Lake Campbell)
Cool Creek (tributary of Skagit River)
Nookachamps Creek (tributary of Skagit R.)
Friday Creek (tributary of Samish River)
Samish River
Diobsud Creek(tributary of Skagit River)
Grandy Creek (tributary of Skagit River)

# APPENDIX B

Summary of Map Sources By Critical Area Type

## WETLANDS

1. U.S. Department of The Interior, National Wetlands Inventory
2. USDA, Skagit County Soil Survey, 1989
3. Washington Department of Natural Resources, Water Type Reference Map
4. Skagit County Wetland Protection Program Report, 1991. BEAK Consultants, Inc.

## FREQUENTLY FLOODED AREAS

Federal Emergency Management Administration (FEMA), National. Flood Insurance Program, Flood Insurance Rate Maps

## AQUIFER RECHARGE AREAS

1. Skagit County Susceptibility of Potential Aquifer Recharge Areas
2. USDA, Skagit County Soil Survey, 1989
3. Skagit County Coordinated Water System Plan Regional Supplement, July 1993
4. USGS, Miscellaneous Investigation Series, for the Port Townsend, Sauk and Mount Baker, 30' x 60' Minute Quadrangles, Puget Sound Region, Washington (multiple dates)
5. Washington State, Department of Ecology, Coastal Zone Atlas
6. Washington Department of Natural Resources, Water Type Reference Map

## GEOLOGICALLY HAZARDOUS AREAS

1. USDA, Skagit County Soil Survey, 1989
2. Washington State, Department of Ecology, Coastal Zone Atlas
3. The Skagit County Alluvial Fan Study Orthophoto Maps
4. Department of Natural Resources, Coal Measures of Skagit County, 1924
5. Washington Department of Natural Resources, Water Type Reference Map
6. USGS, Miscellaneous Investigation Series, for the Port Townsend, Sauk and Mount Baker, 30' x 60' Minute Quadrangles, Puget Sound Region, Washington (multiple dates)
7. Glacier Peak, Washington, Open File Report 95-499, U.S. Geological Survey (Volcanic Hazard Zones)

8. Mount Baker, Washington, Open File Report 95-498, U.S. Geological Survey (Volcanic Hazard Zones).

**FISH AND WILDLIFE HABITAT CONSERVATION AREAS**

1. Washington State Department of Fish and Wildlife, Priority Habitats and Species maps.
2. Washington State Department of Natural Resources, Water Type Reference map.
3. Washington State Department of Ecology, Coastal Zone Atlas.
4. Washington State Department of Fish and Wildlife, Fisheries Data.
5. Puget Sound Water Quality Authority, Puget Sound Environmental Atlas.

14.26

# TITLE 14
# SKAGIT COUNTY CODE

## CHAPTER 14.26

17938

## SHORELINES

**Sections:**

14.26.010 Shoreline Management Master Program.

BK0094PG3948

**14.26.010 Shoreline Management Master Program.**

A copy of the Master Program (and amendments) is available at the Skagit County Planning and Permit Center. (Ord. 10146, 1984).

17938

14.28

# TITLE 14
# SKAGIT COUNTY CODE

17938

## CHAPTER 14.28

## CONCURRENCY

**Sections:**


14.28.010 Purpose.
14.28.020 Development Exempt from Project Concurrency Review.
14.28.030 Concurrency Facilities and Services.
14.28.040 Project Concurrency Review.
14.28.050 Phased Development.
14.28.060 Transportation Concurrency.
14.28.070 Non-Transportation Concurrency.
14.28.080 Certificate of Capacity.
14.28.090 Facility Capacity Fees.
14.28.100 Development within Municipal UGAs.
14.28.110 Annual Concurrency Assessment.

**14.28.010 Purpose.**

(1) Pursuant to the State Growth Management Act, RCW 36.70A, after the adoption of its Comprehensive Plan, Skagit County is required by RCW 36.70A.070(6)(e) to ensure that transportation improvements or Transportation Systems Management strategies to accommodate the impacts of development are in place at the time a project is first occupied, or that a financial commitment is in place to complete the improvements or Transportation Systems Management strategies within 6 years. The County is also bound by the planning goals of RCW 36.70A.020 to ensure that public facilities and services necessary to support development are adequate to serve the development at project occupancy.

(2) Concurrency for certain urban and rural public facilities and services is assured by the implementation of the Capital Facilities Plan, the County's monitoring and annual review of that plan and the County's response in the absence of concurrency. Certain public facilities and services also need to be analyzed before the County can issue a project permit for a specific development. This Chapter addresses both the annual concurrency review process and the system whereby individual development projects are examined for concurrency and development permits are issued only after it is demonstrated that the levels of service will not be degraded below the adopted level of service standards for these facilities and services.

**14.28.020 Development Exempt from Project Concurrency Review.**

All development shall undergo Project Concurrency Review unless specifically exempt as follows:

(1) Exempt Development Permits. The following development permits are exempt from Project Currency Review:
- (a) Boundary Line Adjustment.
- (b) Final Subdivision (if a concurrency test was conducted for the corresponding Preliminary Subdivision).
- (c) Rezone (but not including a contract rezone which establishes a specific timeline for constructing the specific use and a deadline for such construction after which the contract rezone expires).
- (d) Shoreline Substantial Development Variance.
- (e) Street Vacation.
- (f) Temporary Use Permit.
- (g) Variance.

(2) Exempt Types or Levels of Development. Permits for the following types or levels of development are exempt from Project Concurrency Review:
- (a) Single-family home.
- (b) Duplex.
- (c) Accessory Dwelling Unit.
- (d) Any addition to, renovation or replacement of a structure with no change in use and no more than one additional dwelling unit added, such as re-roofing.
- (e) Any accessory structure with no change in use and no more than one additional dwelling unit added.
- (f) Interior completion of a structure for a use with the same or less intensity as the existing use or a previously approved use.

(g) Temporary construction trailers.
(h) Driveway, resurfacing or parking lot paving.
(i) Demolition.
(j) Any other permit or approval that the Administrative Official determines has no impact on a concurrency facility or service.

(3) Exemption from obtaining Concurrency Determination for Roads. Any development generating a total of 4 or less peak-hour trips from the total project shall be exempt from obtaining a Concurrency Determination for Roads, but shall not be exempt from obtaining a Concurrency Determination for Non-Transportation Facilities and Services and shall also not be exempt from providing appropriate transportation improvements or mitigation for traffic impacts in the immediate vicinity of the project as may be required by SCC 14.16, SCC 14.18, or SCC 14.36.

(4) Exemption for projects in Municipal Urban Growth Areas. Any proposed project within a Municipal Urban Growth Area shall conform to the concurrency requirements set forth in the applicable city ordinance and shall not be subject to Concurrency Review under this Chapter.

(5) Tracking Exempt Development. Concurrency facility and service providers shall establish a tracking system to account for exempt development in the same manner as Certificates of Capacity are used to maintain an accounting of traffic impacts on County Roads and capacity for non-transportation concurrency facilities and services that has been reserved.

**14.28.030 Concurrency Facilities and Services.**

The following Concurrency Facilities and Services, if used by the proposed development, must be evaluated during Project Concurrency Review:

(1) In Rural Areas - County Roads, Public Water Systems, Police, Fire.
(2) In Big Lake Rural Village - Sanitary Sewer.
(3) In Bayview Ridge and Swinomish UGA - County Roads, Public Water Systems, Sanitary Sewer, Police and Fire.
(4) In Municipal Urban Growth Areas - city ordinances. *See* SCC 14.02.

**14.28.040 Project Concurrency Review.**

(1) Timing. All Applicants for development permits, except those exempt, shall apply for Project Concurrency Review at the time applications for development project permits are submitted. Inquiries about availability of capacity on concurrency facilities and services may be made prior to development permit applications, but responses to such inquires are advisory only and available capacity can only be reserved through a certificate of capacity as set forth in this Chapter.

(2) Procedures.
(a) Applications for Project Concurrency Review shall be submitted on forms provided by the Planning and Permit Center.
(b) Project Concurrency Review shall be performed for the specific property, uses, densities and intensities based on the information provided by the Applicant. The Applicant shall specify densities and intensities that are consistent with the uses allowed or to be vested for the property. If the Project Concurrency Review is being requested in conjunction with a contract rezone, the Applicant shall specify

the densities and intensities consistent with the proposed contract zoning for the property.

(c) Upon receipt of a complete application for a development permit, there shall be a tentative reservation of traffic impacts on County roads and a tentative reservation of capacity for Non-Transportation Concurrency Facilities and Services that will serve that development in order to account for the potential future traffic impacts and future use of capacity by that development. That tentative reservation shall convert to a final reservation of traffic impacts/capacity upon issuance of a Certificate of Capacity or shall become void in the event that project permits for the development are not issued.

(d) The Planning and Permit Center shall notify the Concurrency Facility and Services Providers of all applications received requiring Project Concurrency Review and request a Concurrency Determination.

(e) The Concurrency Facility and Services Providers shall notify the Applicant and the Planning and Permit Center of the results of the Concurrency Determination within 30 days. If additional information is needed to determine concurrency, such additional information may be requested by the concurrency facility and service provider, but such request shall not make the original application to be deemed incomplete.

(f) The decision maker for the project permit(s) shall make a Final Concurrency Decision as part of the development permit decision(s) based on the Concurrency Determination and all relevant evidence presented in the public record on the project permit. The development permit may be conditioned as necessary to ensure that an improvement relied upon to demonstrate concurrency will be completed or a Transportation Systems Management strategy will be implemented in the required time frame. The Final Concurrency Decision shall be a part of the permit decision which is appealable pursuant to SCC 14.06.

(g) If the decision maker concludes that there is no concurrency and the project permit cannot be conditioned to accomplish concurrency, the project permits shall be denied.

(h) If the decision maker concludes that there is concurrency and issues project permits, the Planning and Permit Center shall issue a Certificate of Capacity to the Applicant with a copy sent to each Concurrency Facility and Service Provider. The Certificate of Capacity shall be used to maintain an accounting of traffic impacts on County Roads and capacity for Non-Transportation Concurrency Facilities and Services that has been reserved.

(i) If the development permit for a project is withdrawn, expires or is otherwise cancelled, the Certificate of Capacity for that development shall automatically be voided. The Planning and Permit Center shall send notice of all voided Certificates of Capacity to each Concurrency Facility and Service Provider.

(3) Administrative Rules. The Administrative Official may, by administrative order, establish administrative rules to manage Project Concurrency Review.

(4) Relation to Other Requirements. Compliance with or exemption from the requirements of this Chapter shall not exempt a development project from compliance with all other requirements of the Uniform Development Code including, but not limited to,

compliance with SCC 14.12 (SEPA), SCC 14.30 (Impact Fees), SCC 14.36 (Public Works Standards), and SCC 14.32 (Drainage).

**14.28.050 Phased Development.**

When a development is proposed in phases or construction is expected to extend over some period of time, the Applicant may offer a schedule of occupancy that limits the occupancy during any given period of time. When there is such an offer, the schedule of occupancy shall be used in identifying the improvements or Transportation Systems Management strategies that will be required to be implemented with each phase or time period of the development to comply with Project Concurrency Review. All permits based upon a schedule of occupancy shall be conditioned so that the improvements or Transportation Systems Management strategies identified as being necessary to comply with Project Concurrency Review are completed prior to each identified development phase (e.g. final plat approval, phased building permit). When an Applicant is relying on Funded Projects to demonstrate Transportation Concurrency, the Funded Projects necessary for concurrency with the level of service standards must be identified at the time of the Final Concurrency Decision.

**14.28.060 Transportation Concurrency.**

There are 2 parts to a project concurrency determination for roads. First, there must be concurrency with the County road system level of service standards. Second, there must be concurrency with the County road segment and road intersection level of service standards.

(1) Part One - County Road System Concurrency:

(a) The Birdsall Method shall be used to assess County Road System Concurrency.

(b) The Annual Concurrency Report for County Roads ("Annual Report") will provide the basic information for this assessment. *See* SCC 14.28.110.

(c) Traffic information used for the Annual Report shall be updated as necessary to account for traffic levels from the following development projects if these projects were not considered in the last Annual Report:

(i) traffic from newly constructed development projects;

(ii) projects for which traffic impacts have been tentatively reserved; and

(iii) projects for which a Final Concurrency Decision has been made.

The traffic information used for the Annual Report shall also be updated and reserved traffic impacts removed as necessary as a result of any discontinued Certificates of Concurrency and any Funded Projects after the last Annual Report.

(d) There is concurrency with the County Road System level of service standards using the Birdsall Method if taking into account Funded Projects:

(i) The County Road System is in concurrence; or

(ii) The County Road System is not in concurrence but the development will not add more than 4 peak-hour trips to any County road segment that the Birdsall Method has identified as having an unmet improvement need; or

(iii) The County Road System is not in concurrence but the Applicant agrees to provide transportation improvements or Transportation Systems Management strategies and/or other binding financial commitments to increase the planned capacity on the County road system within 6 years resulting in a new determination that the County Road System is in concurrence.



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(2) Part Two - Individual Road Segment and Intersection Concurrency:

(a) Highway Capacity Manual type methods selected by the County Engineer shall be used to assess Individual Road Segment and Intersection Concurrency.

(b) The annual Concurrency Report for County Roads (*see* SCC 14.28.110) will provide the basic starting information for this assessment.

(c) Traffic information used for the Annual Report shall be updated as necessary to account for traffic levels from the following development projects if these projects were not considered in the last Annual Report:

(i) traffic from newly constructed development projects;

(ii) projects for which traffic impacts have been tentatively reserved; and

(iii) projects for which a Final Concurrency Decision has been made.

The traffic information used for the Annual Report shall also be updated and reserved traffic impacts removed as necessary as a result of any discontinued Certificates of Concurrency and any Funded Projects after the last Annual Report.

(d) Each Affected County Road Segment and Affected County Intersection shall be reviewed and if necessary analyzed. The Applicant may be required to provide a traffic analysis if existing information does not provide adequate information for this assessment.

(e) There is concurrency with the Individual Road Segment and Intersection level of service standards if, taking into account funded projects:

(i) the level of service on each Affected County Road Segment and each Affected County Intersection will meet or exceed the standards adopted in the Comprehensive Plan; or

(ii) the Applicant agrees to modify the project or provide transportation improvements or Transportation Systems Management strategies and/or other binding financial commitments that will result in the level of service on each Affected County Road Segment and each Affected County Intersection meeting or exceeding the standards adopted in the Comprehensive Plan.

**14.28.070 Non-Transportation Concurrency.**

(1) Development projects required to obtain a Concurrency Determination for Non-Transportation Facilities and Services shall demonstrate that there is concurrency with each Non-Transportation Facilities and Services as follows:

(a) For Water - If the project is within the service area for a public water system as identified in the Coordinated Water Services Plan (CWSP), the Applicant has a letter of water availability from the applicable water system purveyor and the project is conditioned as appropriate to provide water system improvements necessary to meet the applicable urban or rural standards as set forth in Appendix A.

(b) For Sewer - If the project is within an area approved for public sanitary sewer pursuant to the applicable sewer purveyor's Comprehensive Plan and complies with all requirements of that purveyor for obtaining sewer service, including any conditions as appropriate for improvements necessary to meet the applicable standards set forth in sewer requirements adopted by that purveyor.

(c) For Police -

(i) In Urban Growth Areas - 1 officer per 1,000 population served or per 100 acres of developed commercial or industrial property, whichever is higher.

(ii) In Rural Areas - 1 officer per 2,000 population served.

(d) For Fire -

(i) In Urban Growth Areas - The project provides fire flow in accordance with the CWSP (Section 4, Minimum Design Standards) and Uniform Fire Code; the provider has the capability for annual inspections of all commercial and industrial facilities and has the ability to comply with the following 90% of the time:

a) Within 5 minutes response time, delivering up to 200 gallons per minute (gpm) 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; capable of delivering a minimum of Basic Life Support including defibrillation with a minimum of 1 First Responder or Emergency Medical Technician for medical responses.

b) Within 10 minutes response time, supporting 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; providing Heavy Rescue capability, including heavy hydraulics, at motor vehicle accidents.

c) Within 20 minutes response time, delivering 1500-gpm fire flows in a sustained defensive attack mode for structural fire responses. For buildings larger than 10,000 sq. ft., delivering 2000 gpm and have an elevated master stream capability.

(ii) In Non-Urban Growth Areas - The project provides fire flow in accordance with the CWSP (Section 4, Minimum Design Standards) and Uniform Fire Code; and the provider has a Washington Surveying and Rating Bureau (WSRB) public protection classification #8 or better. Within an IF-NRL designation, the project must also be within 5 road miles from a recognized Community A fire station, or within 10 road miles to a recognized Community A fire station and within 5 road miles of a fire station having an Initial Attack Fire Apparatus.

(2) Non-Transportation Facility and Services Providers shall be responsible for maintaining and monitoring the available capacity for their facility for the purpose of responding to requests for project concurrency determinations and for responding to requests by the County during the annual concurrency determination. The providers shall take into account existing use of their facility, additional use from anticipated growth, new projects for which capacity has been tentatively reserved and new projects for which a Final Concurrency Decision has been made, and additional capacity available as a result of any discontinued certificate of capacity and capacity improvements that are funded and under construction.

(3) To demonstrate concurrency with each of the Non-Transportation Facilities and Services the Applicant may:



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(a) demonstrate that the development will have a lower need for capacity than usual; or

(b) modify the application to reduce the need for capacity; or

(c) offer binding mitigation measures that will provide additional capacity necessary to maintain the level of service standard upon project occupancy.

**14.28.080 Certificate of Capacity.**

(1) A certificate of capacity shall only be issued upon payment of any concurrency fee due and performance of any precondition established in the permit decision as a prerequisite for obtaining such certificate.

(2) A certificate of capacity shall apply only to the specific land uses, densities, intensities and development project described in the application and development permit.

(3) A certificate of capacity is not transferable to other property, but may be transferred to new owners of the same property.

(4) A certificate of capacity shall remain valid so long as the accompanying development permit has not expired or been revoked.

(5) A certificate of capacity is valid for any modification of the permits for which the certificate was issued so long as such modification does not require the Applicant to obtain a new development permit.

(6) Any capacity that is not used because the full extent of the development is not built shall be returned to the pool of available capacity.

**14.28.090 Facility Capacity Fees.**

Concurrency Facility and Service Providers may charge concurrency fees based upon an adopted fee schedule.

**14.28.100 Development within Municipal UGAs.**

Project Concurrency Review for development within the unincorporated portion of a city/town's Urban Growth Area shall be the responsibility of that city or town pursuant to the concurrency regulations of that city or town. The County, in its Annual Concurrency Review, shall assess concurrency within the unincorporated portions of all Urban Growth Areas.

**14.28.110 Annual Concurrency Assessment.**

(1) Annual Concurrency Assessment for Roads.

The County Engineer shall produce an Annual Concurrency Report for County Roads, which will update the status of County roads with respect to concurrency.

(a) Road System Concurrency. By July 1 of each year, the Public Works Department, under the direction of the County Engineer, shall complete an annual update of the transportation level of service (LOS) model. This update will include a determination of the current road segment improvement needs for the functionally classified roads of the County road system based on the Birdsall Method. It also will include a projection of new road segment improvement needs anticipated over the next 5 years to help in the planning for road system improvement projects. Current needs shall be based on existing traffic levels plus traffic impacts from development projects anticipated for completion within the next year based upon a growth projection, consideration of projects for which

traffic impacts have been tentatively reserved and projects for which a Final Concurrency Decision has been made, but the project is not yet built. This information shall be included in the Annual Report.

Each year, in conjunction with the adoption of the 6-Year Transportation Improvement Program (6-Year TIP), the Board of County Commissioners shall designate various projects on the TIP as Funded Projects.

As a part of the annual adoption of the 6-Year TIP, the Board of County Commissioners shall make a determination that the County Road System either is or is not in concurrence. For the system to be in concurrence, the VMT on road segments with existing improvement needs minus the VMT on 'funded' road projects that have existing needs, divided by the system-wide VMT must be less than the overload tolerance standard. (For a detailed discussion of this concept, *see* Ch. V, Level of Service Standards in the Transportation Systems Plan).

(b) Individual Road Concurrency. By July 1 of each year, the Skagit County Public Works Department, under the direction of the County Engineer, shall evaluate the High Traffic County Road Segments and High Traffic County Road Intersections using a Highway Capacity Manual type method (as selected by the County Engineer) to determine whether these road segments and intersections comply with the level of service standards adopted in the Comprehensive Plan. This evaluation shall be based on existing traffic levels plus traffic impacts from development projects anticipated for completion within the next year based upon a growth projection, upon consideration of projects for which traffic impacts have been tentatively reserved and upon projects for which a Final Concurrency Decision has been made. In addition, a projection of those County road segments and County road intersections which are anticipated to fall below the level of service standards adopted in the Comprehensive Plan over the next 5 years shall be made to help in the planning for road system improvement projects.

Any County road segment or County road intersection, which has fallen below the level of service standards adopted in the Comprehensive Plan, shall be considered concurrent if an improvement project which will cause that road segment or intersection to meet or exceed the adopted level of service standards has been designated on the 6-Year TIP as a Funded Project. The results of the annual update for individual road concurrency shall be included in the Annual Report.

(2) Annual Concurrency Assessment for Non-Transportation Concurrency Facilities and Services.

(a) By January 31st of each year, the following Concurrency Facility and Service Providers shall report to the County the total available capacity of their facility or service in units that are directly comparable to the level of service standards established for these facilities and services.

| Facility/Service | Provider | |
|---|---|---|
| | **Unincorporated Urban Growth Area** | **Rural** |
| Water | Water purveyors identified in Coordinated Water System Plan | |
| Sanitary Sewer | Municipal sewer service providers Skagit County Sewer District - 1 | Big Lake Sewer District for Big Lake Rural Village only |

| Facility/Service | Provider | |
|---|---|---|
| | **Unincorporated Urban Growth Area** | **Rural** |
| | for portions of Swinomish UGA | Whatcom County Water District #12 pursuant to existing sewer service contracts only |
| Stormwater | County Public Works | |
| Police | County Sheriff | |
| Fire | Fire Districts | |
| Fairgrounds | County Parks Dept. | |
| General Government | County Administrator | |
| Parks | County Parks Dept. | |
| Public Safety (jails) | County Sheriff | |
| Senior Centers | County Senior Services | |
| Solid Waste | County Public Works | |

(b) The annual information submitted by each provider shall take into account current capacity usage, capacity tentatively reserved for pending permit applications, capacity reserved for permitted projects that are not yet fully occupied based upon Final Concurrency Decisions, capacity available as a result of expired, withdrawn or revoked Final Concurrency Decisions and capacity that has been added by the implementation of improvements and strategies.

(c) By July 1 of each year, the capacity of the facilities and services set forth above shall be evaluated by the Administrative Official to determine if the level of service standards for each of these Facilities and Services is being met. The level of service standards to be used in this annual review are as follows:

| Facility/Service | LOS | |
|---|---|---|
| | Urban | Rural |
| Water | As established in Appendix A | |
| Sewer | As determined by each sewer provider | |
| Stormwater | As established in Public Works Standards per SCC 14.36 | |
| Police | 1 officer per 1,000 population served or per 100 acres of developed commercial or industrial property, whichever is higher. | 1 officer per 2,000 population served. |
| Fire | 1. For cities and their adjacent urban growth areas, an ISO grading of 5 or better, shall be maintained otherwise.<br>2. Within 5 minutes of being dispatched, the Fire Department shall arrive and be able to deliver up to 200 gallons per minute | A Washington Surveying and Rating Bureau (WSRB) with a public protection classification #8 or better and fire flow in accordance with the Coordinated Water Supply Plan (Section 4, Minimum |

| Facility/Service | LOS | |
|---|---|---|
| | Urban | Rural |
| | (gpm) 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.<br><br>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.<br><br>Within 20 minutes of being dispatched, the Fire Department shall be capable of delivering 1500 gpm fire flow in a sustained defensive attack mode for structural fire responses. For buildings larger than 10,000 sq. ft., delivering 2000 gpm, and have an elevated master stream capability.<br><br>The above requirements shall be met for 90% of all incidents.<br><br>Mutual aid requested under the | Design Standards).<br><br>Within an IF-NRL designation, a Washington Surveying and Rating Bureau (WSRB) with a public protection classification #8 or better and must be within 5 road miles from a recognized Community A fire station, or within 10 road miles to a recognized Community A fire station and within 5 road miles of a fire station housing an Initial Attack Fire Apparatus. Fire flow in accordance with the Coordinated Water Supply Plan (Section 4, Minimum Design Standards). |



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| Facility/Service | LOS | |
|---|---|---|
| | Urban | Rural |
| | 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.<br><br>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 en route 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.<br><br>All operations shall be conducted in compliance with State and Federal regulations, including training requirements for firefighters, and maintenance requirements for equipment and apparatus.<br><br>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. | |
| Fairgrounds | | |



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| Facility/Service | LOS | |
|---|---|---|
| | Urban | Rural |
| General Purpose Buildings | 263 sq. ft. per 1000 pop. | |
| Equestrian Area | 1.02 seats per 1000 pop. | |
| Livestock Barns | 236.7 sq. ft. per 1000 pop. | |
| Public Restrooms | 21.1 sq. ft. per 1000 pop. | |
| R.V. Parking | 277.9 sq. ft. per 1000 pop. | |
| General Government | | |
| Admin. | 901.1 sq. ft. per 1000 pop. | |
| Courthouse/Annex | 380.3 sq. ft. per 1000 pop. | |
| District Court | 0.019 courtrooms per 1000 pop. | |
| Superior Court | 0.028 courtrooms per 1000 pop. | |
| Maintenance Shop | 498.3 sq. ft. per 1000 pop. | |
| Parks | | |
| Day Use | 0.80 acres per 1000 pop. | |
| Community | 0.2 acres per 1000 pop. | |
| Regional | 1.31 acres per 1000 pop. | |
| Natural Open Space | 4.5 acres per 1000 pop. | |
| Special Use Areas | 6.4 acres per 1000 pop. | |
| Public Safety | | |
| County Jail | 1.46 beds per 1000 pop. | |
| Juvenile Detention | 0.408 beds per 1000 pop. | |
| Senior Centers | 98.4 sq. ft. per 1000 pop. | |
| Solid Waste | 6.00 lbs. Per capita per day | |

(3) Results of Concurrency Assessment.

(a) The Administrative Official shall present the Annual Concurrency Assessment to the Board of County Commissioners prior to the start of the annual budget process along with recommendations on actions to take in response to the assessment.

(b) The results of the Annual Concurrency Assessment shall be used to update the Capital Facilities Plan and establish the annual budget.

(c) In the event that the Annual Concurrency Assessment determines that concurrency is not being met for one or more Concurrency Facilities and Services, the County shall, as necessary, evaluate the need for modifications to adopted levels of service standards, reassess the land use element of the Comprehensive Plan or impose additional requirements or limitations on development until concurrency is obtained.



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## APPENDIX A
## Minimum Fire Flow Design Standards For New And Expanding Water Systems[1]

| Land Use Designations Or Densities | Minimum Fire Flow (Gallons Per Minute) | Minimum Duration (Minutes) | Maximum Hydrant Spacing (Feet) |
|---|---|---|---|
| ***Urban Growth Areas*** [2] | | | |
| Industrial | 1500 [4] | 60 | [3] |
| Commercial | 1500 [4] | 60 | [3] |
| Multi-Family Residential | 1500 [4] | 60 | 500 |
| Single-Family & Duplex Residential | 1000 | 60 | 500 |
| ***Non-Urban Growth Areas*** | | | |
| Commercial / Industrial | 1500 [4] | 60 [4] | [4] |
| 1 Dwelling Unit Per Lot Less Than 2.5 Acres | 500 [5] | 30 [5] | 900 [5] |
| 1 Dwelling Unit Per Lot 2.5 Acres Or Larger | NONE [5] | NONE [5] | NONE [5], [6] |
| Natural Resource Lands | NONE [5] | NONE [5] | [5], [6] |

(1) The design standards may be amended to reflect changes to Comprehensive Plan land use designations and/or their densities. Proposed amendments will be presented to the Skagit County CWSP WUCC for approval.

(2) These criteria establish a minimum water system design standard. Each water system in an urban growth area must comply with the standards of the local government with jurisdiction. When there are different or conflicting standards, the most stringent standard shall apply. Prior to the issuance of a development permit, the approving authority shall establish fire flow, duration and hydrant spacing requirements.

(3) As determined by the appropriate fire official.

(4) Fire flow for individual buildings or groups of buildings is to be determined by the Skagit County Fire Marshal per Uniform Fire Code Appendix IIIA and the Skagit County Fire Marshal policy on fire flow. The application of lesser or alternative standards shall be in accordance with Section 4.3.5 (Interpretation of Standards).

(5) Fire flow will be required for a Conservation and Reserve Development (CaRD) land division as follows.

| CaRD Characteristics | Fire Flow Requirement |
|---|---|
| 5 or more lots | Option 1: Fire flow of 500 gpm for 30 minutes with hydrant spacing of 900 ft. or,<br>Option 2: Fire Marshal approved fire prevention water system that provides adequate pressure and flow to support NFPA 13D sprinkler systems is required for all residential dwellings. In addition, if the property is located in an Industrial Forest, Secondary Forest, or Rural Resource designated land the fire protection requirements as listed in Skagit County Code 14.16.850 (6)(b)(iii)(b-e) also apply. |
| 4 or fewer lots | None required, unless the property is located in an Industrial Forest, Secondary Forest, or Rural Resource designated land. If the property is located in such designated land the fire protection requirements as listed in Skagit County Code 14.16.850 (6)(b)(iii)(b-e) apply. However, NFPA 13D sprinklers are only applicable to residential dwellings. |

As of the effective date of the CWSP, where in-fill development or extension of an existing water system occurs to serve an existing platted lot, the Skagit County Fire Marshal may limit the requirement for fire flow or fire suppression in accordance with Table 4-1 to the newly developed lot only. Group B public systems may choose to separate the fire flow from water flow. Separate tank and hydrant(s) location is subject to Skagit County Fire Marshal approval.

(6) Hydrants shall be installed when water lines are installed or replaced and are capable of supplying a tanker truck with a minimum of 500 gallons per minute at a minimum residual pressure of 20 psi. Tanker truck filling hydrants are to be located at major roadway intersections and along roads at a spacing not to exceed 1 mile to assist in fire protection.

14.30

# TITLE 14
# SKAGIT COUNTY CODE

17938

## CHAPTER 14.30

## PUBLIC FACILITIES IMPACT FEES

**Sections:**


14.30.010 Findings and Authority.
14.30.020 Assessment of Impact Fees.
14.30.030 Impact Fees -- School Districts.
14.30.040 Exemptions.
14.30.050 Credits.
14.30.060 Tax Adjustments.
14.30.070 Appeals.
14.30.080 Authorization for Interlocal Agreements and the Establishment of Impact
14.30.090 Refunds.
14.30.100 Use of Funds.
14.30.110 Review.
14.30.120 Impact Fees and Administrative Fees.
14.30.130 Independent Fee Calculations.
14.30.140 Existing Authority Unimpaired.

**14.30.010 Findings and Authority.**

The Board of Skagit County Commissioners (the "Board") hereby finds and determines that new growth and development in Skagit County will create additional demand and need for public facilities in Skagit County, and the Board finds that new growth and development should pay a proportionate share of the cost of new public facilities needed to serve the new growth and development. Therefore, pursuant to RCW 82.02, the Board adopts this Chapter to assess impact fees for certain public facilities. The provisions of this Chapter shall be construed as to intent in order to carry out the purposes of the Board in establishing the impact fee program. (Ord. 15432 § 1, 1994).

**14.30.020 Assessment of Impact Fees.**

(1) The County shall collect impact fees on a District-by-District basis as reflected in this Section as may hereafter be amended. The County may collect fees on behalf of any District that has submitted its Capital Facilities Plan and impact fee calculations to the County, and whose Plan has been incorporated into the County's Comprehensive Plan.

(2) To facilitate the terms under which the County shall collect impact fees for a District, the District and the County shall enter an interlocal agreement in a form acceptable to the Prosecuting Attorney concurrent with amendment of this section to impose the impact fee. Such interlocal agreement shall address administrative provisions, including, but not limited to, methods of collection, accounting, refund and indemnification of the County by the District against any and all claims for refund or challenges to payment of the impact fees for that District.

(3) For all development activity located within a District for which fees have been imposed, the County will collect 100% of the impact fee at the time the building permit is issued. This shall include the issuance of all building permits for residential development as defined in "development activity" of SCC 14.04 unless specifically exempted elsewhere in the Chapter.

(4) The adjustments to the impact fee schedule reflects the legislative determination that while the full impact fees per dwelling unit accurately characterize the cost of the public facilities required for each new development, as documented in each District's Capital Facilities Plan, the County has as a matter of policy, decided to provide adjustments for local bond issues. The County is authorized to reduce or to increase the adjustments as part of its annual review of the fee schedule by adopting an amendatory ordinance. Additional technical studies of fee adjustment formulas are required for reductions or increases in the amount of adjustment. (Ord. 16811 (part), 1997; Ord. 16407 (part), 1996; Ord. 16040 (part), 1996; Ord. 15432 § 4, 1994).

**14.30.030 Impact Fees -- School Districts.**

(1) The following impact fees have been established for the Conway, LaConner, Mount Vernon, Burlington-Edison, and Sedro-Woolley School Districts:

| Applicable City or Town | Single-Family Residence | Multi-Family |
|---|---|---|
| Conway | $1,314.00 | |
| LaConner | $ 656.00 | $ 640.00 |

| Applicable City or Town | Single-Family Residence | Multi-Family |
|---|---|---|
| Mount Vernon | $2,912.00 | $2,397.00 |
| Burlington-Edison | $2,652.00 | $2,629.00 |
| Sedro-Woolley | $1,419.00 | $1,161.00 |

(2) Impact fee collection will begin at the time of adoption and implementation of the Skagit County Comprehensive Plan (Ord. 16811 (part), 1997; Ord. 16407 (part), 1996; Ord. 16040 (part), 1996).

**14.30.040 Exemptions.**

(1) The following shall be exempt from the payment of all impact fees:

(a) That portion of any housing development reserved or set aside exclusively for the elderly, including nursing homes and retirement centers, so long as these uses are maintained in perpetuity and the necessary covenants or declarations of restrictions, approved by the affected District, are recorded on the property;

(b) Replacement to a similar intensity of a residential structure or mobile home having been actively occupied for the 3 previous years with a new residential structure or mobile home at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure or the removal of the mobile home;

(c) Alterations or expansion or enlargement or remodeling or rehabilitation or conversion of an existing dwelling unit or units where no additional units are created and the use is not changed;

(d) The construction of accessory structures to a residential use that will not create additional impacts on public facilities;

(e) Miscellaneous improvements, including, but not limited to, fences, walls, swimming pools, and signs;

(f) Demolition or moving of a structure.

(2) Certain development approvals shall be exempt from the payment of impact fees if mitigation has already been provided, as specified below. All units are exempt from the payment of impact fees if, prior to the date of this ordinance:

(a) A developer and a District have entered into a voluntary agreement for the payment of fees, dedication of land, or the construction of a public facility segment by the developer; or

(b) A SEPA mitigation condition exists imposing the obligation of the payment of fees, dedication of land, or the construction of a public facility segment upon the developer on behalf of the District; or

(c) A land division condition exists imposing the obligation of the payment of fees, dedication of land, or the construction of a public facility segment upon the developer on behalf of the District.

Provided, however, that no exemption shall be allowed if the voluntary agreement, SEPA mitigation condition, or land division condition indicates that payment of the impact fee is necessary. Additionally, no exemption shall be allowed until the developer has



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provided the Administrative Official documentation demonstrating compliance with the terms of the voluntary agreement, SEPA mitigation condition, or land division condition.

(3) The Administrative Official shall be authorized to determine, after consultation with the affected District, whether a particular development activity falls within an exemption identified in this Section, in any other Section, or under other applicable law. Determinations of the Administrative Official shall be in writing and shall be subject to the appeals procedures set forth in SCC 14.30.070 (Ord. 15432 § 5, 1994).

**14.30.050 Credits.**

(1) After the effective date of the ordinance codified in this Chapter, developer dedications, construction of public facilities, or improvements to public facilities for which an impact fee has been adopted pursuant to this Chapter shall be governed by this Chapter. If an Impact Fee has not been adopted for a particular public facility or service, then the other requirements for provision of Public Facilities Services, including SCC 14.28 (Concurrency), SCC 14.12 (SEPA), and SCC 14.18 (Land Division) shall apply. The feepayer shall direct the request for a credit or credits to the Administrative Official who shall forward the request to the affected District. The District shall first determine the general suitability of a dedication, improvements, and/or construction for District purposes. The District shall then determine whether the dedication, improvements, and/or the facility segment constructed is included within the District's adopted Capital Facilities Plan, or the Board of Administrative Officials for the District may make the finding that such dedication, improvements, and/or facilities would serve the goals and objectives of the District's Capital Facilities Plan. The District shall forward its determination to the Administrative Official, including cases where the District determines that the dedication, improvements, and/or construction are not suitable for District purposes. The Administrative Official shall institute a 15-day public notice of the intended action and then may adopt the determination of the District and shall inform the Applicant, in writing, of the adoption of the District's determination.

(2) For each request for a credit or credits, once a District has determined that the dedication improvements, and/or construction would be suitable for District purposes, the District shall select an appraiser. The appraiser shall be directed to determine for the District the value of the dedication, improvements, or construction provided by the feepayer on a case-by-case basis.

(3) The feepayer shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the Administrative Official may be providing to the feepayer, in the event that a credit is awarded.

(4) After receiving the appraisal and after consultation with the District, the Administrative Official shall provide the Applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the donation, and the legal description or other adequate description of the project or development to which the credit may be applied. The Applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the Administrative Official before the impact fee credit will be awarded. The failure of the Applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.

(5) Any claim for credit must be made no later than 20 calendar days after the submission of an application for a building permit.

(6) For each request for a credit for significant past tax payments made for particular public facility system improvements, the feepayer shall submit receipts and a calculation of past tax payments earmarked for or proratable to the particular system improvements.

(7) Determinations made by the Administrative Official pursuant to this Section shall be subject to the appeals procedures set forth in SCC 14.30.070. (Ord. 15432 § 6, 1994).

**14.30.060 Tax Adjustments.**

Pursuant to and consistent with the requirements of RCW 82.02.060, the Capital Facilities Plans of each District should provide adjustments for future taxes to be paid by the new development which are earmarked or proratable to a particular facility which will serve the new development. The impact fee schedule kept on file in the Permit Center should be reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund particular system improvements. (Ord. 15432 § 7, 1994).

**14.30.070 Appeals.**

(1) Any feepayer may pay the impact fees imposed by this Chapter under protest in order to obtain a project development approval. That includes, but is not limited to, land divisions, or building permits. Appeals regarding the impact fees imposed on any development activity may be made by the feepayer. No appeal shall be permitted unless and until the impact fees at issue have been paid.

(2) The Administrative Official's determinations with respect to the applicability of the impact fees to a given development activity and/or building permit, the availability of an exemption, the availability or value of a credit, or the Administrative Official's decision concerning the independent fee calculation which is authorized in SCC 14.30.130, or the fees imposed by the Administrative Official pursuant to SCC 14.30.120, or any other determination which the Administrative Official is authorized to make pursuant to this Chapter, can be appealed as a Level I decision.

(3) If the Administrative Official makes a determination on an adjustment, credit, exemption, or independent fee calculation contrary to or inconsistent with the determination or analysis prepared by a District, the District may appeal the Administrative Official's determination as a Level I decision.

**14.30.080 Authorization for Interlocal Agreements and the Establishment of Impact Fee Accounts.**

(1) The County and the District shall enter into an interlocal agreement that addresses the amount, method of collection, accounting and refunds of impact fees authorized pursuant to this Chapter. All aspects of this ordinance, including interlocal agreements, must be in place prior to collection of fees.

(2) As a condition of the interlocal agreement, a District shall establish an Impact Fee Account with the Office of the Skagit County Treasurer, who serves as the Treasurer for specific Districts in Skagit County. The Account shall be an interest-bearing account.

(3) For administrative convenience, impact fees may be deposited in a County account, provided that, the County shall transfer the impact fees and the interest earned on the fees to a District, or shall deposit the impact fees and the interest earned on the fees into the

Impact Fee Account established by a District, within 31 calendar days of receiving the fees.

(4) Funds withdrawn from the Impact Fee Account for the District must be used in accordance with the provisions of SCC 14.30.100. The interest earned shall be retained in this account and expended for the purposes for which the impact fees are collected.

(5) On an annual basis, pursuant to the interlocal agreement, each District shall provide a report to the Board on its Impact Fee Account, showing the source and amount of all moneys collected, earned, or received, and the public improvements that were financed in whole or in part by impact fees.

(6) Impact fees shall be expended or encumbered within 6 years of receipt, unless the Board identifies in written findings extraordinary and compelling reason or reasons for a District to hold the fees beyond the 6-year period. Under such circumstances, the period of time within which the impact fees shall be expended or encumbered, shall be established after consultation with that District and the affected property owner or fee payer.

**14.30.090 Refunds.**

(1) If a District fails to expend or encumber the impact fees within 6 years of when the fees were paid, or where extraordinary or compelling reasons exist, within such other time periods established pursuant to SCC 14.30.080, the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis.

(2) The County, based on consultation with the District and the Skagit County Treasurer, shall notify potential claimants by first-class mail deposited with the United States Postal Service at the last known address of such claimants. Fees are identified with land parcels; therefore, a potential claimant or claimant must be the owner of the property at the time refunds are initiated.

(3) Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the Administrative Official within 1 year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

(4) Any impact fees for which no application for a refund has been made within this 1-year period shall be retained by a District and expended on a related type of public facility for which the fees were originally collected.

(5) Refunds of impact fees under this Section shall include any interest earned on the impact fees by a District.

(6) When the County seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this Section. Upon the finding that any or all fee requirements are to be terminated, the County shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least 2 times and shall notify all potential claimants by first-class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of 1 year. At the end of 1 year, any remaining funds shall be retained by a District, but must be expended for the appropriate facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

(7) The County shall also refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if a public facility or facilities system development activity for which the impact fees were imposed did not occur; provided that, if a District has expended or encumbered the impact fees in good faith prior to the application for a refund, the District can decline to provide the refund. If within a period of 3 years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner can petition the District for an offset. The petitioner must provide receipts of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof. The District shall determine whether to grant an offset. The District shall forward its determination to the Administrative Official, and the Administrative Official may adopt the determination of the District and may grant or decline to grant an offset, or the Administrative Official may make an alternative determination and set forth the rationale for the alternative determination. Determinations of the Administrative Official shall be in writing and shall be subject to the appeals procedures set forth in SCC 14.30.070.

**14.30.100 Use of Funds.**

(1) Pursuant to this Chapter, impact fees:

(a) Shall be used for public facility improvements of the District that will reasonably benefit the new development; and

(b) Shall not be imposed to make up for deficiencies in the District's facilities serving existing developments; and

(c) Shall not be used for maintenance or operation.

(2) Impact fees may be spent for a District's improvements, including, but not limited to, facility planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to public facilities, and any other expenses which can be capitalized.

(3) Impact fees may also be used to recoup public facility improvement costs previously incurred by a District to the extent that new growth and development will be served by the previously constructed improvements or incurred costs and provided the proposed impact fee otherwise meets the requirements of RCW 82.02.050 through .100.

(4) In the event that bonds or similar debt instruments are or have been issued for the construction of public facility or system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this Section and are used to serve the new development. Capital Facilities Plans using impact fees for the purpose of assisting in the provision of Capital Facilities of facility systems must clearly differentiate between funds used for new improvement and those funds used to correct existing deficiencies. (Ord. 15432 § 11, 1994).

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**14.30.110 Review.**

The fee schedule set forth in the schedule kept on file in the Permit Center shall be reviewed by the Board as it may deem necessary and appropriate in conjunction with the annual update of the Capital Facilities Plan Element of the County's Comprehensive Plan. (Ord. 15432 § 12, 1994).

**14.30.120 Impact Fees and Administrative Fees.**

(1) The impact fee schedules set forth in the schedule kept on file in the Permit Center are generated from the formulae for calculating impact fees set forth in a District's Capital Facilities Plan. Except as otherwise provided in 14.30.040, 14.30.050 or 14.30.130, all development activity located within a District for which fees have been imposed will be charged the impact fees in the appropriate Schedule kept on file in the Permit Center.

(2) The County's cost of administering the impact fee program shall be $35.00 per dwelling unit for development projects of 1-10 dwelling units, then $25.00 for dwelling units 11-20, and $15.00 for all dwelling units over 21. This fee shall be paid by the Applicant to the County at the time of project development approval by the County and acceptance of approval by the developer. (Ord. 15432 § 13, 1994).

**14.30.130 Independent Fee Calculations.**

(1) If a District believes in good faith that none of the fee categories or fee amounts set forth in the schedule kept on file in the Permit Center accurately describe or capture the impacts of a new development, the District may conduct independent fee calculations and submit such calculations to the Administrative Official. The Administrative Official, as part of a project permit review, may impose alternative fees on a specific development based on the calculations of the District, or may impose alternative fees based on the calculations of the Department. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.

(2) If a feepayer opts not to have the impact fees determined according to the schedule set forth in the schedule kept on file in the Permit Center, then the feepayer shall prepare and submit to the affected District an independent fee calculation for the development activity for which final land division, or other development approval, or a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The District shall review the independent fee calculation and provide an analysis to the Administrative Official concerning whether the independent fee calculation should be accepted, rejected, or accepted in part. The Administrative Official, as part of a project permit review, may adopt, reject, or adopt in part the independent fee calculation based on the analysis prepared by the District, or may impose alternative fees based on the calculations of the Department, the feepayer's independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer and to the District.

(3) Any feepayer submitting an independent fee calculation will be required to pay the County a fee to cover the cost of reviewing the independent fee calculation. The fee shall be $500.00, plus any additional staff time spent in the review and the cost of consultant services if the County deems these services to be necessary. The County shall require the feepayer to post a cash deposit of $500.00 prior to initiating the review.



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(4) While there is a presumption that the calculations set forth in a District's Capital Facilities Plan are valid, the Administrative Official shall consider the documentation submitted by a feepayer and the analysis prepared by a District, but is not required to accept such documentation or analysis which the Administrative Official reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the feepayer or the District to submit additional or different documentation for consideration. The Administrative Official is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer and to the affected District.

(5) Determinations made by the Administrative Official pursuant to this Section may be appealed subject to the procedures set forth in SCC 14.30.070 (Ord. 15432 § 14, 1994).

**14.30.140 Existing Authority Unimpaired.**

Nothing in this Chapter shall preclude the County from requiring the feepayer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, RCW 43.21C, based on the environmental documents accompanying the underlying development approval process, and/or RCW 58.17, governing land divisions and subdivisions; provided, that, the exercise of this authority is consistent with RCW 43.21C.065 and RCW 82.02.100 (Ord. 15432 § 15, 1994).

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14.32

# TITLE 14
# SKAGIT COUNTY CODE

17938

## CHAPTER 14.32

## DRAINAGE ORDINANCE

**Sections:**


14.32.010 Intent.
14.32.020 Purpose.
14.32.030 General Provisions.
14.32.040 Regulated Activities.
14.32.050 Financial Liability and Assurances.
14.32.060 Erosion and Sediment Control.
14.32.070 Grading.
14.32.080 Stormwater Management.
14.32.090 Water Quality.
14.32.100 Operation and Maintenance
14.32.110 Critical Drainage Areas.

**14.32.010 Intent.**

Washington State Law mandates that stormwater discharge resulting from development activities be controlled and treated to provide available and reasonable methods of erosion control, flood control, and water quality treatment. To help protect adjacent landowners from downstream flooding, erosion, and pollution, Skagit County has adopted the following requirements for both temporary and long-term stormwater management.

**14.32.020 Purpose.**

The purpose of this Chapter is to set out the authority, regulatory requirements, submittal requirements, and procedures for stormwater drainage design, review, approval, construction, maintenance and management in Skagit County.

**14.32.030 General Provisions.**

(1) The requirements of this Chapter are adopted pursuant to the authority granted to Skagit County as set forth in:
   (a) RCW 36.70, Planning Enabling Act
   (b) RCW 36.70A, Growth Management Act
   (c) RCW 90.71, Puget Sound Water Quality Authority

(2) The Board recognizes that stormwater control technology is a developing and evolving science. In order to ensure that the latest and best technology is utilized in Skagit County, the County hereby adopts by reference the Stormwater Management Manual for the Puget Sound Basin or subsequent manuals adopted by Ecology as Skagit County's Stormwater Design Manual. All references to this Chapter shall include the Stormwater Management Manual for the Puget Sound Basin.

(3) The Administrative Official may amend the Skagit County Stormwater Design Manual, with the approval of the Board, as necessary to reflect changing conditions and technology. All requirements contained in the Skagit County Stormwater Design Manual together with any amendments thereto must be complied with as provided in SCC 14.32.030(6) Applicability.

(4) Water Quality. For circumstances or conditions related to water quality that are not specifically addressed within this Chapter, the preferred method for selection, design, and implementation of stormwater management practices shall be the method(s) outlined in the current edition of the Stormwater Management Manual for the Puget Sound Basin adopted by Ecology.

(5) Technical Deviations.
   (a) Technical deviations from this Chapter and the Stormwater Design Manual may be granted prior to permit approval and construction at the discretion of the Administrative Official only after a determination has been made providing all the following criteria are met:
      (i) The deviation provides equivalent protection and is in the overriding public interest; and that the objectives of safety, function, environmental protection, and facility maintenance, based upon sound engineering, are fully met;
      (ii) That there are special physical circumstances or conditions impacting the property such that the strict application of these provisions would deprive the Applicant of all reasonable use of the parcel of land in question;
      (iii) Every reasonable effort to find creative ways to meet the intent of the minimum standards has been made;
      (iv) That the granting of the deviation will not be detrimental to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of the waters of the State; and



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(v) The deviation is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.

(b) Requests for Technical deviations shall be filed in writing with the Administrative Official and shall adequately detail the justification for consideration of relief from any requirements of the Chapter. These requests shall be processed as a Level I decision under SCC 14.06.110.

(c) Technical deviations granted shall be valid for 3 years, unless specifically granted for a shorter period.

(6) Applicability. The provisions of this Chapter shall apply to all regulated activities, as described in SCC 14.32.040 as follows:

(a) Regulated Activities that meet the definition of Small Development and are located within a critical area or its required buffer, as defined by SCC 14.24 (Critical Areas Ordinance), shall meet all of the requirements of this Chapter for Small Development AND shall require review and approval by the Administrative Official prior to commencing the Regulated Activity.

(b) Regulated Activities that meet the definition of Small Development and are NOT located within a critical area or its required buffer, as defined by SCC 14.24 (Critical Areas Ordinance), shall meet all of the requirements of this Chapter for Small Development but SHALL NOT require review and approval by the Administrative Official prior to commencing the Regulated Activity if the Regulated Activity involves grading activities that are exempt from grading permit per SCC 15.04.

(c) Regulated Activities that meet the definition of Small Development and are NOT located within a critical area or its required buffer, as defined by SCC 14.24 (Critical Areas Ordinance), shall meet all of the requirements of this Chapter for Small Development and SHALL require review and approval by the Administrative Official prior to commencing the Regulated Activity if the Regulated Activity is not exempt from grading permit requirements under SCC 15.04.

(d) Regulated Activities that meet the definition of Large Development shall meet all of the requirements of this Chapter for Large Development and shall require review and approval by the Administrative Official prior to commencing the Regulated Activity.

(e) The provisions of SCC 14.32.100 (Operations and Maintenance) shall also apply to existing stormwater and drainage facilities in unincorporated Skagit County.

(f) The provisions of SCC 14.32.090 (Water Quality) shall apply to all situations and circumstances throughout unincorporated Skagit County, regardless of whether a new Regulated Activity is occurring.

(g) Any land development which is required by any Skagit County Ordinance, or State or Federal law to construct, install, or modify any natural or manmade drainage features within, abutting, or serving the development shall do so in accordance with this Chapter.

(h) Where the provisions of this Chapter directly conflict with any other Skagit County Ordinance, State or Federal law, or comprehensive drainage plan, the more stringent provisions shall apply to the extent permissible by law.

(7) Administration. The Administrative Official shall administer this Chapter. The Administrative Official shall have the authority to develop and implement procedures to administer and enforce this Chapter. In all cases involving technical requirements and review, the Administrative Official shall give due consideration and regard to the advice and recommendations of Director of Public Works and County technical staff.

**14.32.040 Regulated Activities.**

The provisions of this Chapter shall apply whenever the following activities are proposed or performed:

(1) New Development.
- (a) Land disturbing activities;
- (b) Structural development, including construction, installation or expansion of a building or other structure;
- (c) Creation of impervious surfaces;
- (d) Class IV general forest practices that are conversions from timber land to other uses;
- (e) Subdivisions, short subdivisions and binding site plans.

(2) Redevelopment. On an already developed site, the creation or addition of impervious surfaces, structural development including construction, installation or expansion of a building or other structure, land disturbing activity, and/or replacement of impervious surface that is not part of a routine maintenance activity, and land disturbing activities associated with structural or impervious redevelopment.

(3) No Site Development Activity, including land clearing, grading, or other construction activity as described in this Chapter shall occur until the proposed activity has been reviewed in accordance with this Chapter and any appropriate Development Permit has been issued. Likewise, no Site Development Activity shall continue without an appropriate Development Permit in force.

(4) Exemptions.
- (a) Commercial agriculture and non-conversion forest practices regulated under WAC 222 is exempt from the provisions of SCC 14.32.040.
- (b) Development that is undertaken by the Washington State Department of Transportation in State highway rights-of-way and is regulated by WAC 173-270, the Puget Sound Highway Runoff Program, shall be exempt from the provisions of SCC 14.32.040.
- (c) Construction activities undertaken by Skagit County shall be exempt from the administrative requirements of this Chapter, but shall comply fully with the technical requirements contained herein. Skagit County shall notify adjacent property owners that might be impacted by any proposed project and discuss any proposed mitigation.
- (d) Projects which do not increase the 100-year, 24-hour storm peak discharge from within the boundaries of the project more than 0.5 cfs shall be exempt from the provisions of SCC 14.32.080(3), provided an analysis and design is performed in accordance with SCC 14.32.040, including:
  - (i) verification that the post development discharge does not increase in the 100-year, 24-hour storm event by more than 0.5 cfs;
  - (ii) Showing that all runoff leaving the project will be discharged in such a manner so as not to create any new point discharges onto the ground surface of any other property and no increased erosion;
  - (iii) Showing that runoff entering and leaving the project utilizes the pre-development flow regimes as much as is practicable;
  - (iv) Demonstrating that the provisions of SCC 14.32.060 are met;
  - (v) Demonstrating that there are no downstream facilities such as ditches, culverts, streams, etc; within 1/4 mile that may have their hydraulic capacity exceeded or experience any other failure due to the increase in peak flow from the project; and
  - (vi) Analysis and design shall be reviewed and approved by the Public Works Director. If in the opinion of the Public Works Director there is undue risk in granting this exemption, he may require additional analysis, and or disallow the exemption.



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(e) Exemptions or exceptions from this Chapter shall not be construed as creating additional exemptions or exceptions to any other Chapter of Skagit County Codes.

(5) Stormwater Drainage Review Requirements. The Administrative Official shall establish requirements for the stormwater and drainage review of permits and regulated activities, subject to the following criteria:

(a) Engineered Drainage Plan. Permit applications shall include the submittal of documents prepared by a professional engineer that demonstrate compliance with the standards, specifications and requirements contained in the Stormwater Design Manual when any of the following conditions exist:

(i) Any land use or building or development on real property which meets the definition of a Large Development; or

(ii) Any improvements within the boundaries of Skagit County rights-of-way for which Skagit County will ultimately assume responsibility for maintenance; or

(iii) Any Site Development Activity that the Administrative Official deems to be in the public's best interest to require that certain application documents shall be prepared by a Professional Civil Engineer.

(6) Off-site Analysis. The engineered drainage plan for any Large Development shall include an off-site drainage analysis as described in SCC 14.32.080. This drainage analyses shall be based on a field investigation of the off-site contributing and receiving drainage areas of the development.

(7) Geotechnical Analysis. The engineered drainage plan shall include a geotechnical analysis when:

(a) Grading or the construction of retention facilities, detention facilities, or other stormwater and drainage facilities is proposed within 200 feet of slopes steeper than 40% unless waived under SCC 14.24.420(1); or

(b) Where the Administrative Official deems that the proposed construction poses a potential hazard due to its proximity to a geologically hazardous area or aquifer recharge area.

Said geotechnical analysis shall address the effects of groundwater interception and infiltration, seepage, potential slip planes, and changes in soil bearing strength.

(8) Soils Analysis. The engineered drainage plan shall include a soils investigation report where:

(a) The soils underlying the proposed project have not been mapped; or

(b) Existing soils maps of the project site are inconsistent; or

(c) The Administrative Official deems that existing soils maps of the project site are not of sufficient resolution to allow proper engineering analysis.

(9) Permit Modifications. Proposed modifications to an approved permit must be submitted to the Skagit County Planning & Permit Center and be reviewed for compliance with this Chapter. Substantial proposed modifications, as determined by the Administrative Official, shall require additional stormwater and drainage review and associated review fees and shall require re-issuance of the required permit. Minor proposed modifications may be accepted by the Administrative Official without requiring the re-issuance of the accepted permit or the payment of additional review fees.

(10) Temporary Erosion and Sedimentation Control. All final drainage, grading, clearing, or other site development plans requiring acceptance from the Skagit County Planning & Permit Center shall include a plan for the control of erosion and sedimentation. This plan shall be for the period beginning with the commencement of Development Activity and continuing without interruption until permanent site stabilization is achieved. No clearing, grubbing, grading, or other construction activity may take place on a project site until an Erosion and Sedimentation Control Plan has been reviewed and approved by the Skagit County Planning & Permit Center.

**14.32.050 Financial Liability and Assurances.**

The County may require liability insurance and a financial security to ensure performance of the requirements of this Chapter.

**14.32.060 Erosion and Sediment Control.**

(1) All Developments shall be required to control erosion and sedimentation during construction, to permanently stabilize soil exposed during construction, and to comply with the requirements of this Section.

(2) Small Development Erosion and Sedimentation Control Minimum Requirements.

(a) Construction access route. A Construction Access Route designed and constructed to County Standards shall be provided for each construction site. Construction vehicle access shall be, whenever possible, limited to one route. Access points shall be stabilized with quarry spalls or crushed rock to minimize the tracking of soils and debris onto public roads.

(b) Stabilization of denuded area. All exposed soils shall be stabilized by suitable application of approved Best Management Practices (BMPs) including, but not limited to, sod or other vegetation, mat covering, mulching, or application of compacted base material on areas to be paved. All BMPs shall be selected, designed, and maintained in accordance with the Stormwater Design Manual. From October 1 to April 30, no soils shall remain unstabilized for more than 2 days. From May 1 to September 30, no soils shall remain unstabilized for more than 7 days. At all times of the year, the contractor shall have sufficient materials, equipment, and labor readily available to stabilize and prevent erosion from all denuded areas within 12 hours as site and weather conditions dictate.

(c) Protection of adjacent properties. Adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate BMPs.

(d) Maintenance. All erosion and sediment control BMPs shall be regularly inspected and maintained by the Applicant and the Applicant's contractor to ensure continued performance of their intended function.

(e) Other BMPs. Any adverse effects of increased runoff resulting from land disturbing and/or land development activities shall be controlled by appropriate BMPs.

(3) Large Developments. Any new development meeting the definition of a Large Development shall comply with SCC 14.32.060(4) and (5). For any redevelopment project meeting the definition of a Large Development, those portions of the site that are being redeveloped shall comply with SCC 14.32.060(4) and (5). A Large Development requires a Permanent Stormwater Quality Control Plan (PSQCP).

(4) Erosion and Sedimentation Control Plan Required.

(a) For Large Developments, the erosion and sedimentation control requirements shall be demonstrated through the implementation of an approved Erosion and Sedimentation Control Plan prepared by a Professional Engineer.

(5) Large Development Erosion and Sedimentation Control Minimum Requirements.

(a) Stabilization and sediment trapping. All exposed and unworked soils including soil stockpiles shall be stabilized by suitable application of BMPs that protect soil from the erosive forces of raindrop impact and flowing water.

(i) Applicable practices include, but are not limited to, vegetative establishment, mulching, plastic covering, and the early application of gravel base on areas to be paved. From October 1 to April 30, no soils shall remain unstabilized for more



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than 2 days. From May 1 to September 30, no soils shall remain unstabilized for more than 7 days.

(ii) At all times of the year, the contractor shall have sufficient materials, equipment, and labor readily available within 12 hours as site and weather conditions dictate.

(b) Delineation of clearing and easement limits. Clearing limits, setbacks, buffers, and sensitive or Critical Areas such as steep slopes, wetlands, wellhead protection areas and riparian corridors shall be clearly marked in the field by the Applicant's surveyors or critical areas consultant and inspected by Skagit County staff (or where appropriate, by the Applicant's critical areas consultant) prior to commencement of land clearing activities.

(c) Protection of adjacent properties. Adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate BMPs.

(d) Timing and stabilization of sediment trapping measures. Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment on-site shall be constructed as a first step in grading. These BMPs shall be functional before additional land disturbing activities take place. Earthen structures such as dams, dikes, and diversions shall be stabilized according to the timing indicated in item (a) above.

(e) Slope Stabilization. Cut and fill slopes shall be constructed in a manner that will minimize erosion. Roughened soil surfaces are preferred to smooth surfaces. Interceptors should be constructed at the top of long, steep slopes that have significant areas above that contribute runoff. Concentrated runoff should not be allowed to flow down the face of a cut or fill slope unless contained within an adequate channel or pipe slope drain. Wherever a slope face crosses a water seepage plane, adequate drainage or other protection shall be provided. In addition, slopes should be stabilized in accordance with item (a) above.

(f) Controlling off-site erosion. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the development site by the implementation of appropriate BMPs to minimize adverse downstream impacts.

(g) Stabilization of temporary conveyance channels and outlets. All temporary on-site conveyance channels shall be designed, constructed, and stabilized to prevent erosion from the expected flow velocity from a 2-year frequency, 24-hour duration storm for the post-development condition. Stabilization adequate to prevent erosion of outlets, adjacent streambanks, slopes, and downstream reaches shall be provided at the outlets of all conveyance systems.

(h) Storm drain inlet protection. All storm drain inlets made operable during construction shall be protected so that stormwater runoff shall not enter the conveyance system without first being filtered or otherwise treated to remove sediment. After proper written application, the requirement for inlet protection may be waived by the Administrative Official on a site-specific basis when the conveyance system downstream of the inlet discharges to an appropriate on-site sediment control BMP, including, but not limited to, sediment ponds or traps, and the conveyance system will be adequately cleaned following site stabilization.

(i) Underground utility construction. The construction of underground utility lines shall be limited where feasible to no more than 500 feet of open trench at any one time. Where consistent with safety and space considerations, excavated material shall be placed on the uphill side of the trench. Dewatering devices shall discharge to an appropriate sediment trap or pond, preceded by adequate energy dissipation, prior to runoff leaving the site.



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(j) Construction access routes. Wherever construction vehicle access routes intersect paved roads, provisions must be made to minimize the transport of sediment (mud) onto the paved road by use of appropriate BMPs such as a Stabilized Construction Entrance. If sediment is transported onto a road surface, the roads shall be cleaned thoroughly, as a minimum, at the end of each day. Sediment shall be removed from roads by shoveling or sweeping and be transported to a controlled sediment disposal area. Street washing shall be allowed only after sediment is removed in this manner.

(k) Removal of temporary BMPs. All temporary erosion and sediment control BMPs shall be removed within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on-site. Disturbed soil areas resulting from removal of temporary BMPs shall be permanently stabilized. The removal of temporary erosion and sediment control BMPs may not be required for those projects such as single-family plats that will be followed by additional construction under a different permit. In these circumstances, the need for removing or retaining the measures will be evaluated on a site-specific basis.

(l) Dewatering construction sites. Dewatering devices shall discharge into an appropriate sediment trap or pond designed to accept such a discharge, preceded by adequate energy dissipation, prior to runoff leaving the site.

(m) Control of pollutants other than sediment on construction sites. All pollutants other than sediment that occur on-site during construction shall be handled and legally disposed of in a manner that does not cause contamination of surface waters. Pollutants of concern include, but are not limited to, fuels, lubricants, solvents, concrete by-products, and construction materials.

(n) Maintenance. All temporary and permanent erosion and sediment control BMPs shall be maintained and repaired as needed to assure continued performance of their intended function. All maintenance and repair shall be conducted in accordance with the Stormwater Design Manual. The Applicant shall be responsible for assuring that any such facilities damaged during floods, storms, or other adverse weather conditions are immediately returned to normal operating condition.

(6) Erosion Control Design Storm Event. Facilities designed for the control of erosion and sedimentation shall be designed for the erosion and sedimentation control design storm event.

**14.32.070 Grading.**

(1) The provisions of this Chapter shall apply to all activity requiring filling and grading permits pursuant to SCC 15.04.

(2) Engineered Grading Plan Required. Grading projects meeting the criteria in SCC 14.32.040(5) (Stormwater Drainage Review Requirements) shall be required to have an approved professionally Engineered Grading Plan.

(3) Abbreviated Grading Plan. Grading projects meeting the definition of a Small Development shall require an approved Abbreviated Grading Plan in lieu of an Engineered Grading Plan. An Abbreviated Grading Plan is a grading plan that does not require the seal of a Professional Civil Engineer.

(4) Erosion and Sedimentation Control Required. All grading plans shall include a temporary erosion and sedimentation control plan. The plan shall clearly indicate the construction sequence for establishment of all erosion and sedimentation control work, both temporary and permanent. The plan shall conform to all requirements and standards for erosion and sedimentation control set forth in SCC 14.32.060 of this Chapter.



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(5) Maintenance. It shall be the responsibility of the Applicant to maintain all erosion control and drainage facilities in good operating condition at all times as required in SCC 14.32.060.

**14.32.080 Stormwater Management.**

(1) Redevelopment Activities. Where Redevelopment Activities meet the definition of a Large Development, the requirements of this Section shall apply to that portion of the site that is being redeveloped. In addition, where one or more of the following conditions exist, the requirements of this Section shall apply to the maximum extent practicable for the entire site, including adjoining parcels if they are part of the project:

(a) Existing sites greater than 1 acre in size with 50% or more impervious surface.

(b) Sites that discharge to a receiving water that has a documented water quality problem. Subject to local priorities, a documented water quality problem includes, but is not limited to, water bodies:

(i) Listed in reports required under Section 305(b) of the Clean Water Act and designated as not supporting beneficial uses;

(ii) Listed under Section 304(1)(1)(A)(i), 304(1)(1)(A)(ii), or 304(1)(1)(B) of the Clean Water Act as not expected to meet water quality standards or water quality goals;

(iii) Listed in Washington State's Nonpoint Source Assessment required under Section 316(a) of the Clean Water Act that, without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain or maintain water quality standards.

(c) Sites where the need for additional stormwater control measures have been identified through a Basin Plan, watershed ranking process, Critical Areas Mitigation Plan or through Sub Area planning.

(2) Approved Hydrological Methods for Design. Estimation of peak stormwater runoff rates used in the design of stormwater quantity control facilities shall utilize hydrograph methods of analysis approved by the Department of Ecology with other methods used only if approved specifically by the Director of Public Works. This shall also include the design of storage volumes for detention/retention/infiltration facilities that are a part of Stormwater Quantity Control facilities.

(3) Stormwater Quantity Control. The following Minimum Requirements for Stormwater Quantity Control shall apply to all land developments that meet the definition of a Large Development:

(a) Diversions. All surface water and stormwater entering the development site in its pre-development state shall be received at the naturally occurring or otherwise legally existing locations. No surface water or stormwater may be diverted from one basin to another except as provided in (i) and (ii), below. All surface water and stormwater leaving the development site shall be discharged at all times during and after development at the naturally occurring or otherwise legally existing locations so as not to be diverted onto or away from adjacent downstream properties, EXCEPT that the Administrative Official may permit:

(i) A diversion which will correct an existing man-made downstream problem, OR

(ii) A diversion which will otherwise improve existing downstream conditions.

(b) Discharge Rates. The post-development peak stormwater discharge rates from the development site for the 10- and 100-year frequency, 24-hour duration storm events shall at no time exceed the pre-development peak stormwater runoff rates for the same design storm events, except as expressly permitted by this Chapter. Also the post-development peak stormwater discharge rate from the development site for the 2-year frequency, 24-hour duration storm event shall not exceed 50% of the pre-development peak stormwater runoff rate for the same design storm event.



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(c) Closed Depression Analysis. Closed depressions shall be analyzed using hydrograph routing methods. Infiltration shall be addressed where appropriate. If a proposed project will discharge runoff to an existing closed depression of greater than 5,000 square feet of water surface area at overflow elevation, the following requirements must be met:

(i) CASE 1: The pre-development 100-year frequency, 7-day and 24-hour duration design storms from the drainage basin tributary to the closed depression are routed into the closed depression using only infiltration as outflow. If the pre-development design storms do not overflow the closed depression, no runoff may leave the site for the same storm events following development of a proposed project. This may be accomplished by excavating additional volume in the closed depression subject to all applicable requirements. If a portion of the depression is located off of the project site, impacts to adjacent properties shall be evaluated.

(ii) CASE 2: The pre-development 100-year frequency, 7-day and 24-hour duration design storm events from the drainage basin tributary to the closed depression are routed to the closed depression using only infiltration as outflow, and overflow occurs. The closed depression shall then be analyzed as a detention/infiltration pond. The required performance, therefore, shall not exceed the pre-development runoff rates for 50% of the 2-year and 100% of the 10-year and 100-year frequency, 24-hour duration and 100-year, 7-day duration design storms. This will require that a control structure, emergency overflow spillway, access road, downstream improvements, and other applicable design criteria be met. If the facility will be maintained by Skagit County, the closed depression shall be placed in a dedicated tract. If the facility will be privately maintained, the tract shall be located within a drainage easement. If a portion of the depression is located off of the project site, impacts to adjacent properties shall be evaluated.

(iii) CASE 3: When a proposed project is contributory to a closed depression located off-site, the volume of runoff discharged may not be increased for the 2-, 10-, and 100-year frequency, 24-hour duration, and the 100-year frequency, 7-day duration storm events. The exception to this requirement is in the case where discharge would not result in an increase in water surface elevation of greater than 0.01 foot for the 100-year storm events.

(d) Large Developments shall provide Stormwater Quantity Control facilities designed to meet, as a minimum performance standard, the requirements of this Section, except in the following circumstances:

(i) The development site discharges directly into Puget Sound, or directly into the tidally influenced areas of rivers and streams discharging into Puget Sound where runoff quantity control is not required by other governmental agencies and streambank or shoreline erosion will not occur.

(ii) The development site discharges to a regional stormwater facility approved by the Administrative Official to receive the developed site runoff.

(iii) The development site discharges to a receiving body of water (lake, wetland, etc.) where it can be demonstrated by the Applicant to the satisfaction of the Administrative Official that Stormwater Quantity Control is not warranted.

(e) In the event that conditions downstream from a proposed development site are determined by the Board to be exceptionally sensitive to potential stormwater discharges from the subject site, the Administrative Official may require a factor of safety be applied to the total retention/detention storage volume and/or a reduction of allowable stormwater release rates.

(f) Submittals for all proposed development projects shall include an analysis of downstream water quantity impacts resulting from the project and shall provide for mitigation of these impacts. The analysis shall extend a minimum of 1/4 of a mile downstream from the project. The existing or potential impacts to be evaluated and mitigated shall include, but not be limited to, excessive streambank erosion, flooding, surcharging of existing closed drainage conveyance facilities, discharge to closed depressions, exacerbation of landslide hazards, and discharge to existing off-site runoff control facilities.

(g) Private Retention/Detention facilities and open Stormwater Quantity Control facilities shall not be located in dedicated public road rights-of-way.

(h) Reasonable access for maintenance as determined by the Administrative Official shall be provided to all stormwater and drainage facilities.

(i) As the first priority, streambank erosion control BMPs shall utilize infiltration to the fullest extent practicable only if site conditions are appropriate and ground water quality is protected. Streambank erosion control BMPs shall be selected, designed, and maintained according to the Stormwater Design Manual. Streambank erosion control BMPs shall not be built within a natural vegetated buffer, except for necessary conveyance systems as approved by the Administrative Official.

(j) Where stormwater detention is proposed to meet stormwater quantity controls, volume correction factors as outlined in the Stormwater Design Manual shall be applied to increase pond size.

(4) Stormwater Quality Control. Approved water quality BMPs shall be used to the maximum extent practicable to control pollution in stormwater. Water quality BMPs shall be used to comply with the standards of this Chapter, including those contained in the Stormwater Design Manual. Construction and post-development water quality BMPs shall be utilized for all Large Development activities. Said water quality BMPs shall provide runoff water quality treatment for all storm events with intensities less than or equal to the water quality design storm event, as defined in SCC 14.32.080(8)(b).

(5) Illicit Discharges. Illicit discharges as described in SCC 14.32.090(2) or illicit connections to a stormwater drainage system as described in SCC 14.32.090(3), are prohibited. Violations of this Section, regardless of whether such violation is associated with a development activity, shall result in enforcement action being taken as prescribed in SCC 14.44 (Enforcement/Penalties). Any such violation shall also be subject to the mitigation requirements established by SCC 14.24 (Critical Areas) to fully mitigate for adverse impacts to critical areas or their buffers.

(6) Experimental Best Management Practices (BMPs). In those instances where appropriate BMPs are not in the Stormwater Design Manual, experimental BMPs may be considered. In an effort to improve stormwater quality technology, experimental BMPs are encouraged as a means of solving problems in a manner not addressed by the Stormwater Design Manual. The Administrative Official must approve experimental BMPs. The Administrative Official may require that the performance of experimental BMPs be monitored to document their effectiveness for future use.

(7) Incorporation into Stormwater Quantity Control facilities. Water quality BMPs may be incorporated into the design of Stormwater Quantity Control facilities where appropriate.

(8) Minimum Requirements. The following Minimum Requirements for Stormwater Quality Control shall apply to all land developments that meet the definition of a Large Development:

(a) Source control of pollution - Source control BMPs shall be applied to all projects to the maximum extent practicable.

(b) Stormwater treatment BMPs - Treatment BMPs shall be sized to capture and treat developed runoff from the water quality design storm, defined as the 6-month frequency, 24-hour duration storm event. For the purpose of this Chapter, the precipitation from a 6-



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month frequency, 24-hour storm event shall be considered equivalent to 64% of the precipitation from a 2-year frequency, 24-hour duration storm event. All treatment BMPs shall be selected, designed, and maintained according to the Stormwater Design Manual.

(i) Stormwater treatment BMPs shall not be built within a natural vegetated buffer except for necessary conveyance systems as approved by the Administrative Official.

(c) Wetponds - Wetponds shall be required for development sites with greater than 5 acres of new impervious surface subject to motor vehicle use, which:

(i) Discharges directly to a regional facility, receiving body of water, or closed depression without providing on-site stormwater quantity control; or

(ii) Discharges directly or indirectly to a Class 1, 2, or 3 stream, or a Class 1 or 2 wetland within 1 mile downstream of the site.

(d) Presettling basin - All stormwater, prior to discharge to a facility designed to utilize infiltration, shall pass through an appropriate stormwater treatment BMP designed to remove suspended solids.

(e) Water quality sensitive areas - Where the Administrative Official determines that these Large Development Minimum Requirements do not provide adequate protection of water quality sensitive areas either on-site or within the drainage basin in which the development is located, more stringent controls shall be required to protect water quality. An adopted and implemented Basin Plan may be used to develop requirements for specific water quality sensitive areas.

(f) Downstream analysis and mitigation - All Large Developments shall conduct an analysis of downstream water quality impacts resulting from the project and shall provide for mitigation of these impacts. The analysis shall extend a minimum of 1/4 of a mile downstream from the project. The existing or potential impacts to be evaluated and mitigated shall include:

(i) excessive sedimentation;

(ii) streambank erosion;

(iii) discharges to Critical Areas;

(iv) violations of water quality standards, and spills; and

(v) discharges of priority pollutants.

(9) Stormwater Conveyance Facilities.

(a) All proposed developments must provide on-site Stormwater Conveyance Facilities, pipes, ditches, and storm drains. These facilities shall have sufficient capacity to convey without flooding or otherwise damaging existing or proposed structures, the post-development peak stormwater runoff rate resulting from a 100-year frequency, 24-hour duration storm event plus any existing upstream runoff that will be conveyed through the development site.

(b) Estimation of peak stormwater runoff rates used in the design of water conveyance facilities shall use either the Rational Method, Santa Barbara Urban Hydrograph Method or another hydrograph method of analysis accepted by the Director of Public Works.

(c) Existing drainage ways and/or other conveyance facilities downstream from proposed developments that are identified within the scope of the downstream portion of the off-site drainage analysis shall have sufficient capacity to convey without flooding or otherwise damaging existing or proposed structures, the post-development peak stormwater discharge for the 25-year storm event. All newly constructed downstream drainage ways and/or conveyance facilities shall have sufficient capacity to convey the post-development peak stormwater discharge for the 100-year storm event. Downstream improvements or

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additional on-site stormwater quantity control measures shall be provided to eliminate any potential downstream flooding or other damage that may occur following completion of the proposed development. The Administrative Official has the authority to waive the requirement for downstream improvements.

(d) Drainage through closed conveyance structures such as pipes shall not discharge directly onto the surface of a public road.

(e) All building footing drains and downspout drains shall be positively routed to an acceptable receiving drainage conveyance (stream, culvert, ditch, catch basins, etc). Footing drains shall not be directly connected to downspout drains. These systems shall be designed so as not to allow backflow of other waters into the crawlspace, footing drains or basements.

(10) Easements, Tracts and Covenants.

(a) Drainage easements shall be provided in a proposed development for all stormwater and drainage conveyance systems that are not located in public rights-of-way or tracts. Said drainage easements shall be granted to the parties responsible for providing on-going maintenance of the systems. Drainage easements through non-drainage structures are not permitted.

(b) Stormwater facilities that are to be maintained by Skagit County, together with maintenance access roads to said facilities, shall be located in public right-of-way, separate tracts dedicated to Skagit County, or drainage easements located in designated open space.

(c) All runoff from impervious surfaces, roof drains, and yard drains shall be directed so as not to adversely effect adjacent properties. Wording to this effect shall appear on the face of all final plats, and shall be contained in any covenants required for a development.

(11) Wetlands. The following requirements apply only to situations where stormwater discharges directly to on-site or immediately adjacent off-site wetlands and must be met in addition to the requirements in Large Development Minimum Requirement of 14.32.080(8), Stormwater Treatment BMPs:

(a) Stormwater discharges to wetlands must be controlled and treated to the same extent as all other discharges with the goal of meeting State water quality and groundwater quality standards.

(b) Discharges to wetlands shall maintain the hydro period and flows of pre-development site conditions to the extent necessary to protect the characteristic functions of the wetland. Prior to discharging to a wetland, alternative discharge locations shall be evaluated and natural water storage and infiltration opportunities outside the wetland shall be maximized.

(c) Created wetlands that are intended to mitigate for loss of wetland acreage, function, and value shall not be designed to also treat stormwater.

(d) In order for constructed wetlands to be considered treatment systems, they must be constructed in areas which are not designated as Category I, II, or III wetlands or their buffers or in other areas which are not in conflict with designated Critical Areas and associated buffers. In addition they must be managed for stormwater treatment. If these systems are not managed and maintained in accordance with the Stormwater Design Manual for a period exceeding 3 years, these systems may no longer be considered constructed wetlands.

(e) Wetland BMPs shall not be built within a natural vegetated buffer except for necessary conveyance systems. Construction within or modification to Category IV wetlands and their buffers for the purpose of constructing or maintaining stormwater treatment and detention facilities may be allowed pursuant to SCC 14.24.230(3)(b).



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(12) Basin Planning. An adopted and implemented Basin Plan tailored to a specific basin may be used to develop requirements for source control, stormwater treatment, streambank erosion control, wetlands, and water quality sensitive areas. Adopted and implemented watershed-based Basin Plans may be used to modify any or all of the Minimum Requirements for stormwater quantity or quality control addressed in this Chapter. Such modifications will be accepted provided that the level of protection for surface or ground water achieved by the Basin Plan will equal or exceed that which would otherwise be achieved by implementation of the provisions of this Chapter in the absence of a Basin Plan. Basin plans shall evaluate and include as necessary retrofitting of BMPs for existing development and/or redevelopment in order to achieve watershed-wide pollutant reduction goals. Standards developed from Basin Plans shall not modify any of the above requirements until the Basin Plan is formally adopted and fully implemented by Skagit County.

(13) Regional Facilities. When the Administrative Official has determined the public would benefit by the establishment of a regional stormwater facility which would serve as an alternative to the construction of separate on-site drainage facilities, the Administrative Official may recommend to the Board that a regional stormwater facility be constructed. This regional facility would serve more than 1 development in providing stormwater quantity and/or quality control. In the event that a regional stormwater facility is required by the Board, such a regional stormwater facility shall be located outside of fish-bearing streams unless otherwise accepted by the Washington State Department of Fish and Wildlife. All future developments constructed on lands designated by the Board to be served by the regional facility shall, at the time of issuance of any permit for a development, be required to contribute a fair share to the cost of land purchase, design, and construction of said regional facility. In the event that a proposed regional stormwater facility is not yet in operation at the time of completion of construction of a development that is to be served by said regional facility, the Applicant for said development shall be required to provide temporary stormwater quantity and quality controls. Temporary quantity and quality controls may be constructed in temporary easements rather than in separate tracts.

**14.32.090 Water Quality.**

(1) Purpose. This Section implements the directive of the 1991 Puget Sound Water Quality Management Plan (Sec. EM-10. Enhanced Local Enforcement).

(2) Illicit Discharges. Illicit discharges to stormwater drainage systems are prohibited.

(3) Illicit Connections and Uses. Stormwater systems, both natural and artificial, may only be used to convey stormwater runoff. Stormwater System shall mean all natural and man-made systems that function together or independently to collect, store, purify, discharge, and convey stormwater. Included are all stormwater and drainage facilities as well as natural systems such as streams and creeks and all natural systems which convey, store, infiltrate, or divert stormwater. Violation of this Section shall result in enforcement action being taken as prescribed in SCC 14.44.

(a) No person shall use this system, directly or indirectly, to dispose of any solid or liquid matter other than stormwater. No person shall make or allow any connection to the stormwater or drainage system that could result in the discharge of polluting matter.

(b) Unless specifically approved by both the Director of Public Works and the Building Official, connections to the stormwater system from the interiors of structures are prohibited.

(c) Connections to the stormwater system for any purpose other than to convey stormwater or groundwater are prohibited and shall be eliminated.

(4) Pollution Control Device Maintenance. Owners and operators of wet ponds, bio-filtration/biofilter facilities, sediment and erosion control systems, infiltration systems, and any other pollution control devices shall operate and maintain such control devices to assure that performance meets

the intended level of pollutant removal. Recommended maintenance schedules for these devices are included in the Stormwater Design Manual.

(5) Test Procedure. In the event that water quality testing is utilized in determining whether a violation of this Section has occurred, said water quality test procedures shall be followed as described in the most recent edition of the Code of Federal Regulations, Part 136.

(6) Exemptions. The following discharges are exempt from the provisions of this Section:

(a) The regulated effluent from any commercial or municipal facility holding a valid State or Federal wastewater discharge permit.

(b) Acts of God or nature not compounded by human negligence.

(c) Properly operating on-site domestic sewage systems.

(d) Properly applied agricultural and forestry chemicals and materials.

**14.32.100 Operation and Maintenance.**

(1) Maintenance of Stormwater Facilities by Owners.

(a) Any person or persons holding title to a non-residential property for which stormwater and drainage facilities and BMPs have been required by Skagit County shall be responsible for the continual operation, maintenance, and repair of said stormwater and drainage facilities and BMPs in accordance with the provisions of this Chapter.

(b) For privately maintained stormwater and drainage facilities, the maintenance requirements specified in this Chapter, including the Stormwater Design Manual, shall be enforced against the owner(s) of the drainage facility.

(2) Certified Record Drawings. Prior to the intended use of a development constructed under a Site Development Permit, the owner shall provide the County with a complete and accurate set of reproducible as-built drawings. These record drawings shall be stamped and certified as accurate by a Professional Engineer and shall be accompanied by an approved maintenance plan.

(3) Maintenance Plan Required for Privately Maintained Drainage Facilities:

(a) Prior to the intended use of a development constructed under a Site Development Permit, the owner shall record a Maintenance Plan that guarantees Skagit County that the stormwater and drainage facilities shall be properly operated, maintained, and inspected. The restrictions set forth in such Plan shall be included in any instrument of conveyance of the subject property and shall be recorded with the Skagit County Auditor.

(b) The Administrative Official may require:

(i) The owners of existing stormwater and drainage facilities for which Skagit County has not previously accepted operation and maintenance responsibility to record a Maintenance Plan; OR

(ii) Request that Skagit County accept operation and maintenance responsibility for the stormwater and drainage facilities subject to the requirements of this Chapter.

(c) Maintenance Plans shall remain in force for the life of the development or until the responsibility for the operation and maintenance of the subject stormwater facilities is accepted by Skagit County.

(4) County Acceptance of New Stormwater Facilities. Under certain unique circumstances the County, at the Department of Public Works' sole discretion, may elect to accept certain new residential stormwater facilities for maintenance. Only those constructed under an accepted Site Development Permit that meet the following conditions will be considered for acceptance:

(a) Improvements in residential subdivisions have been completed on at least 80% of the lots, unless waived by the Administrative Official;

(b) All drainage facilities have been inspected by the County and accepted by the Administrative Official and said drainage facilities have been in satisfactory operation for at least 2 years;

(c) All drainage facilities reconstructed during the maintenance period have been accepted by the Administrative Official;

(d) The stormwater and drainage facility as designed and constructed conforms to the provisions of this Chapter;

(e) All easements and tracts required under this Chapter entitling the County to properly operate and maintain the subject drainage facility have been conveyed to Skagit County and have been recorded with the Skagit County Auditor;

(f) For non-standard drainage facilities, an operation and maintenance manual including a maintenance schedule has been submitted to and accepted by Skagit County; and

(g) The applicant has provided a complete and accurate set of reproducible as-built record drawings to Skagit County. These drawings shall be stamped and certified as accurate by a Professional Engineer and accompanied by an approved maintenance plan, and one complete set provided to Skagit County.

(5) County Acceptance of Existing Stormwater Facilities. Skagit County may at the Department of Public Works' sole discretion accept for maintenance those stormwater and drainage facilities for residential developments existing prior to the effective date of this Chapter that meet the following conditions:

(a) Improvements in residential subdivisions have been completed on at least 80% of the lots;

(b) Data provided by the Applicant and an inspection by the County has determined to the Administrative Official's satisfaction that the stormwater and drainage facilities are functioning as designed;

(c) The stormwater and drainage facilities have had at least 2 years of satisfactory operation and maintenance, unless otherwise waived by the Administrative Official;

(d) The person or persons holding title to the properties served by the stormwater and drainage facilities submit a petition containing the signatures of the title holders of more than 50% of the lots served by the stormwater and drainage facilities. The petition shall request the County maintain the stormwater and drainage facilities;

(e) All easements required under this Chapter entitling the County to properly operate and maintain the subject stormwater and drainage facilities have been conveyed to Skagit County and have been recorded with the Skagit County Auditor; and

(f) The person or persons holding title to the properties served by the stormwater and drainage facilities show proof of the correction of any defects in the drainage facilities, as required by the Administrative Official.

(6) County Inspections of Privately Maintained Stormwater Facilities.

(a) The Administrative Official is authorized to develop an inspection program for privately owned and maintained stormwater and drainage facilities in Skagit County. The purpose of this inspection program shall be to determine if said stormwater and drainage facilities, conveyance structures, and water quality facilities are in good working order and are properly maintained, and to ensure that stormwater quality BMPs are in place and that non-point source pollution control is being implemented.

(b) Whenever the provisions of the inspection program are being implemented, or whenever there is cause to believe that a violation of this Chapter has been or is being committed, the inspector is authorized to inspect during regular working hours and at other reasonable times. The inspectors may inspect any and all stormwater and drainage facilities within Skagit County to determine compliance with the provisions of this Chapter.

(c) Prior to making any inspections, the Administrative Official shall follow the procedures delineated in Chapter 14.44 (Enforcement and Penalties) of the Skagit County Code.

(7) Inspection Schedule. The Administrative Official is authorized to establish a master inspection and maintenance schedule to inspect appropriate stormwater and drainage facilities that are not owned and operated by Skagit County. These inspections shall be performed under the supervision of a Professional Engineer and the inspection results provided to the County.

**14.32.110 Critical Drainage Areas.**

(1) Special Drainage Improvements. In order to mitigate or eliminate potential drainage-related impacts on Critical Drainage Areas, the Administrative Official may require drainage improvements in excess of those required in other sections of this Chapter.

(2) Designation. The following are designated as Critical Drainage Areas:

(a) All areas designated as Critical Areas under SCC 14.24.

(b) All lands within 200 feet of the ordinary high water mark of bodies of water possessing fish spawning and rearing habitat for anadromous and resident fish species, as designated by the State Department of Fish and Wildlife;

(c) Any lands that drain to a natural feature that is a closed depression;

(d) Any lands that are established by law as fish or shellfish protection areas; and

(e) Any lands determined by the Administrative Official to have a high potential for drainage and water quality problems and/or are sensitive to the effects of construction or development.

(3) Conflicting Information. In the event of conflict between maps or other available information resources, the Administrative Official shall make the final determination of whether or not certain lands are Critical Drainage Areas. In making such a final determination, the Administrative Official may use detailed site surveys and/or other topographic data as required at the Applicant's expense.



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# TITLE 14
# SKAGIT COUNTY CODE

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## CHAPTER 14.34

## FLOOD DAMAGE PREVENTION

**Sections:**


14.34.010 Statutory Authorization.
14.34.020 Findings of Fact.
14.34.030 Statement of Purpose.
14.34.040 Methods of Reducing Flood Losses.
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14.34.060 Compliance.
14.34.070 Abrogation and Greater Restrictions.
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14.34.090 Warning and Disclaimer of Liability.
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14.34.130 Variances and Appeals.
14.34.140 Elevation and Flood-Proofing Certification Required.
14.34.150 Critter Pads.
14.34.160 General Standards.
14.34.170 Specific Standards.
14.34.180 Standards for Shallow Flooding Areas (AO Zones).
14.34.190 Standards for Construction in Special Flood Risk Zones.
14.34.200 Floodways.
14.34.210 Encroachment Standards.
14.34.220 Coastal High Hazard Areas.
14.34.230 Wetlands Management.
APPENDIX A - SCC 14.34 Construction Specifications for Critter Pads.
APPENDIX B - SCC 14.34 Biotechnical-Bank Stabilization Recommendations.

**14.34.010 Statutory Authorization.**

The Legislature of the State of Washington has in RCW 36.70 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the County of Skagit, State of Washington, does ordain the provisions set forth in this Chapter.

**14.34.020 Findings of Fact.**

(1) The flood hazard areas of Skagit County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**14.34.030 Statement of Purpose.**

It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditure of public money and costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruption;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and

(8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

It is the purpose of this Chapter to protect the public health, safety and welfare in those areas subject to periodic inundation due to flooding, and to minimize losses due to flood conditions in the specific areas subject to this Chapter by utilizing the methods and provisions set forth herein.

**14.34.040 Methods of Reducing Flood Losses.**

In order to accomplish its purpose, this Chapter and SCC 14.26 and 14.32 includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
(5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

**14.34.050 Basis for Establishing Areas of Special Flood Hazard.**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and technical engineering report entitled "Flood Insurance Study for the Unincorporated Areas of Skagit County Washington," dated May 11, 1984, with accompanying flood insurance rate and floodway maps and subsequent revisions, is hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study is on file with the Skagit County Planning and Permit Center.

**14.34.060 Compliance.**

No structure or land identified with a flood hazard area shall hereafter be constructed, located, extended, converted, or altered without full compliance within the terms of this Chapter, RCW 86.16 and WAC 173-158.

**14.34.070 Abrogation and Greater Restrictions.**

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another Chapter, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**14.34.080 Interpretation.**

In the interpretation and application of this Chapter, all provisions shall be:
(1) Considered as minimum requirements;
(2) Liberally construed in favor of the governing body; and
(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

**14.34.090 Warning and Disclaimer of Liability.**

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of Skagit County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.



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**14.34.100 Development Permits.**

A permit, processed per SCC 14.06, shall be obtained prior to construction or development on any property within a flood hazard area as established in SCC 14.34.050. The permit shall be for all structures and development activities as defined in SCC 14.04.

**14.34.110 Applications.**

Applications for permits shall be made on forms provided by the Administrative Official. As a minimum, the following information shall be provided by the Applicant at the time of submittal:

(1) Vicinity map.

(2) Description of the project.

(3) 2 copies of the site plans drawn to scale that demonstrate the location and dimensions of the property, existing or proposed structures, fill and/or excavations, storage of material, drainage facilities, suspected critical areas per SCC 14.24, and private or public utilities including sewage.

(4) Flood-proofing verification when required per SCC 14.34.140.

(5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(6) Where a permit is required for the repair, reconstruction or addition to any repetitive loss property, such structure shall be required to meet the provisions of SCC 14.34.140, 14.34.160(1) and (3), and 14.34.170. Value for the structure shall be demonstrated by the current tax assessed value or by private appraisal at the expense of the Applicant. Construction costs shall be demonstrated by a properly prepared construction bid from a currently licensed contractor or the valuation used by the Administrative Official for determining building permit fees.

(7) Title report providing a general warning about flood hazards signed by the Applicant and recorded by the Applicant with the Skagit County Auditor.

(8) The Administrative Official may require additional information when deemed necessary to determine the degree of flood protection.

(9) Permit fees shall be paid at the time application is submitted as prescribed in the Planning and Permit Center's adopted fee schedule. The Skagit County Board of County Commissioners may waive, by resolution, all permit fees for the repair of flood damages incurred during a local, State or Federally declared disaster. To be eligible for a fee waiver, the permit Applicant shall provide access to the structure for the purposes of damage assessment by County personnel under the direction of the Administrative Official; or provide damage assessment reports prepared by the American Red Cross, FEMA, SBA, or a licensed insurance adjuster. The permit fee waiver applies only to that construction or repair that is necessary for restoration to pre-flood conditions.

**14.34.120 Administrative Official - Duties.**

(1) Duties of the Administrative Official or designee shall include but not be limited to:

(a) Reviewing all development permits to determine that the permit requirements of this Chapter have been satisfied;

(b) Reviewing all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required;

(c) Reviewing all development permits to determine if the proposed development is located in the floodway and if located in the floodway, assuring that the encroachment provisions of SCC 14.34.200(1) are met.

(2) Use of other base flood data:

(a) When base flood elevation data has not been provided in accordance with SCC 14.34.050, the Administrative Official or designee shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to administer SCC 14.34.170, SCC 14.34.180, SCC 14.34.190, and SCC 14.34.200.

(3) Information to be obtained and maintained. The Administrative Official shall obtain and maintain for public inspection:

(a) Elevation certificates per SCC 14.34.140;

(b) Flood-proofing certificates per SCC 14.34.140;

(c) Professional engineers or architects certification of compliance to design standards when required by this Chapter;

(d) All records pertaining to the provisions of this Chapter.

(4) Alteration of watercourses. The Administrative Official or designee shall:

(a) Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse when proposed and submit evidence of such notification to the Federal Insurance Administration;

(b) Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(5) Interpretation of FIRM boundaries:

(a) The Administrative Official or designee shall make interpretations where needed, as to approximate field location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in SCC 14.34.130.

**14.34.130 Variances and Appeals.**

(1) Appeals.

(a) When it is alleged there is an error in any requirement, decision, or determination made by the Administrative Official in the enforcement or administration of this Chapter, those aggrieved, or any citizen, may appeal such decision as provided in SCC 14.06 (Permit Procedures).

(2) Variances.

(a) Requests for variances from the provisions of this Chapter shall be considered pursuant to SCC 14.10 (Variances).

(b) Limitations: Variances shall be limited solely to the consideration of:

(i) Elevation requirements for first floor construction;

(ii) Elevation requirements for flood-proofing; and

(iii) The type and extent of required flood proofing.

(c) A granting of any variance shall not result in:

(i) Increased flood heights;

(ii) Additional threats to public safety;

(iii) Extraordinary public expense;
(iv) Creation of nuisances;
(v) Fraud on or victimization of the public;
(vi) Conflicts with other existing local laws or ordinances.

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(d) Notification: All decisions to grant a variance pursuant to this Chapter shall contain notification to the Applicant that:
(i) The issuance of a variance may result in increased premium rates for flood insurance.
(ii) Construction below base flood elevation increases risks to life and property.

**14.34.140 Elevation and Flood-Proofing Certification Required.**

Where new construction or substantial improvements of any residential, commercial, industrial or other non-residential use structure is located in an area where base flood elevation data has been provided the following provisions apply:

(1) Responsibility. The proponent of a project shall provide required certification data to the Administrative Official. All elevation and flood-proofing data specified must be certified by a registered professional engineer licensed in the State of Washington, architect, or land surveyor where project is located within A1-10, A12, A14, A16, A18, A21-22, and all V zones.

(2) Form. Elevation or flood-proofing certificates shall be on forms as required by FEMA. Forms shall be available from the Administrative Official.

(3) Minimum Information.
(a) Actual elevation of the lowest habitable floor (including basement).
(b) Actual elevation to which the building has been flood proofed.

(4) Alternate Methods. Where an alternate method of flood-proofing non-residential use structures is proposed, it shall be certified and demonstrated that flood damages will not occur.

(5) Agricultural and Utility Buildings. Agricultural and utility buildings classified as U occupancies under the provisions of the currently adopted Building Code and constructed in accordance with the wet flood-proofing standards of SCC 14.34.170(4) shall not require elevation certificates.

(6) Fill material shall not be used as a method or means of elevating or protecting structures where other acceptable methods are available. Acceptable methods shall include:
(a) Residential:
(i) Light wood frame construction meeting the provisions of the currently adopted Building Code of Skagit County.
(ii) Concrete or masonry foundation walls per currently adopted Building Code of Skagit County.
(iii) Engineered pilings or columns of wood, concrete, masonry or steel.
(b) Non-residential commercial/industrial use buildings: Same as residential methods except that flood-proofing methods per SCC 14.34.170(3) shall be acceptable.
(c) Agricultural use buildings: Methods allowed for residential or commercial including wet flood-proofing methods per SCC 14.34.170(4).



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(d) Critical or essential facilities: Where no feasible alternative site is available per SCC 14.34.170(5), properly placed fill material may be used for elevating the structure and access/egress roads.

(7) Where it can be demonstrated by analysis from a registered professional engineer licensed in the State of Washington that fill material used for elevating or protecting structures does not reduce flood storage capacity, prohibit natural flow of floodwaters, increase base flood elevations or reduce conveyance of the base flood, structurally placed fill material may be used as a method of elevating or protecting structures.

**14.34.150 Critter Pads.**

For the purposes of providing livestock flood sanctuary areas, critter pads shall be permitted in any flood hazard area except when located within the regulatory floodway. Construction of such pads shall be as specified in Appendices A and B of this Chapter.

**14.34.160 General Standards.**

In all areas of special flood hazards the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) All manufactured homes must be placed on a permanent foundation and be anchored to prevent flotation, collapse or lateral movement, and shall be installed to minimize flood damage. Independent footings supporting manufactured homes shall be placed a minimum of 12 inches below pre-development grade before any fill is installed. Fill shall be protected from erosion as per Appendix B of this Chapter.

(2) Recreational vehicles.

(a) Recreational vehicles shall not be used as permanent dwelling units.

(b) When located in flood hazard areas designated as A, A1-10, A12, A14, A16, A18, A21-22, V1, V4, AO and AH, the vehicle shall be ready for highway use.

(c) When located in a floodway, the vehicle shall be removed during a flood watch or flood warning.

(3) Construction materials and methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated to a level of 1 foot above base flood elevation or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;



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(c) On-site disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(5) Subdivision proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be provided by the proponent generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.

(6) Review of building permits.

(a) Where flood elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least 2 feet above grade in these zones may result in higher insurance rates.

**14.34.170 Specific Standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in SCC 14.34.050 or SCC 14.34.120(2), the following provisions are required in addition to the general regulations per SCC 14.34.160:

(1) Residential construction.

(a) New construction and substantial improvement of any residential structure shall have the finished floor elevation of the lowest floor elevated 1 foot or more above the base flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited from occupancy and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect licensed in the State of Washington or must meet or exceed the following minimum criteria:

(i) A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than 1 foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(2) All new or substantially improved manufactured homes to be placed or substantially improved within flood hazard zones where base flood elevation data is provided, shall be elevated on a permanent foundation such that finished floor elevation of the lowest floor of the manufactured home is 1 foot or more above the base flood elevation and be

securely anchored to an adequately anchored foundation system in accordance with the provisions of SCC 14.34.160(1)(b).

(3) Non-residential construction.

(a) New construction and substantial improvements of any commercial, industrial or other nonresidential use structure shall either have the finished floor elevation of the lowest floor elevated 1 foot or more above the base flood elevation or together with attendant utility and sanitary facilities, shall:

(i) Be flood proofed so that below 1 foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(iii) Be certified by a registered professional engineer or architect licensed in the State of Washington that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in SCC 14.34.140.

(iv) Nonresidential use structures that are elevated, not flood proofed, must meet the standards for space below the lowest floor as set forth in SCC 14.34.170(1).

(v) Applicants flood-proofing nonresidential use buildings shall be notified that flood insurance premiums will be based on rates that are 1 foot below the flood proofed level (*e.g.* a building constructed to the base flood level will be rated as 1 foot below that level).

(4) Wet flood-proofing standards for agricultural and utility use structures.

(a) New construction or substantial improvements of any agricultural or utility use structure when not meeting flood-proofing or elevation requirements of SCC 14.34.170(3) shall:

(i) Have a low potential for structural damage from inundation, scouring, velocities or debris impact;

(ii) Be designed and oriented to allow the free passage of floodwater through the structure in a manner affording minimum damage to the structure or its contents;

(iii) All electrical and mechanical equipment permanently affixed to the structure is elevated 1 foot above base flood elevation; or be made water proof by accepted systems to the appropriate code;

(iv) When valuation of the structure exceeds $12,000.00, the above provisions in (i), (ii), (iii) shall be verified by a currently registered professional engineer or architect licensed in the State of Washington. The valuation used shall be that currently used by the Administrative Official for determining building permit fees.

(5) Critical facilities should be afforded additional flood protection due to their nature. Construction of new critical facilities should be to the extent possible, located outside the limits of the 100-year floodplain as identified on the County's FIRM. Construction of new critical facilities may be permissible within the one hundred-year frequency

floodplain if no feasible alternative site is available. When allowed, critical facilities constructed within the 100-year frequency floodplain shall have the lowest floor elevated to 3 or more feet above the level of the 100-year frequency flood. Flood-proofing and sealing measures shall be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the 100-year frequency flood shall be provided to all critical facilities to the extent possible.

**14.34.180 Standards for Shallow Flooding Areas (AO Zones).**

Shallow flooding zones (AO Zones) appear on the Flood Insurance Rate Maps with flood depth designations from one to three feet above ground and in some areas with water velocities indicated. In these areas, the following provisions apply:

(1) New construction and substantial improvements of residential structures within AO Zones shall have the lowest floor elevated above the highest adjacent grade of the building site, 1 foot or more above the flood depth number specified on the Flood Insurance Rate Map (FIRM). Where appropriate, such structures shall be elevated above the crown of the nearest road, 1 foot or more above the depth number specified on the FIRM.

(2) Where velocities of 5 feet per second or greater are listed in an AO Zone, new structures within 500 feet of the toe of any dike shall be constructed to the following standards in addition to those listed above:

(a) All buildings or structures shall be elevated so that the lowest horizontal supporting members are located no lower than 1 foot or more above the base flood elevation level. All space below such supporting members shall remain open so as not to impede the flow of water. Exception: breakaway walls provided for in Subsection (e) of this Section may be used.

(b) All buildings or structures shall be securely anchored on pilings or columns.

(c) Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the base flood flow.

(d) Structural fill shall be allowed below the level of the existing grade only and shall be designed by and installed in the presence of a registered professional engineer or architect licensed in the State of Washington.

(e) Breakaway walls shall be allowed below the base flood elevation.

(f) Compliance with provisions (c) and (e) of this Section shall be certified by a registered professional engineer or architect.

(3) New construction and substantial improvements of nonresidential (commercial and industrial) structures within AO Zones shall either:

(a) Have the lowest floor elevated above the highest adjacent grade of the building site, 1 foot or more above the depth number specified on the FIRM. Where appropriate, such structures shall be elevated above the crown of the nearest road, 1 foot or more above the depth number specified on the FIRM; or,

(b) Together with attendant utility and sanitary facilities be completely flood proofed to 1 foot or more above the base flood elevation; any space below that level is watertight or substantially impermeable to the passage of water; structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect; or,

(c) If located in an AO Zone with water velocities of 5 feet per second or greater or within 200 feet of the toe of a dike shall be constructed to the standards of Subsections (2)(a) through (2)(f) above.

(4) Require adequate drainage paths around structures on slopes to guide floodwater around and away from proposed structures.

**14.34.190 Standards for Construction in Special Flood Risk Zones.**

The following construction standards are required in special flood risk zones as defined in SCC 14.04.

(1) New construction and substantial improvements of residential and nonresidential structures within special flood risk zones shall have the lowest horizontal supporting member elevated 1 foot or more above the base flood elevation and shall be constructed according to the standards provided in Subsections 14.34.180(2)(a) through (f).

(2) Regardless of method of construction, critical facilities are prohibited in the special flood risk zones.

(3) There shall be no fill or new construction within the channel of Gages Slough.

**14.34.200 Floodways.**

Located within areas of special flood hazard established in SCC 14.34.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwater that carries debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect licensed in the State of Washington is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) Prohibit construction or reconstruction, repair or replacement of residential structures except for:

(a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and

(b) Repairs, reconstruction, or improvements to a structure the cost of which does not exceed 50% of the market value of the structure either:

(i) Before the repair, reconstruction, or improvement is started, or

(ii) If the structure has been damaged and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes when determined by the Administrative Official, or to structures identified as historic places, shall not be included in the 50% determination.

(c) Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 shall be permitted subject to the following:

(i) The new farmhouse is a replacement for an existing farmhouse on the same farm site;

(ii) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;

(iii) Repairs, reconstruction, or improvements for a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;

(iv) A replacement farmhouse shall not exceed the total square footage of the encroachment of the structure it is replacing;

(v) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within 90 days after occupancy of a new farmhouse;

(vi) For substantial improvements, and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is 1 foot higher than the base flood elevation;

(vii) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwaters into the system;

(viii) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the floodwaters; and

(ix) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

(3) Replacement home siting other than farmhouses must evaluate flood depth, flood velocity, and flood related erosion, in order to identify a building site that offers the least risk of harm to life and property.

(4) For all other residential structures located in a designated floodway and damaged by flooding or flood-related erosion, the Department of Ecology is authorized to assess the risk of harm to life and property posed by the specific conditions of the floodway, and based upon scientific analysis of depth, velocity, and flood related erosion, may exercise best professional judgment in recommending to the Skagit County Building Official, repair, replacement, or relocation of such damaged structures. The effect of the Department's recommendation to allow repair or replacement of a flood-damaged residence within the designated floodway is a waiver of the floodway prohibition.

(5) For the purposes of this Section, "farmhouse" means a single-family dwelling locating on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

(6) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of SCC 14.34.160 through 14.34.210.

(7) Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3(b)(3) and (4) and (c)(10) of the National Flood Insurance Program regulations and SCC 14.24.

**14.34.210 Encroachment Standards.**

No development or substantial improvement shall be permitted within flood hazard zones A1-30 on the County's FIRM, unless it is demonstrated by a registered professional engineer licensed in the State of Washington that the resulting rise in the base flood elevation will be less than 0.0013 feet ($1/64^{th}$ of an inch). Calculations showing zero loss of conveyance are acceptable to prove compliance.



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**14.34.220 Coastal High Hazard Area.**

Coastal high hazard areas (V Zones) are located within the areas of special flood hazard established in SCC 14.34.050. These areas have special flood hazards associated with high velocity waters from tidal surges; and therefore, the following provisions shall apply:

(1) All new construction and substantial improvements in Zones V1-V4 shall be elevated on pilings and columns so that:

(a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated 1 foot or more above the base flood level; and

(b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a 1% chance of being equaled or exceeded in any given year (100-year mean recurrence interval); a registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this Subsection (1)(a) and (b).

(2) Obtain the elevation in relation to mean sea level of the bottom of the lowest horizontal structural member of the lowest floor of all new and substantially improved structures in Zones V1-V4 and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.

(3) All new construction shall be located landward of the reach of mean high tide.

(4) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this Section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot, either by design or when so required by local or State codes, may be permitted only if a registered professional engineer or architect licensed in the State of Washington certifies that the designs proposed meet the following conditions:

(a) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a 1% chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(5) If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

(6) Prohibit the use of fill for structural support of the building.



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(7) Prohibit man-made alterations to the natural landscape, which would increase potential flood damage.

**14.34.230 Wetlands Management.**

Wetlands are areas of great natural productivity and hydrological utility, providing natural flood control, flood desynchronization, and flow stabilization of rivers and streams. The unrestricted use and development of wetlands will destroy many of these beneficial qualities which directly affect human health and safety during flood events. The piecemeal alteration and destruction of wetlands through draining, dredging, filling, and other means has an adverse cumulative impact on their ability to reduce flood damage.

The County should, to the maximum extent possible, seek to avoid the long and short-term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to ameliorate flooding impacts. Proposals for development within special flood hazard areas shall not impact wetlands and these activities in or around wetlands shall not negatively affect public safety, health, and welfare by disrupting the wetlands ability to reduce flood and storm hazards.



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## APPENDIX A - SCC 14.34 Construction Specifications for Critter Pads (Livestock Flood Sanctuary Areas)

### SITE SELECTION

(1) Property shall be located in the 100-year floodplain and conveniently located within an established farmland that contains domestic livestock.

(2) Portions of the property used as livestock pasture must be located in the 100-year floodplain as identified on the official Flood Insurance Rate Map (FIRM) for Skagit County. Construction is not permitted in the regulatory floodway.

(3) The cumulative impacts of all proposed critter pads in a flood basin are exempt from compliance with the encroachment standards of SCC 14.34.210.

(4) No portion of the pad shall be allowed within 100 feet of the top of a riverbank or within a wetland area as defined by SCC 14.24. Less than a 100-foot setback may be allowed if mitigation were performed which would provide an equivalent or greater vegetative buffer along the river or stream corridor.

(5) The pad shall be located on the property away from areas of high velocity flows so as to minimize impacts to the site, upstream and downstream properties, and natural resources.

(6) No pad shall be located nearer than half the height of the pad (H/2) to any property line. No portion of the pad shall abut any property line. Setback distances from all property lines shall be measured at right angles from the property line to the toe of the pad.

### SITE PREPARATION

(1) Erosion control shall be established around the perimeter of the work site per SCC 14.32.

(2) The foundation area of the pad shall be stripped of existing surface vegetation to a minimum depth of 4 inches and stockpiled on site. If this material is to be stockpiled for more than 24 hours, it shall be covered or stabilized using erosion control methods. This material shall be replaced on the surface of the pad when revegetated and reseeded.

### SOIL MATERIAL FOR PAD

(1) Soil may be extracted from non-sensitive areas on-site; it shall not be taken from wetlands or other sensitive areas other than frequently flooded areas.

(2) Detrimental amounts of organic material shall not be permitted in fills. Imported fill material shall be obtained from an approved or permitted site.

### PLACEMENT OF FILL

(1) The maximum soil layer thickness (lift) prior to compaction shall not exceed 2 feet.

(2) Compaction may be performed by the routing back and forth of construction equipment.

### PAD SURFACING

(1) Disturbed areas of soil on the upper surface of the pad shall be reseeded with a mixture of perennial ryegrass and creeping fescue or other plant material.

(2) Side slopes shall be no steeper than 2 horizontal to 1 vertical (2:1).

(3) Side slopes shall be protected by placing erosion control fabric, reseeding, and planting native woody vegetation in accordance with biotechnical bank stabilization techniques described in the construction specifications.



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(4) Newly planted vegetation used for side slope stabilization may require temporary fencing along the length of the toe of the slope until such time as the vegetation has established itself.

(5) The surface of the pad shall be compacted soil and low grasses. A straw covering shall be spread over the surface prior to intended use. The straw and manure collected on the surface during the emergency use shall be removed and treated as animal waste following the flood event.

(6) Ramp slopes shall be no steeper than 8 horizontal to one vertical (8:1)

(7) The ramp may be constructed of concrete, wood or earth material. The upper surface of the pad area shall be enclosed by a fence.

**SIZE LIMITATIONS**

(1) The maximum size of the pad shall not exceed 50 square feet per animal unit (1,000 lb.) plus the area created by adding 14 feet of width along 2 sides to be used for farm vehicle access.

(2) The width of the pad as measured perpendicular to the flooding source (river, stream or lake) shall not exceed 15% of the total floodplain width of the property.

**AGREEMENTS**

(1) Any application for the construction of a critter pad shall include written legal agreements between Skagit County and the Applicant that provides for the following:

- (a) Construction and maintenance of the pad shall be performed according to Best Management Practices.
- (b) Applicants accept the flood impacts and new delineation of floodway/floodplain that may occur as a result of construction of such pad.
- (c) The construction of buildings or structures on the pad for use other than livestock shelter is prohibited. Livestock shelters shall be permitted only through the Planning and Permit Center permit process.

(2) When agricultural land containing critter pads is to be converted to any NON-AG use, the County shall require that all critter pads be removed. As a condition of a land use conversion from Agriculture use, all critter pad material shall be removed and the pad area restored to its previous ground level. An inspection and sign off by a County building official shall be required before any building permits are issued for the portion of the property that formerly contained the critter pad.

**PERMIT APPLICATION**

In addition to the Planning and Permit Centers Flood Hazard Area Development Permit application, any Applicant proposing the construction of a critter pad shall also provide the following information:

(1) Site plan indicating the location of property lines, total square foot area of existing buildings, total square foot area of land within property lines, proposed square foot area of the pad, proposed location of the pad in reference to property lines, identified sensitive areas (critical areas) and any ground elevation reference marks.

(2) Description or type of farming activity. Number and type of livestock.

(3) Identify amount, type and source of fill material to be used and whether it is obtained on or off-site.

(4) Construction schedule and methods including erosion control methods to be used during construction.
(5) Completed design specifications per this Chapter.
(6) Any signed legal agreements required per this Chapter.

**APPROVAL TO START CONSTRUCTION**

(1) The construction of any critter pad shall not commence until such time as the Administrative Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Chapter and other pertinent laws and ordinances and that the fees required for the permit have been paid.
(2) The Administrative Official shall inspect construction for which a permit is issued. The person causing the work to be done shall notify the Administrative Official in writing or by telephone when such permitted work is ready for inspection. It shall be the duty of the permit Applicant to cause the work to remain accessible and exposed for inspection.

**INSPECTIONS REQUIRED**

(1) After removal of the topsoil and prior to fill material being placed.
(2) During or after the placement of erosion control devices.
(3) After final completion and prior to using.

**DESIGN SPECIFICATIONS**

The following information is intended to assist the designer with meeting the dimensional requirements for the construction of a critter pad.

(1) Height (h): Base flood elevation is considered minimum height. Recommended height is 1 foot above base flood elevation.
(2) Net Area ($A_n$): The net area ($A_n$) is a product of the width perpendicular to flood flow ($W_p$), and the length parallel to the flood flow ($L_p$). The net area should be no greater than 50 square feet per animal unit (1000 lb.). An additional area no greater than 25% of the calculated area will be allowed in order to accommodate herd growth.
(3) Gross Area ($A_g$): The gross area is the product of ($W_p$ + 14') and ($L_p$ + 14'). A strip no greater than 14 feet wide will be permitted along one length and one width in order to provide vehicle access.
(4) Side Slopes (Z): Side slopes for fill should be 2:1 or greater.
(5) Base Area ($A_b$): The base area is the product of the base width ($W_b$) by base length ($L_p$) or the total footprint of the pad at grade. This area should equal the sum of the gross area ($A_g$), plus the horizontal area of the side slopes and should not exceed 2% of the total area ($A_t$).
(6) Floodplain width covered by pad ($FW_p$): The width of floodplain covered by the pad should be less than 15% of the total floodplain width ($FW_t$)of the property.
(7) Ramp Length ($R_l$): The ramp length should not exceed 500 feet and should have a minimum slope of 8:1. If the ramp is constructed on fill, it should run parallel to flood flow. If the ramp is built using piling construction, it may be built either parallel or perpendicular to flow.
(8) Ramp Width ($R_w$): The width of the ramp should be no greater than 18 feet.

(9) Total Area ($A_t$): The total area is the area that is occupied by all structures or improvements (including pad) on the entire property. The total area shall not exceed 5% of the area of the property.

(10) Distance (D): The shortest distance from the base of the pad to an adjacent river, stream, lake or property line.

## APPENDIX B - SCC 14.34 Biotechnical-Bank Stabilization Recommendations

### EROSION CONTROL

(1) Erosion control and stabilization of side slopes is one of the first objectives of construction. This means that the bare soils must be protected immediately against erosion, and vegetation must be planted to provide long-term stability.

(2) To accomplish erosion control on sites where flows are heavy, a blanket of woven coconut fiber (coir geotextile fabric) or similar fabric should be laid and staked to cover the entire surface of the side slopes. Vegetation is planted and anchored through this fabric and into the soil.

(3) If the Applicant can demonstrate that the proposed pad is located on a site where inundation will occur, but not substantial flow, erosion control may be accomplished by a combination of mulching, seeding and live plantings.

(4) Construction Using Coir Geotextile Fabric.

- (a) The coir fabric should be laid starting at the most downstream end, working upstream; and starting at the bottom, working up the slope. This will enable the water to flow across the material without lifting the edges (*see* diagram).
- (b) The fabric must be staked with dead stout stakes embedded with anchor nails (*see* diagram). These stakes should be placed at 3-foot centers and should be driven in flush so the nails anchor the fabric. The fabric edge at the top of the slope can be stabilized with dead stout stakes. The bottom of the fabric should be stabilized by digging a trench 6 inches deep and securing the fabric with soil replaced in the trench (*see* diagram).
- (c) In addition, live stakes and trees should be planted within the fabric layer to provide long-term stability. This can be done immediately or several months later, depending on the seasonal needs of the vegetation for survival.

(5) Fabric Selection.

- (a) If construction is performed during winter months, the recommended fabric is DeKoWe 700. Work performed in the summer would allow the slope to be stabilized with grasses until the revegetation with woody materials is completed in the fall and winter. This can be accomplished using DeKoWe 700 with seeding or North American Green SCC 225 which contains the seed and mulch.

(6) Construction Without Coir Geotextile Fabric.

- (a) If construction is performed in the winter, the side slopes should be protected immediately by either:
  - (i) Hydroseeding before the ground freezes; or
  - (ii) Providing a mulch cover that is secured to the slope by chicken wire or other technique and seeded when the ground thaws.
- (b) If construction is performed in the summer, the side slopes should be protected with either hydroseeding of seeding by the farmer using native grass species.
- (c) In all cases it is necessary to plant live stakes, trees and shrubs within the side slopes according to the specifications that are described here.

**LIVE STAKES**

(1) Live stakes are living, woody plant cuttings capable of rooting. The cuttings must be taken from a species that roots easily from cuttings. The live stakes are tamped into the ground and are intended to root and grow into mature shrubs that will serve to stabilize the soils.

(2) Live cuttings should have the side branches and leaves removed and the bark intact. They should be approximately 2 feet in length and from 3/8 inch to 2 inches in diameter. The butt ends must be cleanly cut at an angle for easy insertion into the soil. The top should be cut square.

(3) The cuttings must be kept moist after preparation and installed within 24 hours.

(4) Construction.

(a) The installation of a live stake grid must occur during the dormant season, which generally occurs from November through March in Western Washington.

(b) To install the live stakes, make a pilot hole at right angles to the slope for each stake and tamp the cuttings into the hole using a rubber mallet to avoid splitting the stake. The stakes should be randomly installed at approximately 1-foot centers. Replace any cuttings that split during tamping. Approximately 3 to 6 inches of length should protrude from the ground. The soil should be firmly packed around each cutting after it has been tamped in.

(5) Species Selection.

(a) Native shrubs and trees shall be used. The bottom 3 feet of the slope should be stabilized with willows and/or red osier dogwood.

(6) Establishing Growth.

(a) In order for the live stakes to establish roots and grow the area must be watered during dry periods.

(b) If less than 50% of total cuttings survive, or if vegetated areas of slope are exposed or extremely sparse, additional or replacement cuttings should be installed during the next dormant season.

**TREES AND SHRUBS**

(1) Trees and shrubs often need to be planted with roots intact. These varieties of woody vegetation may take longer to mature than cuttings, but they have extensive root structures that help bind the soils.

(2) Construction.

(a) To plant potted or bare root trees and shrubs, use a razor to cut an X in the coir fabric. Prepare a hole and insert the ball or bulb. Tamp down the soil firmly about the roots to eliminate air pockets that could dry out the plants. Water immediately if the soil is not moist.

(3) Species Selection.

(a) Lower Bank Shrubs – plant any of at least 3 lower bank shrubs at or near the base of your critter pad.

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| COMMON NAME --- SCIENTIFIC NAME |
|---|
| Willow -- Salix spp. |
| Hardhack --- Spirea douglasii |
| Salmonberry --- Rubus spectabili |
| Red Elderberry --- Sambucus racemosa |
| Black Twinberry --- Lonicera involucrata |
| Pacific Ninebark --- Physocarpus capitatus |
| Douglas Hawthorn --- Crataegus douglasii |
| Red Osier Dogwood --- Cornus stolonifera |
| Western Crabapple --- Pyrus fusca |

(b) Upper Bank Shrubs – plant any of at least 3 on the middle and upper side slopes.

| COMMON NAME --- SCIENTIFIC NAME |
|---|
| Salal --- Aultheria shallon |
| Hazelnut --- Corylus cornuta |
| Wild Rose --- Rosa gymnocarpa |
| Snowberry --- Symphoricarpos albus |
| Vine Maple --- Acer circinatum |
| Ocean Spray --- Holodiscus discolor |
| Indian Plum --- Oemleria cerasiformis |
| Thimbleberry --- Rubus parviflorus |
| Serviceberry --- Amelanchier alnifolia |
| Oregon Grape --- Berberis aquifolium, nervosa, or repens |
| Red Huckleberry --- Vaccinium parvifolium |
| Red Flowering Currant --- Ribes sanquineum |
| Evergreen Huckleberry --- Vaccinium ovatum |

(c) Shade Trees – plant at least 2 at the base of the pad.

| COMMON NAME --- SCIENTIFIC NAME |
|---|
| Oregon Ash --- Fraximus latifolia |
| Sitka Spruce --- Picea Sitchensis |
| Bitter Cherry --- Prunus emarginata |
| Big Leaf Maple --- Acer macrophyllum |
| Black Cottonwood --- Populus trichocarpa |
| Western Red Cedar --- Thuja plicata |



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# TITLE 14
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## CHAPTER 14.36

## PUBLIC WORKS STANDARDS

**Sections**:


| | |
|---|---|
| 14.36.010 | Roads. |
| 14.36.020 | Stormwater. |
| 14.36.030 | Sanitary Sewer. |
| 14.36.040 | Water System. |


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**14.36.010 Roads.**

The construction of all public and private roads in Skagit County shall comply with the most recent version of the Skagit County Public Works Standards adopted by Resolution of the Board of Skagit County Commissioners. Where required to satisfy a particular grant or funding source, the County may apply such other road construction standards as are required by that grant or funding source, including, but not limited to other State or Federal standards.

**14.36.020 Stormwater.**

The construction of all stormwater management facilities shall comply with the requirements of the Skagit County Drainage Code, SCC 14.32, and the most recent version of the Skagit County Public Works Standards, adopted by Resolution of the Board of Skagit County Commissioners.

**14.36.030 Sanitary Sewer.**

The construction of all sanitary sewer facilities in the Bayview Ridge urban growth area, the Swinomish urban growth area and the Big Lake Rural Village shall comply with the adopted construction standards for the applicable public sewer provider. For areas outside of the Bayview Ridge UGA, the Swinomish UGA and the Big Lake Rural Village, the provisions of the On-Site Sewage Code, SCC 12.05, shall apply.

**14.36.040 Water System.**

The construction of all water system improvements shall comply with the adopted construction standards for urban or rural areas, whichever is applicable, in the most recent version of the Skagit County Coordinated Water System Plan adopted by Resolution of the Board of Skagit County Commissioners.



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# TITLE 14
# SKAGIT COUNTY CODE

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## CHAPTER 14.38

## RIGHT-TO-MANAGE NATURAL RESOURCE LANDS

**Sections:**


14.38.010 Policy and Purposes.
14.38.020 Nuisance.
14.38.030 Disclosure.

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**14.38.010 Policy and Purposes.**

(1) Policies.

(a) It is the declared policy of this County to enhance and encourage Natural Resource Land management within the County. It is the further intent of this County to provide to the residents of this County proper notification of the County's recognition and support through this Chapter of those persons and/or entities' right-to-manage Natural Resource Lands.

(b) State planning goals encourage the conservation of productive Natural Resource Lands and discourage incompatible uses. This goal can be fulfilled by assuring that the use of lands adjacent to Natural Resource Lands do not interfere with the continued use, in the accustomed manner, for the production of food and agricultural products, timber, and extraction of minerals.

(2) Purposes.

(a) Where non-Natural Resource Land uses extend into natural resource areas or exist side-by-side, natural resource management operations are frequently the subjects of nuisance complaints and on occasion have been forced to cease or curtail operations. Such nuisance complaints discourage investments in Natural Resource Land improvements to the detriment of adjacent Natural Resource Land uses and the economic viability of the County's Natural Resource Land industry as a whole. It is the purpose and intent of this Chapter to reduce the loss to the County of its Natural Resource Lands by limiting and defining the circumstances under which Natural Resource Lands management operations may be considered a nuisance. This Chapter is not to be construed as in any way modifying or abridging County, State or Federal laws; rather it is only to be utilized in the interpretation and enforcement of the provisions of this Code and County regulations.

(b) An additional purpose of this Chapter is to promote a good neighbor policy between Natural Resource Lands and non-Natural Resource Land property owners by advising purchasers and users of property adjacent to or near Natural Resource Land management operations of the inherent potential problems associated with such purchase or residence, including, but not limited to, the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, odor and the hours of operation that may accompany Natural Resource Land management operations. It is intended that through mandatory disclosures purchasers and users will better understand the impact of living near Natural Resource Lands and be prepared to accept attendant conditions as the natural result of living in or near Natural Resource Lands and rural areas.

(c) An additional purpose of this Chapter is to provide notice, through a disclosure statement, of the potential incompatibilities, inconveniences and discomforts that may arise from Natural Resource Land management activities.

**14.38.020 Nuisance.**

(1) No land-based Natural Resource Lands management activity, operation, facility or appurtenances thereof, shall be or become a nuisance as defined in SCC 14.04, regardless of past or future changes in the surrounding area's land use or zoning designation, when



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conducted or maintained for commercial purposes, and in a manner consistent with current Best Management Practices, not superseding local, State or Federal regulations and involving uses allowed under the Agriculture Natural Resource Land (Ag-NRL), Industrial Forest Natural Resource Land (IF-NRL), Secondary Forest Natural Resource Land (SF-NRL), Rural Resource Natural Resource Land (RRc-NRL), or Mineral Resource Overlay (MRO-NRL) districts as set forth in SCC 14.16.400, SCC 14.16.410, SCC 14.16.420, SCC 14.16.430, and SCC 14.16.440, respectively.

**14.38.030 Disclosure.**

(1) The statement set forth in Subsection (2) ("Disclosure") shall be used under the following circumstances and in the following manners:

(a) Skagit County shall mail a copy of the Disclosure, with an explanatory informational attachment to all landowners whose parcel(s) lie within an area or within 500 feet of an area designated as a Natural Resource Land in Skagit County beginning in the year 1999 and every 3 years thereafter; provided that no liability shall attach to Skagit County for any actions or omissions under this Subsection.

(b) Upon transfer of real property by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or any other means, the seller shall be required to record with the County Auditor a statement containing the language set forth in Subsection (2) in conjunction with the deed conveying the real property; provided, however, that the real property is located within 1 mile of the Agriculture Natural Resource Land (Ag-NRL), or 1/4 mile of Industrial Forest Natural Resource Land (IF-NRL), Secondary Forest Natural Resource Land (SF-NRL), or Rural Resource Natural Resource Land (RRc-NRL), or Mineral Resource Overlay (MRO-NRL) districts, as set forth in SCC 14.16.400, SCC 14.16.410, SCC 14.16.420, SCC 14.16.430, and SCC 14.16.440, respectively.

(2) The following shall constitute the disclosure required by this Section:

*"This parcel lies within an area or within 1 mile of an area designated as agricultural land or within 1/4 mile of rural resource, forest or mineral resource lands of long-term commercial significance in Skagit County. A variety of Natural Resource Land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated Natural Resource Lands, and area residents should be prepared to accept such incompatibilities, inconveniences or discomfort from normal, necessary Natural Resource Land operations when performed in compliance with Best Management Practices and local, State, and Federal law." In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. If you are adjacent to designated NR Lands, you will have setback requirements from designated NR Lands.*

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# TITLE 14
# SKAGIT COUNTY CODE

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## CHAPTER 14.40

## OPEN SPACE CURRENT USE ASSESSMENT APPLICATIONS

**Sections:**


14.40.010 Legislative Declaration.
14.40.020 Purpose.
14.40.030 Adoption by Reference.
14.40.040 Procedure.
14.40.050 Notice of Decision.
14.40.060 Notice of Approval.


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**14.40.010 Legislative Declaration.** 17938

The County adopts the Washington State legislative declaration as follows:

> The Washington State Legislature declares that it is in the best interest of the State to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens. The legislature further declares that assessment practices must be so designed as to permit the continued availability of open space lands for these purposes, and it is the intent of this Chapter so to provide. The legislature further declares its intent that farm and agricultural lands shall be valued on the basis of their value for use as authorized by Section 11 of Article VII of the Constitution of the State of Washington.

**14.40.020 Purpose.**

The purpose of this Chapter is to outline the review procedures for the processing of open space land current use assessment applications as provided in RCW 84.34.037.

**14.40.030 Adoption by Reference.**

The County's open space current use program shall be guided by RCW 84.34, which is hereby adopted by reference.

**14.40.040 Procedure.**

(1) Applications for Open Space Open Space Current Use Assessment shall be submitted to the Planning and Permit Center for processing.

(2) Applications for Open Space Open Space Current Use Assessment shall be processed in accordance with applicable State and County laws, rules, and regulations, including review procedures of SCC 14.08 (Legislative Actions).

(3) The County's Open Space Current Use Program shall be guided by RCW 84.34, which is hereby adopted by reference.

(4) The Board shall approve or deny a current use assessment application within 6 months from the receipt of the complete current use assessment application.

(5) Pursuant to RCW 84.34.037(5) and RCW 84.34.041(3), the decision of the Board on any current use assessment application is a legislative determination and shall be reviewable only for arbitrary and capricious actions. Appeals shall proceed according to the applicable RCW.

**14.40.050 Notice of Decision.**

If the open space application is approved by the Hearing Examiner, the Hearing Examiner shall prepare a contract and forward the contract to the Board of County Commissioners. The Board shall then schedule a public meeting. Afterwards, the Board may sign the contract. The contract is then posted certified mail to the applicant who must return the signed contract within 25 calendar days.

**14.40.060 Notice of Approval.**

After a notice of decision has been provided to the Applicant and upon receipt of a contract, signed by all property owners, the County Assessor shall be provided with a notice of the decision and a legal description of the property affected within 10 days. The County Assessor shall then make the necessary adjustments to the property records and tax status.

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# TITLE 14
# SKAGIT COUNTY CODE

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## CHAPTER 14.42

## ACCEPTING GRANTS OF REAL PROPERTY

**Sections:**


14.42.010 Public Hearing Required.
14.42.020 Adherence to County Policy Required.
14.42.030 Exemptions.
14.42.040 Procedural Criteria.


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**14.42.010 Public Hearing Required.**

It is the policy of Skagit County to hold a public hearing on each proposal for acceptance of a grant of real property by a landowner in Skagit County. At that time, the Board shall determine whether acceptance of the proposed grant of real property serves the public interest.

**14.42.020 Adherence to County Policy Required.**

No other action of a County employee or agent shall constitute acceptance of real property by the County, except following this Chapter and by written resolution by the Board. Any action by a landowner to convey real property to the County for right-of-way purposes which does not conform to this policy shall not be deemed an acceptance of such property interest by the County.

**14.42.030 Exemptions.**

The requirement and policy of this Chapter shall not apply to the following:

(1) Acceptance of road right-of-way by the County through the land division procedures as set forth in RCW 58.17 and SCC 14.18 (Land Divisions).

(2) Acceptance of a conservation easement pursuant to RCW 64.06.130.

**14.42.040 Procedural Criteria.**

(1) The Applicant (grantor) shall submit the following documents for the subject property:
   (a) A letter of intent to the Skagit County Board of Commissioners. The letter must include a general description of the property to be granted and why it would be in the public's interest for the County to accept the grant; and
   (b) A legal description; and
   (c) A title report; and
   (d) A warranty deed granting ownership to Skagit County.

(2) The County Commissioners' Office shall:
   (a) Transmit copies of the application documents to the County Public Works Department and to the Planning and Permit Center and request staff review and comment; and
   (b) Schedule a public hearing and notify the applicant, staff and public of the public hearing date when the matter will be considered.

(3) The Public Works Department will review the application to determine if the subject property is an existing County road, the accuracy of the legal description, other road safety-related issues, and make a written recommendation to the Board of County Commissioners.

(4) The Planning and Permit Center will review the application for compliance with land control regulations, and in particular, confirm that acceptance will not result in more legal lots of record than would be allowed within that zoning district before acceptance, and make written recommendation to the Board of County Commissioners.

(5) The Board of County Commissioners shall:
   (a) Conduct the public hearing; and
   (b) Deliberate and determine if the grant of real property complies with SCC 14.42 and these procedural criteria; and
   (c) By resolution, accept, conditionally accept or deny acceptance of the offered property.

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# TITLE 14
# SKAGIT COUNTY CODE

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## CHAPTER 14.44

## ENFORCEMENT/PENALTIES

**Sections:**


| | |
|---|---|
| 14.44.010 | Violations. |
| 14.44.020 | Misdemeanor. |
| 14.44.030 | Civil Infractions and Penalties. |
| 14.44.040 | Settlement of Suits for Collection of Civil Penalties. |
| 14.44.050 | Investigation. |
| 14.44.060 | Land Division. |
| 14.44.070 | Flood Damage Prevention Enforcement. |
| 14.44.080 | Enforcement Provisions for Critical Areas. |
| 14.44.090 | Abatement. |
| 14.44.100 | Alternative Remedies. |
| 14.44.110 | Written Notices and Orders. |
| 14.44.120 | Appeal. |
| 14.44.130 | Supplemental Notice and Order. |
| 14.44.140 | Enforcement of the Final Order. |
| 14.44.150 | Permit Suspension or Revocation. |
| 14.44.160 | Liens. |

**14.44.010 Violations.**

(1) All violations of SCC Titles 14 and 15, and land use statutes and regulations are hereby declared to be detrimental to the public health, safety, and welfare and are hereby declared to be public nuisances. All conditions which are determined by the Administrative Official to be in violation of SCC Titles 14 and/or 15, and land use statutes or regulations shall be subject to the provisions of this Chapter and shall be abated by any reasonable and lawful means as provided herein.

(2) Whenever the Administrative Official has reason to believe that a use or condition exists in violation of SCC Titles 14 and/or 15, and/or land use statutes or regulations, the Administrative Official shall initiate enforcement action as herein provided and, at the option of the Administrative Official, may commence an administrative notice and order process to cause the enforcement and correction of each violation. Upon request, the complainant shall be notified of all official actions taken by the Administrative Official.

(3) Whenever a person believes a violation of SCC Titles 14 or 15 and/or a land use statute or regulation has occurred, he or she may file a written request for investigation. The request for investigation shall state fully the causes and basis for the complaint and shall be filed with the Administrative Official. The Administrative Official shall record such complaint, investigate in a timely manner and take action thereon as provided by this Code.

(4) Each day a violation continues shall be considered a separate civil violation, as adopted in SCC 14.44.030.

**14.44.020 Misdemeanor.**

Notwithstanding any other judicial or administrative remedy provided herein and unless otherwise specified, any person who knowingly or intentionally violates SCC Titles 14 and/or 15, and/or any land use statute, regulation, or any order issued pursuant to this Code, or by any act of commission or omission procures, aids or abets such violation, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine not to exceed $250.00 and/or imprisonment in the County jail for a term not to exceed 90 days. The defendant shall also be required to pay restitution.

**14.44.030 Civil Infractions and Penalties.**

(1) Civil Infractions. In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, any person who violates SCC Titles 14 and/or 15, statute or regulation, or any order issued pursuant to SCC Titles 14 and/or 15, or by any act of commission or omission procures, aids or abets such violation, shall be subject to a class 1 civil infraction in accordance with RCW 7.80. The maximum penalty and the default amount for a class 1 civil infraction shall be $250.00, not including statutory assessments.

(2) Civil Penalty. In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, any person who violates SCC Titles 14 and/or 15, any land use statute or regulation, or any order issued pursuant to SCC Titles 14 and/or 15, or by any act of commission or omission procures, aids or abets such violation shall be subject to a civil penalty in an amount of $100.00 per day for each continuous violation. The Administrative Official shall assess such civil penalty through the notice and order provisions of this Chapter until such violation is corrected. All civil penalties assessed

will be enforced and collected in accordance with SCC 14.44.160, or as otherwise authorized by law.

(3) Any person found to be in violation of a new and separate violation under the provisions of SCC Titles 14 and/or 15 within a period of 1 year after the resolution of a prior violation of SCC Titles 14 and/or 15 shall be subject to double the civil penalties normally imposed for such violation.

(4) For the purposes of this Subsection, a person will have been found to be in violation when:

(a) A notice and order alleging a violation is issued and not timely appealed in accordance with SCC 14.44.120; or

(b) A determination is made by the Hearing Examiner that a person has committed a violation and that determination is timely appealed to Superior Court and is not subsequently reversed or otherwise stayed.

(c) A determination is made by the Hearing Examiner that a person has committed a violation and that determination is not timely appealed to Superior Court.

**14.44.040 Settlement of Suits for Collection of Civil Penalties.**

The Administrative Official may enter into negotiations with parties named in a lawsuit under this Chapter and/or their legal representatives, for the purposes of negotiating a settlement to such lawsuit. This negotiation shall be in the best interests of the County and may include a compromise regarding the collection of civil penalties. This negotiation shall consider the interests of the general public.

**14.44.050 Investigation.**

Whenever necessary to make an inspection to enforce the provisions of SCC Titles 14 and/or 15, land use statutes, or regulations, or whenever the Administrative Official has reasonable cause to believe that any building, structure, property or portion thereof is being used in violation of SCC Titles 14 and/or 15, or a land use statute or regulation, the Administrative Official may, upon presentation of proper credentials and consent of the property owner or other person having charge or control of the building, structure or property, enter such building, structure, property or portion thereof at all reasonable times to inspect the same. If such building, structure, property or portion thereof is unoccupied, the Administrative Official shall make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property or portion thereof and request entry. If entry is refused, the Administrative Official may ask the Prosecuting Attorney's office to assist in obtaining a warrant.

**14.44.060 Land Division.**

(1) Injunctive Remedy. Whenever any parcel of land is divided in violation of SCC 14.18, and any person, firm or corporation, or any agent of any of them sells or transfers, or offers or advertises for sale or transfer any such lot, tract or parcel in violation of SCC 14.18, the Prosecuting Attorney shall commence an action to restrain and enjoin further subdivision or sales or transfers or offers of sale or transfer of the illegally subdivided property and compel compliance with all provisions of SCC 14.18. The costs of such action shall be assessed against the person, firm, corporation, and/or agent selling or transferring the property. When property is in compliance with RCW 58.17.205, this Section shall not apply.



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(a) In enforcement of SCC 14.18, the Prosecuting Attorney may accept an assurance of discontinuance of any act or practice deemed in violation of SCC 14.18, from any person engaging in or who has engaged in such act or practice. Any such assurance shall be in writing and shall be filed with and subject to the approval of the Superior Court of Skagit County. The violation of such assurance shall constitute prima facie proof of a violation of SCC 14.18.

(b) Any person who violates any court order or injunction issued pursuant to this Section shall be subject to a civil penalty not more than $5,000.00.

(2) Criminal Penalty. Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of SCC 14.18 and/or RCW 58.17 relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land within a subdivision, short subdivision, binding site plan, or condominium shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation shall be deemed a separate offense. If an offer to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of a final plat containing the lot, tract, or parcel under this Chapter, the offer or agreement is not subject to penalty and does not violate any provision of this Chapter. All payments on account of an offer or agreement conditioned as provided by this Section shall be deposited in an escrow or other regulated trust account, and no disbursement to sellers shall be permitted until the final plat is recorded.

**14.44.070 Flood Damage Prevention Enforcement.**

(1) All violations of SCC 14.34 and WAC 173-158 shall be referred to the Washington State Attorney General and/or the Skagit County Prosecuting Attorney for injunctive or declaratory relief, and/or other actions deemed necessary to pursue compliance.

(2) Any person who fails to comply with SCC 14.34 and WAC 173-158 shall be subject to a civil penalty not to exceed $1,000.00 for each violation. Each violation or each day of noncompliance shall constitute a separate civil violation.

(3) The penalty provided for in this Section shall be imposed by a notice in writing by Department of Ecology or the County and shall be sent to the property owner or violator either by certified mail with return receipt requested or by personal service. The notice shall describe the violation and order the act or acts constituting the violation or violations to cease and desist and/or require necessary corrective action to be taken within a specific and reasonable time period.

(4) Any penalty imposed pursuant to this Section by the Department of Ecology shall be subject to review by the Pollution Control Hearings Board. Any penalty imposed pursuant to this Chapter by the County shall be subject to review by the Skagit County Hearing Examiner in accordance with SCC 14.06. Any penalty jointly imposed by the Department of Ecology and the County shall be appealed to the Pollution Control Hearings Board.

**14.44.080 Enforcement Provisions for Critical Areas.**

(1) The provisions contained in this Section are in addition to and not in lieu of any other penalty, sanction, or right of action provided by law.

(2) In all cases, the property owner shall be named as a party to the notice and order. In addition to any other person who may be liable for violations, the property owner shall be jointly and severally liable for the restoration of a site and payment of any civil penalties imposed.

(3) Violation of SCC 14.24 (Critical Areas), or of the rules promulgated thereunder, or of any permit or approval or stop work notice or any other order issued pursuant to SCC Titles 14 and/or 15, or of any of the terms or conditions of any critical area buffer or setback, easement or other plat restriction or binding assurance, or of any mitigation plan, or contract or agreement concluded pursuant to SCC 14.24 shall constitute a violation of this Section.

(4) Civil Penalties. Any person in violation of SCC 14.24 shall be subject to civil penalties assessed as follows:

(a) An amount which shall be equal to twice the economic benefit that the violator derived from the violation as determined by the Administrative Official as measured by the greater of:

(i) the resulting increase in the market value of the property or the value received by the violator, or

(ii) the savings of construction costs realized by the violator derived from the act that constituted the violation; or

(b) An amount, not to exceed $25,000, that is reasonable based upon the nature and extent of the violation and the costs to the County of enforcing this Chapter against the violator.

Any civil penalties recovered under this Section may be deposited in the Critical Areas Mitigation Fund for use by Skagit County in protecting or restoring critical areas.

(5) Revocation or Refusal to Accept Permit Application

(a) In addition to the suspension or revocation of permits as set forth in SCC 14.44.150, a permit or approval that is subject to critical areas review may be suspended or revoked upon an applicant's failure to disclose a change of circumstances on the development proposal site if those circumstances render the critical area study inaccurate, or which materially affects his or her ability to meet the permit or approval conditions.

(b) In addition to any other enforcement method and to further the remedial purposes of this Section, the Skagit County Planning and Permit Center shall refuse to accept any development application for permit or approval for a development proposal involving a property at which a violation of this SCC 14.44 has occurred. Such refusal shall continue until the violation is cured by:

(i) Complete restoration of the property as determined by the Administrative Official; and/or

(ii) Submission of a mitigation plan and posting of a performance bond both of which have been approved by the Administrative Official; and/or

(iii) Payment of any civil penalty imposed for the violation;

(c) Provided that, applications for permits or approvals shall be accepted to the extent necessary to accomplish any required cure.

**14.44.090 Abatement.**

In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, the Administrative Official may order a land use violation to be abated. The Administrative Official may order any person who creates or maintains a violation of SCC Titles 14 and/or 15, and/or land use statutes or regulations, to commence corrective work and to complete the work within such time as the Administrative Official deems reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Administrative Official may proceed to abate the violation and cause the work to be done. The costs thereof will be charged as a lien against the property and as both a joint and separate personal obligation of any person who is in violation.

**14.44.100 Alternative Remedies.**

Notwithstanding the existence or use of any other remedy, the Administrative Official may seek legal or equitable relief to enjoin any acts or practices or abate any conditions, which constitute a violation of SCC Titles 14 and/or 15 or rules and regulations adopted thereunder.

**14.44.110 Written Notices and Orders.**

(1) Notice of Violation.

(a) During an investigation and after a violation is noted, the Administrative Official may issue a notice of violation to the property owner, the person having charge or control of the premises, and/or the operator of the source of the violation.

(b) The notice of violation shall cite the code sections for each violation and describe the violations. The notice shall cite the corrective actions necessary and give a date certain by which correction must occur.

(c) The notice of violation shall contain a statement that failure to correct the violation as required may result in the issuance of a notice and order which includes the imposition of civil penalties and the violation may also be referred for criminal prosecution.

(d) The notice shall contain a signature block to be signed by the owner or person in charge or control of the property as acknowledgement of receipt of the notice.

(2) Notice and Order to Abate.

(a) Whenever the Administrative Official has reason to believe that a violation of SCC Titles 14 and/or 15, and/or a land use statute or regulation should be addressed by a notice and order proceeding, the Administrative Official shall issue a written notice and order directed to the owner or operator of the source of the violation, the person in possession of the property where the violation originates, and/or the person otherwise causing or responsible for the violation. Such notice and order may be issued by the Administrative Official alone or, where other violations of health or life/safety exist, or violations of other statutes or regulations exists, the notice and order may be issued in conjunction with a notice and order issued by a director of another department. The notice and order shall contain the following:

(i) The street address when available and a legal description of real property and/or description of personal property sufficient for identification of the location where the violation occurred or is located;

(ii) A statement that the Administrative Official has found the person to be in violation of SCC Titles 14 and/or 15, and/or land use statutes or regulations, with a brief and concise description of the basis for the violation;

(iii) A statement of the corrective action required to be taken. If the Administrative Official has determined that corrective work is required, the order shall require that all necessary permits be secured and the corrective work physically commence within a reasonable time, as directed by the Administrative Official under the circumstances, and that the work be completed within that time;

(iv) A statement specifying the amount of any civil penalty assessed as a result of the violation and, if applicable, the conditions on which assessment of such civil penalty are contingent;

(v) Statements advising that:

a) If the corrective action is not commenced or completed within the time specified, the Administrative Official may proceed to abate the violation, cause the corrective work to be done, and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation; and,

b) If any assessed civil penalty is not paid, the Administrative Official will charge the amount of the penalty as a lien against the property and as a joint and separate personal obligation of any person in violation;

c) A statement advising that the order shall become final unless, no later than 15 calendar days after the notice and order are served, any person aggrieved by the order files an appeal to the Hearing Examiner pursuant to SCC 14.44.120.

(b) Method of Service. Service of the notice and order shall be made upon all persons identified in the notice and order either personally or by mailing a copy of such notice and order 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 proceedings taken under this Section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

(3) Stop Work Notice. Pending commencement and completion of the notice and order procedure provided for in this Chapter, the Administrative Official may cause a stop work notice to be posted on the subject property or served on persons engaged in any work or activity in violation of SCC Titles 14 and/or 15, and/or any land use statute or regulation. The stop work notice shall require the immediate cessation of such work or activity until authorized by the Administrative Official posting the order to proceed. A stop work notice may also be served if the Administrative Official has reason to believe that conditions of the violation create an immediate and irreparable land use or health hazard which would threaten the safety or health of the occupants of the property or neighborhood.

**14.44.120 Appeal.**

Appeal to the Hearing Examiner. Appeals of the notice and order must be made in writing within 15 calendar days of the receipt of the notice and order and shall be in accordance with SCC 14.06.

**14.44.130 Supplemental Notice and Order.**

The Administrative Official may at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedure applicable to notices and orders contained in this Chapter.

**14.44.140 Enforcement of the Final Order.**

(1) Whenever a notice and order duly issued pursuant to SCC 14.44.110(2) has not been timely appealed pursuant to SCC 14.44.120, it becomes a final order. If the person to whom such order is directed fails, neglects, or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, the Administrative Official may:
   (a) Refer such person for prosecution under this Code or State law; and/or
   (b) Institute any appropriate action to collect a civil penalty assessed under this Code; and/or
   (c) Abate the land use violation using the procedures of this Code; and/or
   (d) File in the office of the Skagit County Auditor a certificate describing the property and the violation and stating that the owner has been notified; and/or
   (e) Pursue any other appropriate remedy at law or equity.

(2) Enforcement of any notice and order shall be stayed when appealed to the Hearing Examiner pursuant to SCC 14.44.120, except when the Administrative Official determines that the violation will cause immediate and irreparable harm and so states in the notice and order.

**14.44.150 Permit Suspension or Revocation.**

(1) The Director may suspend or permanently revoke any permit issued by the County for:
   (a) Failure of the holder to comply with the requirements of SCC Titles 14 and/or 15, and/or any land use statute or regulation, or
   (b) Failure of the holder to comply with any notice and order issued pursuant to this Chapter, or
   (c) Discovery by the Administrative Official that a permit was issued in error or on the basis of incorrect information supplied to the County.

(2) Such permit suspension or revocation shall be carried out through the notice and order provisions of this Chapter, and the suspension or revocation shall be effective upon service of the notice and order upon the holder or operator.

(3) The holder or operator may appeal such revocation, as provided by this Chapter, however, the permit may be suspended pending the revocation hearing relative thereto.

(4) Notwithstanding any other provision of this Code, whenever the Administrative Official finds that a violation of any land use or public health ordinance, statute or regulation has created or is creating an unsanitary, dangerous or other condition which, in his judgment, constitutes an immediate and irreparable hazard, he may, without service of a written notice and order, suspend and terminate operations under the permit immediately.

**14.44.160 Liens.**

(1) Lien Authorized. Skagit County shall have a lien for any civil penalty imposed or for the cost of any work of abatement done pursuant to this Chapter, or both, against the real property on which the civil penalty was imposed or any of the work was performed.

(2) Liens and Personal Obligation Authorized. The civil penalty and the cost of abatement are also joint and separate personal obligations of any person in violation. The Prosecuting Attorney on behalf of Skagit County may collect the civil penalty and the abatement work costs by use of all appropriate legal remedies.

(3) Notice Lien May Be Claimed. The notice and order of the Administrative Official pursuant to this Chapter shall give notice to the owner that a lien for the civil penalty or the cost of abatement, or both, may be claimed by Skagit County.

(4) Priority. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for State and County taxes with which it shall be on a parity.

(5) Claim of Lien – General. The Administrative Official shall cause a claim for lien to be recorded in the office of the Skagit County Auditor within 90 days from the date the civil penalty is due or within 90 days from the date of completion of the work or abatement performed pursuant to this Chapter.

(a) Contents. The claim of lien shall contain the following:

i. The authority for imposing a civil penalty or proceeding to abate the violation, or both;

ii. A brief description of the civil penalty imposed or the abatement work done, or both, including the violations charged and the duration thereof, including the time the work was commenced and completed and the name of the persons or organizations performing the work;

iii. A description of the property to be charged with the lien;

iv. The name of the known owner or reputed owner, and if not known, a statement that the owner is unknown; and

v. The amount, including lawful and reasonable costs, for which the lien is claimed.

(b) Verification. The Administrative Official or his authorized representative shall sign and verify the claim by oath to the effect that the affiant believes the claim is just.

(c) Amendment. The claim of lien may be amended in case of action brought to foreclose same, by order of the court, insofar as the interest of third parties shall be detrimentally affected by amendment.

(d) Recording. The Skagit County Auditor shall record and index the claims and notices described in this Chapter.

(e) Duration of Lien - Limitation of Action. No lien created by this Chapter binds the property subject to the lien for a period longer than 3 years after the claim has been filed unless an action is commenced in the proper court within that time to enforce the lien.

(f) Foreclosure – Parties.

(i) Foreclosure. The lien provided by this Chapter may be foreclosed and enforced by a civil action in the Superior Court of the State of Washington for Skagit County.

(ii) Joinder. All persons who have legally filed claims of liens against the same property prior to commencement of the action shall be joined as parties, either plaintiff or defendant.

(6) Actions Saved. Dismissal of an action to foreclose a lien at the instance of a plaintiff shall not prejudice another party to the suit who claims a lien.

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# APPLICATION LEVELS

**A**pplications for development permits are classed as 1 of 4 levels. (Shoreline permits are processed separately under the Shoreline Master Program). Complete details can be found under **Skagit County Code14.06.050 Application Level**.

## LEVEL I APPLICATIONS.

Level I Applications require a decision by the Administrative Official within 120 days, and have a 14 day window for appeals after the decision is made. Level I applications include:

- Boundary line Adjustment
- Short Subdivisions
- Binding Site Plans of less than 9 lots, tracts, parcels or units.
- Long subdivisions of fewer than 9 lots (if a public hearing has been requested become a level III)
- Flood Areas
- Building Permits
- Administrative Special Use Permits
- Concurrency Review
- SEPA Threshold Determinations
- Drainage Technical Deviations
- Certain Administrative Interpretations
- Administrative Decisions.
- Administrative Variances

**Level I** Final decision is made by Administrative Official

| | | | | | |
|---|---|---|---|---|---|
| ✓ yes | 28 days | 14 from L of C | 15 –30 days | 120 from L of C | Open Record 14 days |
| ✓ yes | 28 days | 10 from L of C | 21 days | 120 from L of C | Open Record 14 days |

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## LEVEL II APPLICATIONS

Level II Applications require a decision by the Hearing Examiner after conducting an open record hearing, Decisions made by the Hearing examiner have a 14 day window for appeals after the decision is made. Level II Applications include:

- Variances pursuant to SCC 14.10.020(3).
- Hearing Examiner Special Use Permit.
- Forest Practices Act waivers.

**Level II** Applications that require an open record per-decision hearing before the H.E.

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | ✓ yes | 28 day | 14 from L of C | 7 days before | 14 day | 15 – 30 days after close | 120 from L C | Closed Record 14 day |

•Appeal of H.E. go to the BoCC for a closed record hearing
PA = Pre-App mtg., N of DA = Notice of Dev Application
SR = Staff Report N of D = Notice of Decision
P.H. = Public Hearing L of C = Letter of Completeness

## LEVEL III APPLICATIONS

Level III applications are those applications that require an open record pre-decision hearing before the Hearing Examiner or before the Planning Commission, and for which the Hearing Examiner or Planning Commission action is only a recommendation to the Board. Appeals of Board decisions are submitted to the Judicial Court. Level II Applications include:

- **Level III-Hearing Examiner:**
  - a) Review of Preliminary Long Subdivisions which contain between 9 and 50 lots, tracts or parcels on contiguous land under the same ownership pursuant to SCC 14.18.
  - b) Review of Binding Site Plans that contain between 9 and 50 lots, tracts, parcels or units on contiguous land under the same ownership pursuant to SCC 14.18.
  - c) Recommendations on Development Agreements involving 50 or less lots or residential dwelling units or 50,000 square feet or less of commercial or industrial building space.
  - d) Board of County Commissioners Variances pursuant to SCC 14.10.020(2) and 14.16.860 (Agricultural Land Preservation).
  - e) Other recommendations as requested by the Board.

- **Level III-Planning Commission:**
  - a) Review of Preliminary Long Subdivisions containing more than 50 lots, tracts or parcels on contiguous land under the same ownership pursuant to SCC 14.18.
  - b) Review of Binding Site Plans that contain more than 50 lots, tracts, parcels or units pursuant to SCC 14.18.
  - c) Recommendations on Development Agreements of more than 50 lots or residential dwelling units or more than 50,000 square feet of commercial or industrial building space.
  - d) Other recommendations as requested by the Board.

**Level III** Pre-decision by H.E. or P.C. to the BCC for Final Decision

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| ✓ | ✓ 14 | ✓ 28 | 7 day | 14 day | 15 –30 days after close of public comments | BCC set date for a public mtg. | 120 day | Jud. Court |
| ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

H.E.* review prelim long plats & binding site plans bet. 9-50 lots
* recommends on development agreements 50 or < * BCC Ag land variance
P.C. * review prelim long plats & binding site plans over 50 lots
* recommends on development agreements >50
* other recommendations as requested by the BCC

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## LEVEL IV APPLICATIONS

Level IV applications are those development permit applications that do not require a public hearing, but require a final decision by the Board. Level IV applications include:

- Final Long Subdivisions pursuant to SCC 14.18

**Level IV** Development Permits that DO NOT require a public hearing, but require a final decision

| | PA | L of C | N of DA | SR | BUC Self date | Public meeting | N of D | Appeal |
|---|---|---|---|---|---|---|---|---|
| [illegible] | ✓ | 28 day | 14 L of C | ✓ | Upon receipt of staff report | Adopt/ reject/ remand | 120 from L of C | To Sup. Court |

PA = Pre-App mtg., N of DA = Notice of Dev Application
SR = Staff Report N of D = Notice of Decision

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# Attachment G

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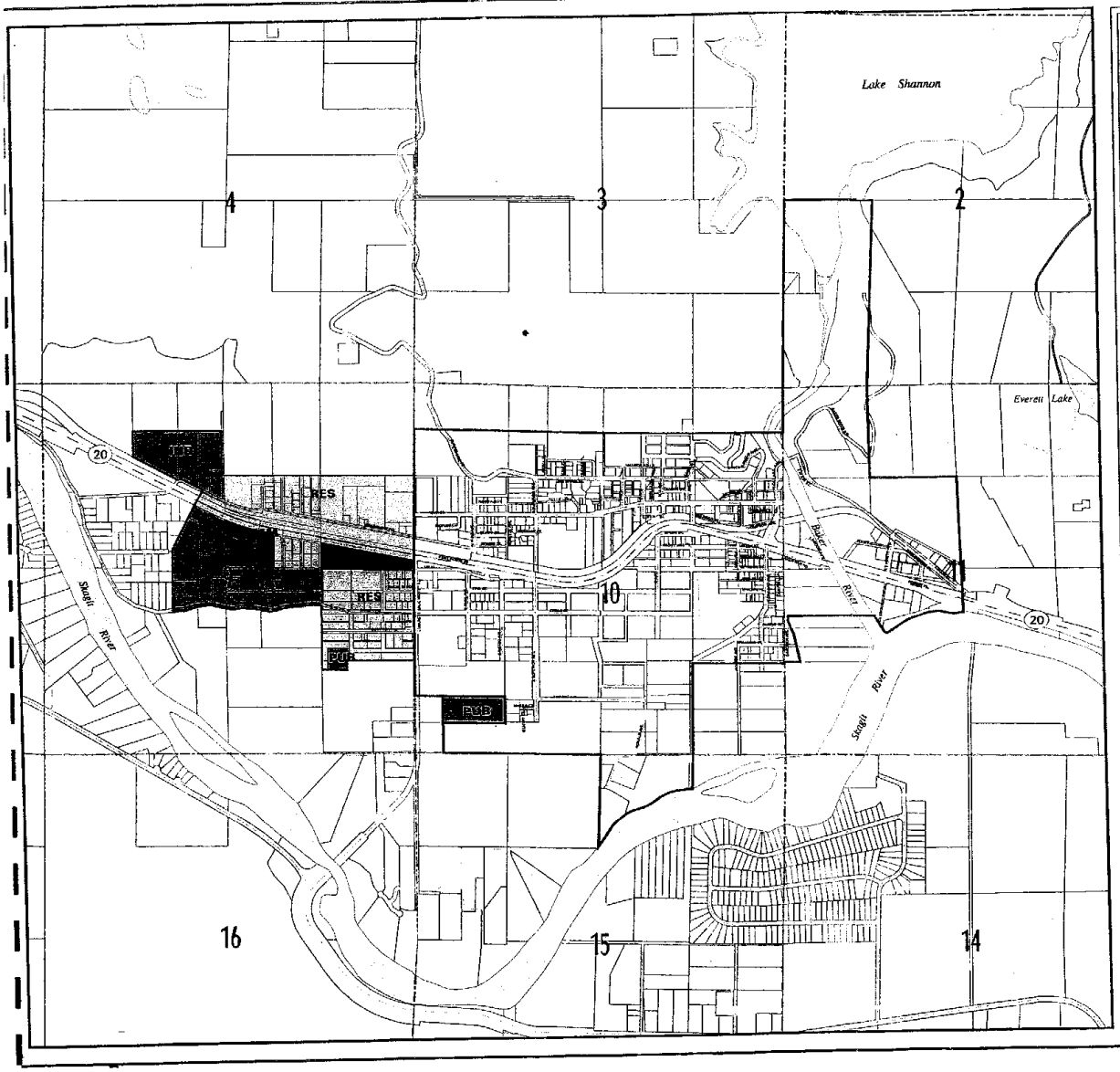


## LEGEND

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- Urban Growth Area
- RES (Residential)
- PUB (Public)
- COM (Commercial)
- IND (Industrial)
- Incorporated Areas

The Skagit County Assessor tax lots depicted on this map represent parcel information as of June 26, 2000. For current up to date parcel information the maps available in the Skagit County Assessor office should be consulted.

July 24, 2000

0 1/4 mile 1/2 mile

Scale in Miles

Skagit County Mapping GIS Geographic Information System

MAP 3d

# TOWN OF CONCRETE

# URBAN GROWTH AREA

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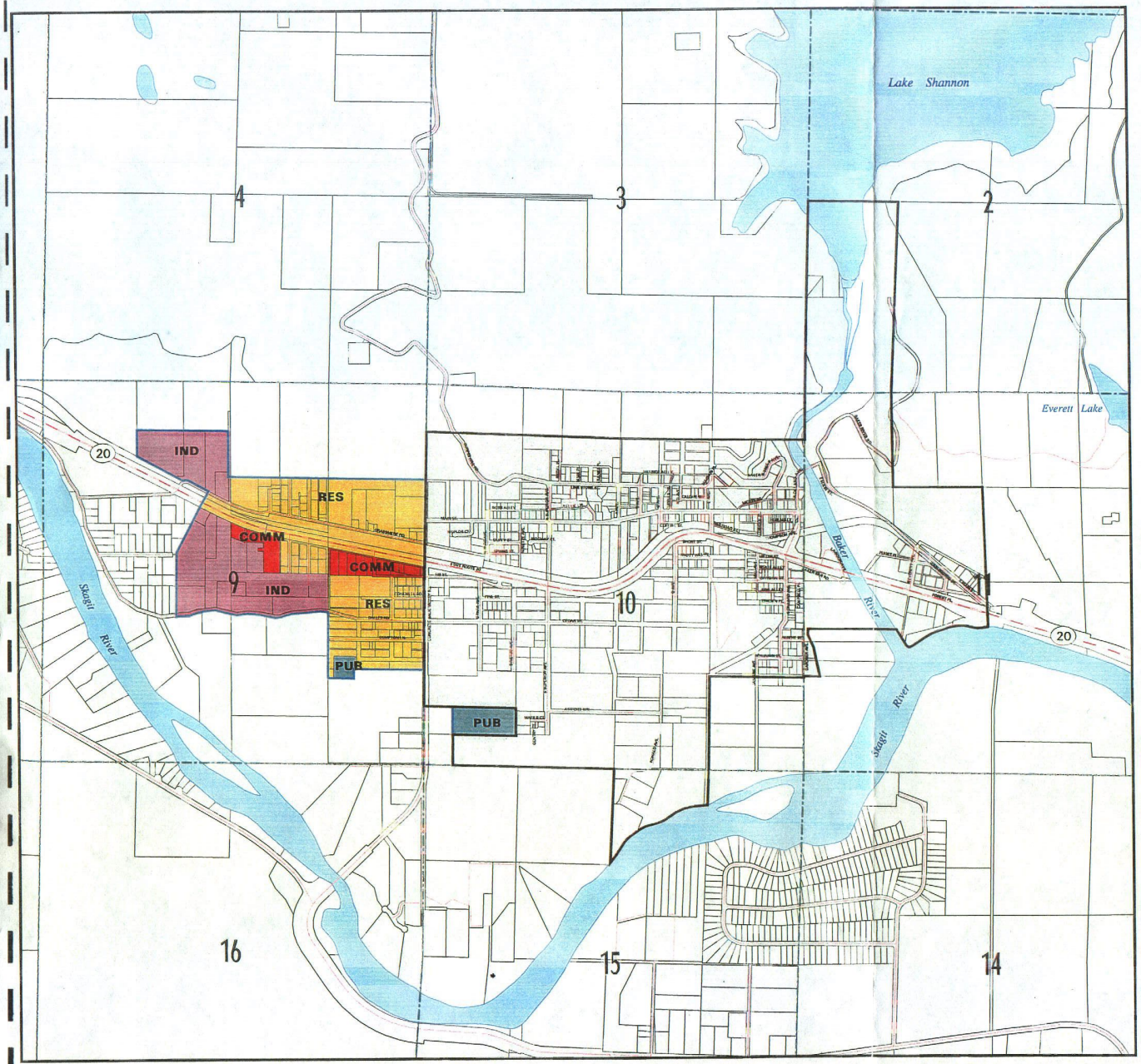


## LEGEND

17938

- Urban Growth Area
- RES (Residential)
- PUB (Public)
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- Incorporated Areas

The Skagit County Assessor tax lots depicted on this map represent parcel information as of June 26, 2000. For current up to date parcel information the maps available in the Skagit County Assessor office should be consulted.

July 24, 2000

N NE E SE S SW W NW

0 1/4 mile 1/2 mile

Scale in Miles

Skagit County Mapping GIS Geographic Information System

MAP 3d

# TOWN OF CONCRETE

# URBAN GROWTH AREA

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# Attachment H

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ORDINANCE NO. _____

**An Interim Ordinance Relating to the Implementation of the Town of Concrete Development Standards within the Unincorporated Portion of the Urban Growth Area**

**Whereas,** pursuant to RCW 36.70A, Skagit County (County) adopted a Comprehensive Plan by Ordinance No. 16550, which became effective June 1, 1997, and

**Whereas,** the Comprehensive Plan designates urban growth areas throughout the County where urban development is encouraged and where adequate public facilities and services exist or can be provided in an efficient manner; and

**Whereas,** the Town of Concrete (Town) and adjacent lands have been designated as an urban growth area as depicted on the attached map; and

**Whereas,** the intent of the Growth Management Act and the Comprehensive Plan is to assure orderly and coordinated growth within urban growth areas; and

**Whereas,** the Comprehensive Plan includes the following:

1. "For the Cities and Towns to meet their growth management and locally adopted comprehensive plan goals, the County needs to ensure that it does not permit activity which would be inconsistent with their future plans" (pg. 7-4).
2. "Within the designated urban growth areas the county shall coordinate with the respective cities or entities delivering, or who are anticipated to deliver, urban public facilities and services to insure that growth and development are timed, phased, and consistent with the provision of adequate urban level facilities and services" (pg. 7-8).
3. "Designated Urban Growth Areas of municipalities, outside of municipal corporate limits, should be subject to joint municipal County planning" (pg. 7-10).

**Whereas,** RCW 39.34.030(2) authorizes joint cooperative agreements between two or more public agencies; and

**Whereas,** adopting the Town's Ordinances for those unincorporated portions of the urban growth area creates uniform and desirable urban development standards and assures consistency with the Town's comprehensive plan; and

**Whereas,** the Western Washington Growth Management Hearings Board (WWGMHB) Final Decision and Order for Short-Term Stipulated Issues in *Abenroth, et al., vs. Skagit County, et al.*, Case No. 97-2-0060c, dated September 23, 1998, regarding the transformance of urban governmental services within urban growth areas requires that

"interlocal agreements with cities and towns which preclude uncoordinated development within the UGAs, ensuring that growth and development... are timed, phased, and efficiently provided with services, must be in place and enforceable" (pg. 3073, Code Publishing); and

**Whereas,** the County recognizes the hardship on property owners whose use of their lands may be restricted without the adoption of standards within urban growth areas; and

**Whereas,** the County is desirous of implementing the provisions of the 1997 Comprehensive Plan, the 2000 amendments thereto, and complying with the WWGMHB Final Decision and Order cited above; and

**Whereas,** RCW 36.70A.390 specifically authorizes adoption of an interim ordinance where deemed appropriate to further the goals of the Growth Management Act; and

**Whereas,** the County shall hold a public hearing within sixty (60) days of the adoption of this Interim Ordinance; and

**Whereas,** the Town completed environmental review and held public hearings on the adoption of their implementing codes; and

**Whereas,** the County completed environmental review of the Comprehensive Plan including the consideration of adopting the Town's zoning map and development regulations within the urban growth area; and

**Whereas,** pursuant to WAC 197-11-600(3), the same proposal does not require additional environmental review.

**Now, Therefore be it Ordained**, that the County adopts the Town development ordinances (Town Ordinances) as follows:

| Ordinance No. | Topic/Title |
|---|---|
| 439 | Amending Ordinance 426, providing for zoning districts, adopting Administrative Regulations, etc. (includes zoning map (1999)) |
| 437 | Ordinance adopting Uniform 1997 Building Codes, Fire Codes, etc. (amending Ordinance 429) |
| 428 | Subdivision Ordinance, (including Short Plat, BLA, BSP) |
| 426 | Zoning Code, Administrative Provisions, and Development Standards |



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| Ordinance No. | Topic/Title |
|---|---|
| 421 | Public Works Construction Standards |
| 419 | Prohibiting Private Wells |
| 417 | Minimum requirements for mobile homes and manufactured housing |
| 415 | An Ordinance regulating connection to Town utility services outside corporate limits |

**And be it Further Ordained**, that the County adopts the Town infrastructure standards set forth in the current Town of Concrete Water System Plan (1994) and Town of Concrete Comprehensive Sewer and Wastewater Facility Plan (2000) as they relate to utility extensions which may be required or constructed as part of any development in the Town's unincorporated Urban Growth Area.

**And be it Further Ordained**, that such ordinances and plans shall apply to the unincorporated areas of the Urban Growth Area of the Town of Concrete, shown in Attachment A, also referred to as the Zoning Map for Concrete Urban Growth Area, and incorporated herein; provided, that in the event of a conflict between the Town ordinances and plans and Skagit County Code 14.24, the Critical Area Ordinance (CAO), the CAO shall control; provided further, that County retains the authority to approve and deny all requests for land use approvals and development permits and decide any administrative appeals relating thereto to the unincorporated Concrete Urban Growth Area; and provided further, that Skagit County's administrative procedures contained in Skagit County Code 14.06 shall be utilized in the processing of all land use and development permits with fees established by the County.


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**WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE this ____ day of _____, 2000.**

**BOARD OF COUNTY COMMISSIONERS SKAGIT COUNTY, WASHINGTON**

_____
Harvey Wolden, Chair

_____
Robert Hart, Commissioner

_____
Ted W. Anderson, Commissioner

**ATTEST:**

_____
Patti Chambers, Clerk of the Board

**APPROVED AS TO FORM ONLY:**

_____
John R. Moffat, Chief Civil Deputy
Skagit County Prosecutor's Office

**APPROVED AS TO CONTENT:**

_____
Gary R. Christensen, Assistant Director
Planning and Permit Center



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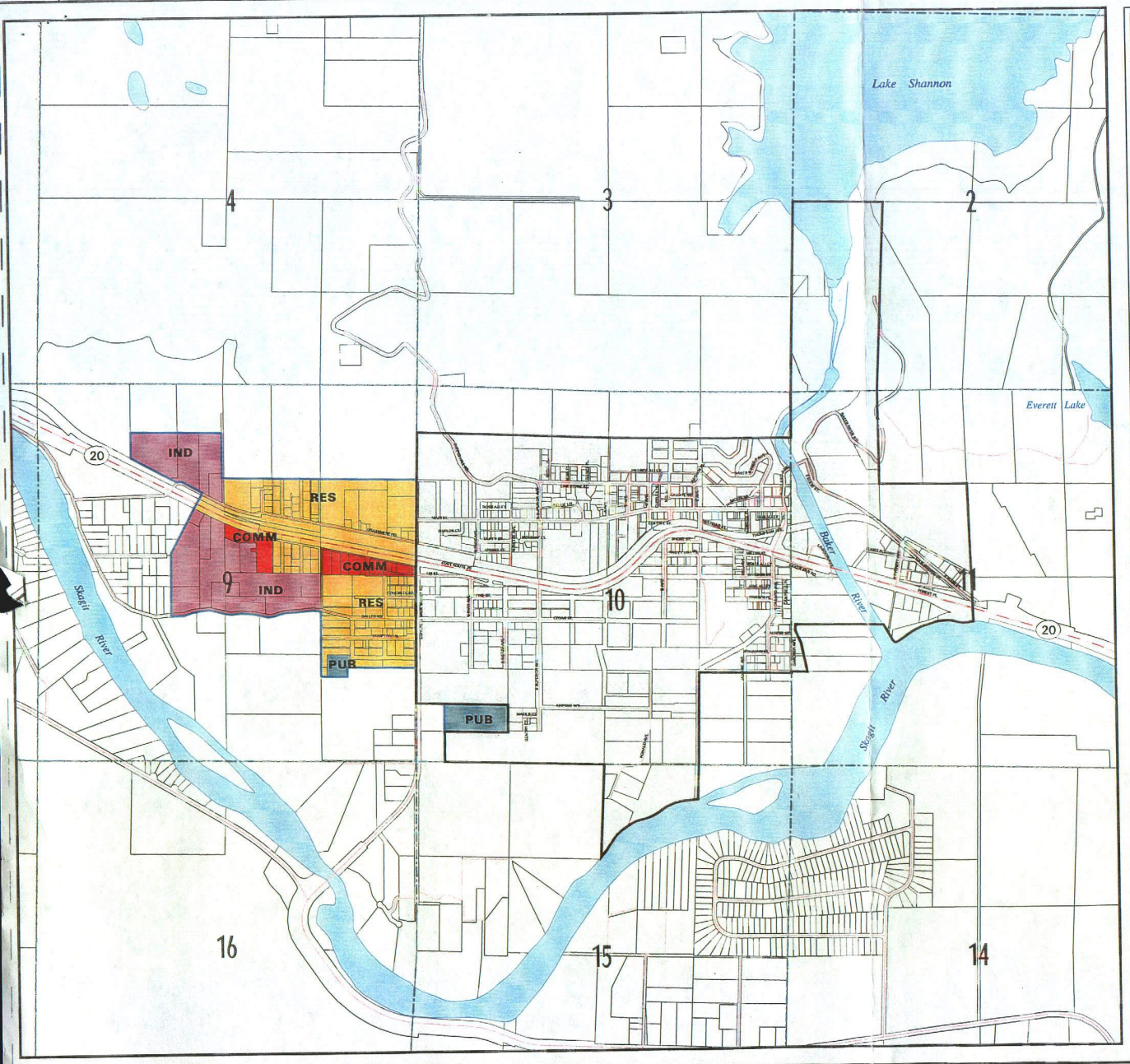
17938

# LEGEND

Attachment A




- Urban Growth Area
- RES (Residential)
- PUB (Public)
- COM (Commercial)
- IND (Industrial)
- Incorporated Areas

The Skagit County Assessor tax lots depicted on this map represent parcel information as of June 26, 2000. For current up to date parcel information the maps available in the Skagit County Assessor office should be consulted.

July 24, 2000

N, NW, NE, W, E, SW, SE, S

0 1/4 mile 1/2 mile

Scale in Miles

Skagit County Mapping GIS Geographic Information System

# TOWN OF CONCRETE

# URBAN GROWTH AREA

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# Attachment I

## Chapter 15.04

## UNIFORM CODES*

Sections:

**15.04.010 Title.**
**15.04.020 Uniform Codes adopted.**
**15.04.030 Amendments to codes.**
**15.04.040 Administration.**
**15.04.050 Violation.**
**15.04.060 Civil Penalty.**
**15.04.070 Repeal**
**15.04.080 Severability.**

* Prior ordinance history: Ordinance No. 12487.

**15.04.010 Title.**

This Chapter shall be known as the Building Code of Skagit County. (Ord.15401 (part), 1994: Ord. 14384 (part), 1992)

**15.04.020 Uniform Codes adopted.**

The following Uniform Codes are hereby adopted subject to modifications and/or amendments hereinafter set forth in this Chapter:

(1) Uniform Building Code, Volumes 1, 2 and 3, 1997 edition, together with the 1988, and 1991 editions of the Uniform Building Code Standards, published by the International Conference of Building Officials, together with supplements thereto; mandated state amendments per Washington Administration Code (WAC) 51-40 except section 51-40-1003.3.3.3 as allowed per local amendment provisions in RCW 19.27; Uniform Building Code Appendices Chapter 18, Chapter 31 Division II, Chapter 33, Chapter 4 Division I, and Chapter 3 Division II.

(2) Uniform Mechanical Code, 1997 edition, published by the International Conference of Building Officials, together with supplements thereto; mandated state amendments Chapter 51-42 WAC and Appendix A, Standard 6-3

(3) Uniform Plumbing Code, 1997 edition, published by the International Association of Plumbing and Mechanical Officials, together with supplements and amendments thereto; mandated state amendments Chapters 51-46 WAC and 51-47 WAC and Appendices #C, H and I; except those sections which are in conflict with state and local on-site sewage regulations.

(4) The Uniform Fire Code Volumes 1 and 2, 1997 edition, published by the International Fire Code Institute with Part; IX Appendices, Divisions I, IIA, IIC, III, V, VI and amendments and additions thereto; supplements thereto; mandated state amendments Chapters 51-44 WAC and 51-45 WAC.

(5) Uniform Code for the Abatement of Dangerous Buildings, 1997 edition.

(6) 1997 Washington State Energy Code Chapter 51-11 WAC, developed by the State Building Code Council.

(7) The Washington State Ventilation and Indoor Air Quality Code Chapter 51-13 WAC

(8) Installation of Factory built housing and commercial structures RCW 43.22.460 together with WAC Chapters 296-150C-0540, 296-150F-0540 and 296-150M-0600.

(Ord. 15818 (part), 1995: Ord. 15401 (part), 1994: Ord. 14691 (part), 1992; Ord. 14384 (part), 1992)

**15.04.030 Amendments to codes.**

Pursuant to authority granted by the Revised Code of the State of Washington under the State Building Code Act, the following amendments to the Uniform Building Codes are hereby adopted and apply within this jurisdiction.

(1) Amendments to the Uniform Building Code:

(a) Section 106.2 Work Exempt from permit:

1. One story detached accessory buildings used as tool and storage shed, play houses and similar uses, provided the floor area does not exceed two hundred (200) square feet.
2. Platforms, walks, decks and driveways not more than thirty inches (30") above grade and not over any basement or story below.
3. Construction or alteration of either group R division 3, or group U division 1 occupancies, or both for which the total cost of fair market value, as determined by currently adopted valuation methods, does not exceed fifteen hundred dollars.
4. Membrane structures as defined in Appendix Chapter 31 Div. II provided:

(i) The structure is used exclusively for the protection or propagation of plants not on display for public viewing or sales.

(ii) The structure is located a minimum of feet (20') from any property line or other structure.

(iii)Multiple membrane-structures located on the same lot and having an aggregate floor area exceeding twelve thousand (12,000') square feet shall maintain a minimum of sixty (60') foot clear yards on all sides.

(iv) A site plan is submitted to the Permit Center, which shows compliance with Uniform Building Code Appendix, Chapter 3 Division II.



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(b) Section 106.4.4 Expiration.

Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed per the permitted requirements within three (3) years of the date of issuance. To renew action on a permit after expiration, permittee shall pay the renewal fee as determined on the currently adopted fee schedule. A new permit will be required where expiration is more than six months.

Any permittee holding an unexpired permit may apply for a six month extension in order to complete the authorized work. The Building Official may grant the extension on written request from the permittee showing that circumstances beyond the control of the permittee have prevented the authorized work from being completed. No permit may be extended more than once.

(c) Section 107 Fees, 107.1 to read as follows:

General Fees shall be as set forth in the fee schedule for the Planning and Permit Center, adopted under separate resolution by the Skagit County Board of Commissioners.

(d) Section 202-A

ACCESSORY BUILDING for the purposes of Section 106.2 (1) is an individual structure or building incidental or subordinate to a primary use and separated from all other structures and property lines, real or assumed, by not less than five feet.

(e) Section 3401 – GENERAL

Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued if such use or occupancy existed prior to July 1, 1989 and provided such use or occupancy is not dangerous to life. Buildings legally permitted and approved for occupancy before or after such date are considered legal at the time of the adoption of this edition of this code.

(f) Section 3306.2— Appendix Chapter 33 Excavation and Grading, to read as follows:

Exempted work: 8. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope) or (3) does not exceed 100 cubic yards (76.5$m^3$ ) of excavated material.

9. A fill less than 1 foot(305mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914mm) in depth, not intended to support structures, or fill material does not exceed 100 cubic yards (76.5$m^3$ ) on any one lot and does not obstruct a drainage course.

(2) Amendments to Uniform Fire Code:

(a) PART I, ARTICLE 103.1.4, APPEALS, to read as follows:

Section 103.1.4 Appeals—In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a Board of Appeals. This Board shall consist of the same membership as the Building Code Board of Appeals. The Fire Marshal and Building Official shall be Ex-Officio members. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Fire Marshal and Building Official with a duplicate copy to the applicant.

(b) PART I, ARTICLE 103.2, AUTHORITY FOR INSPECTION AND ENFORCEMENT, to read as follows:

Section 103.2.1.2 The Fire Marshal is authorized to administer this code. Under the Fire Marshal's direction, the Fire Marshal's office is authorized to enforce all ordinances of the jurisdiction pertaining to:

(i) The prevention of fires.

(ii) The storage, use and handling of hazardous materials.

(iii) The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.

(iv) The maintenance and regulation of fire escapes.

(v) The maintenance of exits.

(vi) The investigation of the cause, origin and circumstances of fires which are of unknown suspicious of incendiary origin.

(c) PART II, ARTICLE 2, DEFINITIONS AND ABBREVIATIONS, to read as follows:

Section 204-C....Chief—the terms "Chief", or "Chief of the Bureau of Fire Protection", or "Fire Chief" shall mean the County Fire Marshal, when used in the Uniform Fire Code.

Section 211-J....Jurisdiction—Jurisdiction shall mean Skagit County.

Section 214-M....Municipality—Municipality shall be added to this section to mean Skagit County.

(d) PART III, ARTICLE 9, FIRE DEPARTMENT ACCESS, to read as follows:

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# Appendix Chapter 33
# EXCAVATION AND GRADING

## SECTION 3304 - PURPOSE

The purpose of this appendix is to safeguard life, limb, property and the public welfare by regulating grading on private property.

## SECTION 3305 – SCOPE

This appendix sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

The standards listed below are recognized standards (see Sections 3503 and 3504).

1. **Testing.**
   - 1.1 ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures
   - 1.2 ASTM D 1556, In Place Density of Soils by the Sand Cone Method
   - 1.3 ASTMD 2167, In Place Density of Soils by the Rubber-Balloon Method
   - 1.4 ASTM D 2937, In Place Density of Soils by the Drive Cylinder Method
   - 1.5 ASTM D 2922 and D 3017, In Place Moisture Contact and Density of Soils by Nuclear Methods

## SECTION 3306 – PERMITS REQUIRED

**3306.1 Permits Required.** Except as specified in Section 3306.2 of this section, no person shall do any grading without first having obtained a grading permit from the building official.

**3306.2 Exempted Work.** A grading permit is not required for the following:

1. When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.
2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells or tunnels or utilities.
6. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
7. Exploratory excavations under the direction of soil engineers or engineering geologists.
8. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1 ½ units horizontal (66.7% slope) or (3) does not exceed 100 cubic yards (76.5$m^3$) of excavated material.
9. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures~~, that does not exceed 50 cubic yards (38.3$m^3$)~~ or fill material does not exceed 100 cubic yards (76.5$m^3$) on any one lot and does not obstruct a drainage course.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

## SECTION 3307 – HAZARDS

Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon

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# Attachment J

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4. Skagit County LOS Standards

**TABLE 14 - LOS Planned Capacity**

| Shoulder Width | 0-2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10+ |
|---|---|---|---|---|---|---|---|---|---|
| 11 foot lanes | ft. | ft. | ft. | ft. | ft. | ft. | ft. | ft. | ft. |
| *Local Collector* | *100* | *263* | *425* | *588* | *750* | *913* | *1075* | *1238* | *1400* |
| Minor Collector | 100 | 275 | 450 | 625 | 750 | 913 | 1075 | 1238 | 1400 |
| Major Collector | 100 | 275 | 450 | 625 | 800 | 975 | 1150 | 1325 | 1500 |
| Minor Arterial | 600 | 775 | 950 | 1125 | 1300 | 1475 | 1650 | 1825 | 2000 |

~~Shaded area = Unlikely Shoulder Width~~

The LOS standards for Skagit County apply only to the functionally classified roads and local collectors. For Major and Minor Collectors, ***and Local Access Roads,*** the basic standards (excluding the road geometric adjustments) are based on a road with two 11 foot traveling lanes. For such a road, the planned capacity is 100 peak hour two-way traffic if the ~~paved~~ shoulder is up to two feet wide on each side. For each additional foot of ~~paved~~ shoulder width, the planned capacity increases by 162.5 for Minor Collectors ***and Local Access Roads,*** and 175 for Major Collectors. The maximum planned capacity is 1,400 for Minor Collectors ***and Local Access Roads,*** and 1,500 for Major Collectors. Each maximum is reached when the ~~paved~~ shoulder reaches 10 feet on each side. However, in most situations the shoulder width would not exceed 6 feet for Minor Collectors ***and Local Access Roads,*** and 8 feet for Major Collectors. Thus, the effective maximum volumes are reduced to 750 and 1,150 respectively.

For Minor Arterials, two 11 foot travel lanes are assumed. If the ~~paved~~ shoulder is 2 feet or less on each side, the peak hour planned capacity is 600.

For each additional foot of ~~paved~~ shoulder, the planned capacity increases by 175. The maximum planned capacity of 2,000 is reached with 10 feet of ~~paved~~ shoulder. The only County road currently classified as a Minor Arterial is March's Point Road. It is anticipated that Cook Road, currently classified as a Major Collector, will eventually be reclassified as a Minor Arterial.

The relationship between Planned Capacity and shoulder width is shown on ~~both~~ Table 14 ~~and Figure 28~~. (Additional adjustments are made in the planned capacity computation when lane width is not equal to the assumed 11 feet.)

**FIGURE 28 - LOS Planned Capacity**

Recommend to delete Figure 28

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# Attachment K

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# Skagit County
# Coordinated Water System Plan
# Regional Supplement

**July 2000**

Prepared by:
**Economic and Engineering Services, Inc.**

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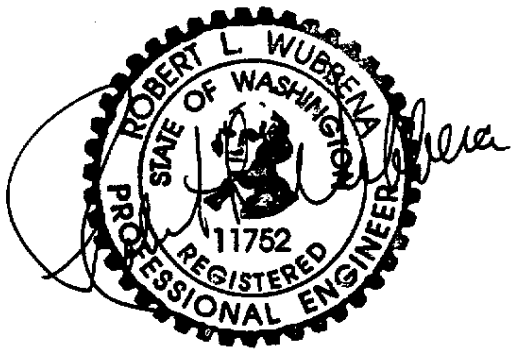
# Skagit County

## Coordinated Water System Plan
## Regional Supplement

# C E R T I F I C A T I O N

The technical material and data contained in this report were prepared under the supervision and direction of the undersigned, whose seal as a professional engineer licensed to practice as such, is affixed below.

Robert L. Wubbena, P.E., President
Economic and Engineering Services, Inc.

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# Acknowledgements

This update to the Skagit County Coordinated Water System Plan (CWSP) was developed with extensive input from representatives of Skagit County (County), City of Anacortes, Skagit County PUD No. 1, and the other members of the Water Utility Coordinating Committee (WUCC).

The County also appointed a Citizen's Advisory Committee (CAC) that provided valuable comments on helping clarify the intent and interpretation of the CWSP. They also helped confirm the CWSP's consistency with the County Comprehensive Plan.

We appreciate everyone's assistance in establishing an implementable and useful water supply plan for Skagit County's citizens for the future.

## Water Utility Coordinating Committee

Gene Barrett, Big Lake Water Assoc.
Tim Bates, Hamilton Water Department
Jim Bernhard, Cascade River Park
Dan Cain, Skagit County Fire Marshall
Gary R. Christensen, Skagit Co. Planning
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Larry Wasserman, Skagit System Cooperative

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Nick Zaferatos, Swinomish Tribal Community

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# Glossary of Acronyms and Terms

The following definitions are applicable to interpretation of the Coordinated Water System Plan. Additional definitions may be found in Chapter 246-290 WAC, "Drinking Water Regulations of the State Board of Health," effective April 1999, Department of Health, LD-11, Olympia, WA 98504.

Acronyms:

| | |
|---|---|
| APWA | The American Public Works Association |
| AWWA | The American Water Works Association |
| ccf | One hundred cubic feet |
| cfs | Cubic feet per second |
| CIP | Capital Improvement Program |
| CWSP | Coordinated Water System Plan (Chapter 70.116 RCW) |
| CWSSA | Critical Water Supply Service Area (Chapter 70.116 RCW and Chapter 248-56 WAC) |
| DOH | Department of Health, State of Washington |
| Ecology | Department of Ecology, State of Washington |
| ESA | Environmentally Sensitive Area |
| EPA | United States Environmental Protection Agency |
| ERU | Equivalent Residential Unit |
| gpcd | Gallons per capita per day |
| gpd | Gallons per day |
| gpm | Gallons per minute |
| MGD | Million gallons per day |
| MOA | Memorandum of Agreement |
| PUD No. 1 | Public Utility District No. 1 of Skagit County |
| RCW | Revised Code of Washington |

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|---|---|
| SCHD | Skagit County Health Department |
| SCPPC | Skagit County Planning and Permit Center |
| SEPA | State Environmental Policy Act |
| SMA | Satellite Management Agency. An organization, individual, or other entity which is prequalified, as provided in the CWSP, to render services such as operation, maintenance, development, or management of water systems in Skagit County. |
| SSP | Satellite System Program. A program established to provide for technical, contract, and other services to meet management needs of satellite systems. |
| STPD | Swinomish Tribal Planning Department |
| ULID/LUD | Utility Local Improvement District/Local Utility District |
| USGS | United States Geological Survey |
| USRP | Utility Service Review Procedure. An administrative procedure established under local agency jurisdiction to identify the water purveyor best able to serve an area where new public water service is requested. (See Designated Purveyor). |
| WAC | Washington Administrative Code |
| WPP | Watershed Planning Process |
| WRIA | Water Resource Inventory Area |
| WSDOT/APWA | Combined standards for public works construction practices of the Washington Department of Transportation and the American Public Works Association, 1984 Edition. |
| WSP | Water System Plan |
| WUCC | Skagit County Water Utilities Coordinating Committee |

## Terms:

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| Classes of Public Water Systems | Public water systems are generally classified into 2 categories as follows:<br>Group A - serving 15 or more connections or 25 or more people/day for 60 or more days/year. Group A systems must meet both State and federal Safe Drinking Water Act requirements. |



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Group B - serving less than 15 connections (but more than one single family residence) and less than 25 people for 60 days or more/year or less than 15 connections and any number of people for less than 60 days per year. Group B systems must meet State requirements.

Group A systems are divided into a series of subgroups as diagrammed in Exhibit 1 at the end of this Glossary of Acronyms and Terms section. A full description of the classes of systems is contained in WAC 246-290-010.

A Community System is a system that has 15 or more connections, or serves 25 or more people for 180 days or more per year.

A Non-Transient System serves 25 or more of the same non-residents per day.

A Transient System serves fewer than 25 residents or different residents. See Exhibit 1-1, page 1-7.

Conjunctive Use

The utilization of two or more water sources by a single entity, or several entities operating through interties, in a manner which optimizes system operation and/or maximizes use of the combined resources.

Designated Purveyor or Designated Utility

A water purveyor (utility) identified to provide water service to a given area. When willing to provide the service in a timely and reasonable manner, the designated purveyor is assigned an exclusive right to provide public water service to the area and is required to include the area within its approved Water System Plan.

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| Designated Service Area | The geographic area including the existing service area and future service area of a designated utility. |
| Development Permit | Any land use or environmental permit or license required from a local government for a project, including, but not limited to building permits, subdivisions, binding site plans, special use permits, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations. |
| Expanding Water Systems | Those public water systems installing additions, extensions, changes, or alterations to their existing source, transmission, storage, or distribution facilities which will enable the system to increase in size their existing service area and/or their number of approved service connections. New individual retail or direct service connections onto an existing distribution system shall not be considered an expansion of the public water system. |
| Expansion of Service | See "Expanding Water System" |
| Extension of Service | Installation of service lines during in-fill growth not requiring system growth as defined by expansion of service. |
| Fire Flow | The rate of water delivery needed for the sole purpose of fighting fires. The fire flow volume shall be in addition to the requirements of the water system for domestic demand, and a 20 psi residual pressure should be maintained throughout the system under combined maximum demand flow conditions. |

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| Fire Suppression | The use of landscaping techniques and building materials that hinder or prevent the ignition or spread of fire. Specific fire suppression techniques addressed by Skagit County Code 14.04.190. |
| Franchise Area | Non-exclusive area in which a utility is permitted by the Government with jurisdiction to extend facilities in public rights-of-way. A franchise area is not equivalent to a service area. |
| Interlocal Agreement | See Service Area Agreement |
| Intertie | A physical connection between individual water systems which allows water supply to be transferred in one or both directions. An intertie can be established as a primary source, secondary or peaking supply, or emergency supply. Ordinarily, the use of an intertie is governed by a written agreement or contract between the utilities. A modification to water rights issued by Ecology may also be required. |
| In-Fill | The addition of service connections that can be met without upgrades to source-of-supply, storage and/or distribution system. |
| Land Use Designation | The land use(s) allowed in a geographical area by right or permit, as provided in the Skagit County Comprehensive Plan and Zoning Ordinance in unincorporated Skagit County or by Muncipalities within incorporated areas. |
| Level of Service | Operational features, such as pressure, flow, reliability, etc., provided to the customer by the water system. |
| New Construction | Any addition of supply, transmission, distribution, or storage facilities, either in a new water system or an expanding water |

system, which provides a capability to serve additional dwelling units or other buildings.

Public Water System

Any water supply system intended, or used, for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities where water is furnished to any community or group of individuals, or is made available to the public for human consumption or domestic use, but excluding all water supply systems serving one single family residence. Water systems meeting all of the following requirements are not included:

1. Purchase their entire supply of water from another public water system;
2. Do not treat the water; and
3. Do not sell water. Businesses or systems merely storing and distributing water provided by others are exempt unless that system sells water as a separate item or bills separately for the water provided.

Remote System

A public water system, located within the designated service area of a utility, that is detached/distant from the primary facilities of the utility. A remote system has its own source of supply, pending connection to the utility primary source and distribution facilities.

Rural Water Service

Water service provided by an individual well, a stand alone public water system, or extension of a water system from within an urban growth area that is designed to provide rural water service. The rural water service shall be designed to meet the rural water supply needs of the rural area users as defined by the Skagit County Comprehensive Plan, the Coordinated Water System Plan, and the criteria established for the water service in Section 4 and on Table 4-1 of the Coordinated Water System Plan. The design shall be guided by the projected rural area water supply and fire protection associated with the requirements of the Skagit County

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| | Comprehensive Plan, based on the physical or hydraulic capacity requirements as outlined in the Coordinated Water System Plan and the designated water utility's waters system plan. |
| Satellite System | A public water system located within that portion of the Critical Water Supply Service Area not designated as a contiguous service area for any existing utility. Multiple satellite systems may be owned and/or operated by a single utility without necessity of physical connection between systems. |
| Service Area | A geographical area assigned to a water purveyor for the purpose of providing both current and future public water service. Boundaries are defined by agreements among adjacent utilities and are recorded on a set of maps on file with Skagit County. Water service provided within designated service areas must be consistent with the land use plans of those governments with jurisdiction as regulatory authority. |
| Service Area (Existing) | A specific area within which direct service or retail service connections to customers of a public water system are currently available. |
| Service Area (Future) | A specific area for which water service is planned by a public water system as determined by written agreement among purveyors. |
| Service Area Agreement | An agreement signed by water utilities which identifies the designated service area for which the utility has retail water service responsibility. |
| Service Connection | A physical connection through which water may be delivered to a customer for discretionary use. Unless otherwise indicated, all such connections, whether currently in use or not, shall be considered as a service connection. The service connection |



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| | defines the limit of the water utility's responsibility for system design and operation unless otherwise provided for in the water utility's condition of service policies.<br><br>Utility customers such as mobile home parks, planned unit developments, condominiums, apartment buildings, industrial/commercial sites, or other similar complexes are generally considered exterior to the water system. In such cases, the purveyor shall be required to meet design standards for water systems up to the point of service to the customer; and beyond that point, the applicable plumbing and building codes, fire codes, county health regulations, and local ordinances are deemed to be sufficient to protect the public health and to ensure adequate water service. These customers are not themselves considered herein as water purveyors unless specifically designated as such by DOH. |
| Service Line | That portion of the distribution system from the water main to service tap. |
| Urban Water Service | Water service provided by a water system(s) that has been designed to provide service throughout the designated urban growth area. The urban water service shall be designed to meet the water supply needs of the residential, commercial, industrial, and other water needs as defined by the Skagit County or City Comprehensive Plan, the Coordinated Water System Plan, and the designated water utility's Water System Plan using the design criteria outlined in Section 4 and on Table 4-1 of the Coordinated Water System Plan and in accordance with the schedule required by the Comprehensive Plan. |

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| Water System Plan | A written plan prepared for a particular water system and service area which identifies a schedule of needed improvements, a financial program, and an operations program. A water system which is expanding within a designated service area may be required to include other elements in its plan. Details of Water System Plan requirements can be found in WAC 246-290-100. |

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# Section 1
# Executive Summary

## 1.1 Introduction

The 1999 Skagit County Coordinated Water System Plan (CWSP) represents the continued efforts of the Skagit County Water Utility Coordinating Committee (WUCC) representing the Skagit County agencies, the area's regional water supply utilities, City of Anacortes (City), and Public Utility District No. 1 of Skagit County (PUD); Indian Tribes; the individual water utilities; and the State Department of Health (DOH) and Department of Ecology (Ecology) to manage the County's potable water issues according to all applicable statutes and ordinances. During a one-year period, monthly meetings were held to review the existing 1993 CWSP and provide changes to reflect the current water system community in Skagit County (County) and to provide guidance for the future. These actions were conducted with the primary objective of meeting the public drinking water supply needs of the County and establishing a "functional water plan" as an element of the city and County Comprehensive Plans.

This 1999 CWSP provides a further refinement of process and strategy for the existing water utilities to define their role in a program to meet the County's Comprehensive Plan. The regional water supply, transmission, and storage plan represents the collective views of the WUCC and integrates the documented views of other State and local governments. The CWSP, when integrated with the Comprehensive Plans of the County, local governments, and the pending Skagit River Watershed Plan, represents a significant piece of the larger resource and growth management plan for municipalities and the County's future.

## 1.2 Recommendations

The WUCC recommends, and the CWSP provides for, the following:

### 1.2.1 Management Area

The CWSP specifically provides plans for the provision of public water supply in the County. The area is divided into designated utility service areas and a satellite system area. The CWSP and the Public Water System Coordination Act assign responsibility for planning, designing, financing, constructing, and operating all public water systems in the designated areas. Each designated and expanding water system is required to prepare a Water System Plan (WSP) for their service area within one year of the effective date of this CWSP.

### 1.2.2 Supply Area

The source of supply for the CWSP and the management area is a combination of sub-regional systems (City and PUD) serving the urban areas and other Group A and Group B public systems (see Exhibit 1-1) serving development in rural areas. The urban systems rely primarily upon surface water sources and the rural systems upon groundwater/wells.

### 1.2.3 Supply Area - Interties

Interties between existing water utilities are designated to allow conjunctive use of surface and groundwater, emergency supply, and wholesale delivery of supply in accordance with the CWSP. The CWSP and associated water rights for the City and PUD authorizes the use of the two supply systems interchangeably.

### 1.2.4 Water Supply and Land Use

The CWSP is consistent with the city and County Comprehensive Plans. As the functional water plan for the city and County Comprehensive Plans, the CWSP will continue to be amended as the land and resource management plans are further evaluated, considered, and adopted through annual amendments.

As the land use and WSPs for the rural area are further developed, the routing of water system distribution and transmission lines through previously unsewered areas should consider their potential impact on development patterns. Pipe sizing must also reflect long-term plans for public water service in rural areas and should not be based on speculative land uses.

### 1.2.5 Designated Service Area

The designated water service areas represent the geographical area where the identified utility has accepted responsibility to provide a safe and adequate water supply in a timely and reasonable manner consistent with the State Environmental Policy Act (SEPA), the State Growth Management Act (GMA), and the County-wide Planning Policies and Comprehensive Plans of local governments with land use authority. The expanding water system must update its WSP at least every six years and be consistent with the Comprehensive Plan.

### 1.2.6 Receivership and Satellite System Management

Existing State law provides for the County to be the "receiver of last resort" of any of the existing 185 public water systems in the study area that are

unable to comply with the federal and State regulations and customer service requirements specifically outlined in federal, State, and local (CWSP) procedures.

The CWSP provides for those utilities with designated service areas to assume lead responsibility, in lieu of the County, for correcting the deficiencies of failing systems within their service area if receivership is invoked. If the designated system does not assume responsibility or the systems are not located within a designated service area, the goal of the CWSP is for the PUD to accept receivership responsibility.

The PUD is recognized as the Satellite Management Agency (SMA) for purposes of the CWSP. Under this program, the PUD will provide water service to new developments in the County outside of previously designated service areas, except as provided by this CWSP. Water systems for such new developments must be designed and constructed consistent with PUD minimum design standards. Ownership of the system is then to be transferred to the PUD.

### 1.2.7 Water Conservation and Monitoring

The Guidelines for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs (see Appendix A) were used to guide the development of the demand forecast and related water conservation program for the CWSP.

A regional data management program will be developed as a part of the Skagit Basin Watershed Plan. This program will be implemented to document water use trends and evaluate successful implementation of the conservation program.

### 1.2.8 Minimum Design Standards

The Minimum Design Standards developed by the WUCC and discussed in Section 4, once adopted by local government ordinances, will be applied to water purveyors County-wide. The recommended Design Standards reference urban growth areas (UGAs) and non-UGAs. They are consistent with the city and County Comprehensive Plans and Planning Policies.

### 1.2.9 Individual Wells and Groundwater Management

Groundwater remains an available resource for additional water supply development. Quantity and quality considerations are variable throughout the County. In general, the potential for development of an adequate supply progressively increases in an up-gradient (easterly direction in the Skagit River Valley).

In the western and urban area, surface water supplies will be the predominant source. In the rural areas, groundwater development should continue, except where the Skagit River Watershed Plan recommends an alternative supply plan (see 1.2.10), provided individual wells meet County siting criteria and Ecology minimum well standards. However, where new development of individual/single family homes is proposed within the designated service area of existing utilities, the CWSP provides a process for the developer to consult with the utility for potential service before the building permit is issued. The decision for connection to the public water system or construction of a private supply rests with the developer, unless connection to a public water system is a condition of a land-use permit.

The County, cities, and tribes continue to support groundwater protection programs. Aquifer recharge areas are currently protected by ordinances adopted pursuant to the Critical Areas requirements of the Comprehensive Plan. The Skagit County Health Department should further address groundwater protection in its septic system enforcement program.

### 1.2.10 Regional Supply System

The Joint Operating Agreement between the City of Anacortes and the PUD (see Appendix B) provides one segment and one phase of the regional supply plan. This regional supply system represents the framework to meet the growth management needs of the County for public water supply, and will require continuing evaluation to establish the most cost-effective program consistent with public policy.

The 50-year Memorandum of Agreement (MOA) serves as another segment of the regional supply plan. The MOA simplifies water rights issues and provides for minimum in-stream flows that will be integral to watershed planning efforts.

The third segment of regional supply planning and management will be developed through the watershed planning process (WPP). The WPP will evaluate all water issues and needs within the County. The plan will link potable water demands with other surface water, groundwater, in-stream, and out-of-stream demands.

The final segment of regional supply planning will be coordination of all water use with the requirements of the Endangered Species Act (ESA). The linkage of the ESA, MOA, WPP, and Joint Operating Agreements will provide the documentation for sound water supply management in Skagit County.


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### 1.2.11 Administrative Framework

The CWSP requires participation by all members of the WUCC. The CWSP, after certification by the County and adoption by DOH, becomes the regional public water supply and functional plan, all related decisions by local or State government must be guided by the plan.

The Utility Service Review Procedure (USRP), Exhibit 5-1, represents how the County anticipates administering its responsibilities. The water utilities are responsible for updating their WSPs for their designated areas in accordance with DOH regulations.

The responsibility of satellite system program implementation on a regional basis within non-designated service areas has been assigned to the PUD. The program includes ownership, operation, and management of new systems as well as the responsibility for accepting receivership of existing systems through court proceedings on behalf of Skagit County.

### 1.2.12 Plan Updating

The following identifies the primary requirements for ensuring that the CWSP remains a current functional plan of the city and County Comprehensive Plans and supports the County-wide Planning Policies. The program is designed to continue to be both responsive to existing needs and to place responsibility on designated agencies to maintain accountability. As a functional plan, the CWSP must be adopted by reference in utility water system plans or other appropriate documents. The acceptance of accountability should be verified by appropriate intergovernmental agreements or memorandums of understanding.

(1) This CWSP has been reviewed to assure conformance with County-wide Planning Policies and applicable Comprehensive Plans pursuant to Chapter 70.116 RCW.

(2) The WUCC will assist DOH, as requested, in the resolution of any questions or issues the State identifies in its review process.

(3) Annual meetings of the WUCC should be scheduled to review the CWSP.

(4) The minimum design standards presented in Section 4 will be reviewed annually by the WUCC. Recommended revisions will be submitted to the Skagit County Planning and Permit Center (SCPPC) for adoption.

(5) The objectives and procedures outlined in the CWSP are considered to be reasonable and achievable by all properly operated water systems.



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Repeated failure by a system to provide safe, reliable, and minimum levels of water service, as measured by the CWSP criteria, should serve as a basis to evaluate viability of the system. Non-viable systems should be candidates for receivership, voluntary transfer of ownership, or merger proceedings.

(6) This CWSP should be revised and updated, as necessary, as prescribed by Chapter 70.116 RCW.

# Exhibit 1-1
# Public Water System Definition

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**Public Water Systems**

- All systems except those serving only one single family residence or less than five residences on the same farm

**Group A**

System that regularly serves:
- 15 or more residential connections

*or*
- 25 or more people/day for 60 or more days/yr

**Group B**

System that serves:
- Less than 15 residential connections

*and*
- Less than 25 people/day

*or*
- 25 or more people/day during fewer than 60 days/yr

**Community**

- System that regularly serves 15 or more year-round residential connections, or 25 or more year-round residents (for 180 or more days/yr).

**Noncommunity**

- Any system that is not a community system.

**Nontransient (NTNC)**

- System that serves 25 or more of the same people/day for 180 or more days/yr.

**Group B**

- System that serves:
- 25 or more different people/day during 60 or more days/yr

*or*
- 25 or more of the same people/day for less than 180 days/yr and during more than 59 days/yr

*or*
- 1,000 or more people for two or more consecutive days



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# Section 2
# The Coordinated Water System Plan Process

## 2.1 Introduction

The Public Water System Coordination Act, enacted in 1977 and codified as Chapter 70.116 RCW, establishes a procedure for the State's water utilities to coordinate their planning and construction programs with adjacent water utilities and other local governmental activities including planning under the Growth Management Act (GMA).

The Public Water System Coordination Act and the water reservation process of the Water Resource Act may be used individually or in combination by the local public water utilities. Implementation of either of these laws requires that a Coordinated Water System Plan (CWSP) be prepared for the study area. This Skagit County (County) CWSP Update has been prepared in accordance with the requirements of both State programs. The goal of this update is the further refinement of CWSP guidance and coordination with the GMA and the 50-year Memorandum of Agreement (MOA) regarding water rights and in-stream water levels for the Lower Skagit River and Cultus Mountain streams.

## 2.2 Application Within Indian Reservations

Three Indian Reservations are located within the Skagit Critical Water Supply Service Area (CWSSA). These are: (1) the Sauk-Suiattle Indian Tribe; (2) the Swinomish Indian Tribal Community; and, (3) the Upper Skagit Indian Tribe.

In this CWSP Update, as with the process in 1993, the Swinomish Indian Tribal Community continues to voluntarily participate for the purpose of promoting regional cooperation and efficiency in water service delivery. However, it is the Tribe's position that the Tribe and land within the Reservation, regardless of ownership, is not subject to the various State laws that are referenced throughout the Skagit CWSP.

## 2.3 CWSP History

In 1982, the area generally known as Fidalgo Island was designated a CWSSA and the Skagit Board of County Commissioners initiated planning under the Public Water System Coordination Act. That first Plan was approved and adopted by the Board of County Commissioners on December 18, 1984.

In considering the need for an update to that Plan in 1989, the Skagit County Water Utilities Coordinating Committee (WUCC) realized that many of the water

system issues being addressed had implications outside the Fidalgo Island area. Subsequently, based on the recommendations of the Preliminary Assessment, the WUCC designated all of Skagit County a CWSSA through Resolution No. 12437, dated March 26, 1990.

The first County-wide CWSP was approved by the Board of County Commissioners in July 1993.

## 2.4 CWSP Update Preparation

The 1998 update to the CWSP was initiated. Preparation of this CWSP update involved the joint efforts of participating WUCC members, County and State agency staff, and the Consultant through a 12-month process, which included monthly WUCC meetings. The meetings addressed issues of revision, WUCC recommendation, public involvement through the Citizen's Advisory Committee (CAC) process, and adoption by the Board of County Commissioners. In addition, special meetings were held by a subgroup of the WUCC to address fire flow issues related to the facility design standards and specifications.

The 1995 Legislature passed Engrossed Second Substitute Senate Bill (E2SSB) 5448. This Bill created several modifications to the earlier version of the Public Water System Coordination Act. Appendix C provides a comparison of the modified provisions. The 1999 CWSP has been prepared to be consistent with the new changes, as far as the Department of Health (DOH) has implemented them.

It should be noted that WAC 246-290, which are regulations governing Group A public water systems, was updated effective April 1999. These changes are also included in the CWSP.

The following areas received particular emphasis during update of the CWSP:

### 2.4.1 Water System Service Area

Each utility was requested through correspondence, and during the WUCC meetings, to verify its service area boundaries as established in 1993. Most existing service area issues were resolved by the water systems in question. All changes were incorporated and the service area boundaries of the larger Group A systems and the smaller systems with intent to expand, were updated and plotted on base maps. Systems previously identified as expanding, but which had not completed and submitted a Water System Plan (WSP) were re-categorized as non-expanding and the service area was assumed to correspond to the existing area in service.

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### 2.4.2 Minimum Design Standards

This 1999 CWSP incorporates revision of design guidelines for utilities, including: material specifications, construction practices, distribution facilities, metered services, fire flow requirements, etc. The content and application of these standards were developed jointly through input of WUCC representatives and the County to be consistent with applicable land use plan and development ordinance requirements.

The revised standards are discussed in Section 4. When accepted and adopted through ordinance by the cities and County and approved by DOH, they will become the minimum standards for all new water system improvements. A water utility may adopt these standards by reference, or may adopt more stringent standards. The standards shall not be inconsistent with the applicable comprehensive plans. Adoption of these standards shall not be considered a substitute for standard construction specifications in WSPs to qualify for exceptions to the project report and construction document submittal requirements in WAC 246-290. In addition, reference to these standards will not be accepted as a substitute for specifications in construction documents.

### 2.4.3 Utility Service Review Procedure

The Utility Service Review Procedure (USRP) was developed to identify the appropriate purveyor, both willing and capable, to provide water service to new developments and expansions. This procedure utilizes the recognized future service areas as a basis for assigning new applicants for development permits to water utilities. In undesignated areas, the procedure emphasizes adjacent utilities with an approved WSP as the preferred service providers. If adjacent and qualified utilities do not elect to provide service or do not exist, the County will refer a developer to the Public Utility District No. 1 of Skagit County (PUD) as the Satellite Management Agency (SMA). The recommended program for utility service review is outlined in Section 5.

### 2.4.4 Regional Water Supply

The County's regional supply needs were evaluated in increments through the year 2050. Forecasts of future water demand were made based upon population projections provided by the Office of Financial Management (OFM), water use data provided by local utilities, and anticipated increased requirements for industrial water supply. Projected water savings from a water conservation program were factored into the water demand forecast.

An increase in water demand of approximately 84.5 MGD (peak day use) is forecast to be required for the County area by the year 2050. The preferred

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future supply option continues to be development of local groundwater sources by individual utilities in the rural areas of the County provided that it is consistent with the watershed planning. The City of Anacortes (City) and the PUD should continue to be the regional providers of water in the urban area. Under terms of the Joint Operating Agreement, expansion of both surface and groundwater source capacity will focus on the Skagit River under authority of existing water rights and in accordance with the 50-Year Memorandum of Agreement (MOA).

### 2.4.5 Individual Water System Plans

State Board of Health rules (WAC 246-291) require that certain categories of public water systems shall develop a WSP for review and approval by DOH. One listed category is "Public water systems located in areas utilizing the Public Water System Coordination Act of 1977, Chapter 70.116 RCW and Chapter 246-293 WAC." As relates to this Act, the plan is to describe the utility's proposed method for serving its designated area.

Elements of the WSP are to be based upon a 20-year planning period with identification of specific improvements and a financial program for the first six years. The purveyor is to update the plan at least every five years. However, DOH may require a plan submission or update at any time.

The planning requirements are determined by DOH and vary for utilities based upon their size. Systems with 1,000 service connections or more are to prepare a complete WSP. All other systems are to prepare an abbreviated plan with the level of detail to be determined in consultation with DOH staff. A description of the information and data required under the two levels of plans is presented in Appendix D.

In addition to the above requirements, all systems within a CWSSA must, in the preparation or update of their plan, address concerns relating to the entire CWSSA. These concerns include:

- ❑ Map of future service area,
- ❑ Signed service area agreement,
- ❑ Population and water demand projections,
- ❑ Design standards,
- ❑ Implementation of minor and major regional projects,
- ❑ Implementation of water utility service review procedure,
- ❑ Implementation of satellite system program, and
- ❑ Water conservation program.

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## 2.5 Regional Supplement

This 1999 CWSP has been prepared under the provisions of WAC 246-293-220 which allows for a CWSP which consists of: (1) a compilation of water system plans approved by DOH, and (2) a supplement which addresses water purveyor concerns relating to the entire CWSSA. All completed WSPs of the individual utilities referenced herein are on file with DOH or the County. The review and approval procedure for this document is outlined in Section 11.

Table 2-1 lists those systems with 50 or more permanent connections (i.e., WUCC members) and also those smaller systems that have indicated an intent to expand. This table serves a number of purposes, including the following:

- ❑ Identifies for each utility its degree of compliance with the planning requirements of the CWSP.
- ❑ Assists the County and DOH in their review of the CWSP for consistency with County policies and State statutes and regulations.
- ❑ Directs the County and DOH attention to those utilities that must satisfy basic CWSP planning requirements before system improvement and/or expansion of service takes place.

To assure a high degree of plan compliance, the WUCC maintains its recommendation that:

- ❑ All water utilities that have not done so, should immediately complete and file Service Area Agreements with the County.
- ❑ Failure to have on file a Service Area Agreement or WSP should result in denial of proposed system expansions. As WSPs receive DOH approval, they may be administratively included within the adopted CWSP.
- ❑ If a service area conflict arises, development activity should be denied within the contested service area until the conflict is resolved.
- ❑ Due to the importance of tracking the status of these utilities, the County should be responsible for updating the service area maps and Table 2-1. The AutoCAD files used to develop the base map and all service areas have been provided to the County for this purpose.


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## Table 2-1
## Water Utilty Planning Status Summary

| No. | PWS-Name | PWS ID # | System Group | Agreement Filed | Approved # of Residential Connections (or ERUs) | Expanding System | Plan Type (1) |
|---|---|---|---|---|---|---|---|
| | **System with More Than 50 Permanent Connections** | | | | | | |
| 1 | ANACORTES, CITY OF | 02200C | A | Yes | no limit | Yes | F |
| 2 | BIG LAKE WATER ASSOCIATION | 67009 | A | No | 70 | No | SWSMP |
| 3 | BLANCHARD EDISON WATER ASSN. INC. | 074508 | A | No | 438 | No | SWSMP |
| 4 | CAPE HORN MAINTENANCE COMPANY | 11060M | A | Yes | 371 | Yes | A |
| 5 | CEDARGROVE ON THE SKAGIT | 119174 | A | Yes | 292 | Yes | F |
| 6 | COLONY MOUNTAIN | 14069F | A | No | 83 | No | SWSMP |
| 7 | CONCRETE UTILITIES | 03950M | A | Yes | 440 | Yes | A |
| 8 | DEL MAR COMMUNITY SERVICE INC | 185808 | A | Yes | 346 | Yes | A |
| 9 | GUEMES ISLAND WATER COMPANY | 08236M | A | Yes | 175 | Yes | A |
| 10 | HAMILTON WATER DEPT | 307000 | A | Yes | 97 | Yes | A |
| 11 | LA CONNER WATER DEPT | 433500 | A | Yes | no limit | Yes | A |
| 12 | LEIF ERICKSON REC ASSOC | 23735H | A | Yes | 173 | No | A |
| 13 | LYMAN WATER DEPARTMENT | 490500 | A | Yes | 185 | Yes | A |
| 14 | SAMISH FARMS WATER ASSN INC | 75645X | A | Yes | 492 | Yes | A |
| 15 | SAMISH RIVER PARK | 756704 | A | No | 87 | No | SWSMP |
| 16 | SHELTER BAY | 78155Q | A | No | 911 | No | SWSMP |
| 17 | SKAGIT COUNTY PUD 1 - FIDALGO | 00932Y | A | Yes | no limit | Yes | F |
| 18 | SKAGIT COUNTY PUD 1 - JUDY | 79500E | A | Yes | no limit | Yes | F |
| 19 | SKAGIT CO WATER DISTRICT #1 | 00392Q | A | Yes | 145 | Yes | A |
| 20 | SNEE-OOSH LAND COMPANY | 808009 | A | No | 77 | No | SWSMP |
| 21 | SWINOMISH UTILITY & ENVIR SRV AUTH | IH7560 | A | Yes | 353 | Yes | A |
| 22 | UPPER SKAGIT PUBLIC UTILITY | IH825U | A | No | | Yes | A |
| | **Expanding-Less Than 50 Permanent Connections** | | | | | | |
| 28 | BACUS HILL WATER CORPORATION | ? | A | No | ? | Yes | A |
| 29 | CARLSON WATER SYSTEM | 02109W | B | Yes | 9 | Yes | A |
| 30 | CASCADE RIVER COMMUNITY CLUB | 114940 | A | No | 93 | Yes | A |
| 31 | ROCKPORT WATER SYSTEM | 736006 | A | Yes | 60 | Yes | F |
| 32 | WILDERNESS VILLAGE COMM. ASSOC. | 968795 | A | Yes | 40 | Yes | A |

(1) "F" indicates full plan, "A" indicates abbreviated plan, and "SWSMP" indicates small water system management program.

# Section 3
# Water Utility Service Areas

## 3.1 Introduction

The Public Water System Coordination Act requires that a procedure be established to identify the existing and future service areas of public water utilities within the Critical Water Supply Service Area (CWSSA).

Two obligations accompany the establishment of service area boundaries. The first obligation is that Skagit County (County) and State governments recognize an identified utility as the responsible agency for providing all public water service within a designated area. The second obligation is that the utility shall assume responsibility, within its service area, for planning and implementing water system development and proper utility management consistent with the State Environmental Policy Act (SEPA) and Growth Management Act (GMA), the adopted County-wide Regional Policies, applicable Comprehensive Plans, and County and city land-use plans.

It is recognized that for many applicants compliance with SEPA may consume a great deal of time. Such time cannot be considered as unreasonable, if the amount of time is typical and consistent with similar actions in the County. It is also recognized that this authority allows the designated utility to separately deny a water connection until there is compliance with SEPA, County-wide Planning Policies, and land-use plans. In this event, no other agency may supply or authorize the supply of public water.

Where reference is made to city and County land-use plans, such reference shall be construed to include adopted development regulations consistent therewith. The manner in which this responsibility is to be fulfilled is to be described in the utility's water system plan (WSP) for areas within a utility's designated service area. The Utility Service Review Procedure (USRP) gives first right-of-refusal of service to an adjacent utility with an approved WSP that provides for expansion. An existing system shall be considered "adjacent" to the proposed development if service can be provided with a waterline extension not to exceed one-half mile in length. If service will not be provided by an adjacent utility, the developer will be referred to the Public Utility District No. 1 of Skagit County (PUD) as the preferred Satellite Management Agency (SMA).

The Coordination Act provides the legal mechanism, for public and private water utilities alike, to establish an exclusive service area. The basic service areas were designated in the 1993 Coordinated Water System Plan (CWSP) which identified

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the boundaries of the "designated" service area. For all other utilities, their current service area is preserved as their geographical area of responsibility and operation. This condition applies even though, as a result of the CWSP, a non-expanding system may be located entirely within the boundaries of a larger system.

From the County's perspective, designated service areas mean a specific utility has accepted responsibility for development of cost-effective and efficient service to accommodate the future growth that these areas will experience consistent with the SEPA, GMA, and the County-wide Planning Policies. Growth management objectives established for these areas by each jurisdiction's Comprehensive Plans and applicable land use plans must be accounted for in each utility's approved plan and actual improvements.

## 3.2 Service Area Commitments and Procedures

The designated service area defines the area within which all future customers will be provided retail water service by the designated utility. An important distinction is that a utility's water facilities, such as sources of supply and reservoirs, can be located outside the utility's future service area. These facilities can be located within another utility's retail service area, provided the facilities are not used for direct retail service without the written concurrence of the designated utility.

The designated service area is the exclusive service area of the identified utility. As a condition of being granted a designated service area, the utility must meet certain obligations and commitments, as described in the following:

### 3.2.1 Water System Plan and Service Area Agreement

Each utility was requested to prepare and have on file with the County and/or the State Department of Health (DOH) a WSP by 1994. Utilities not having a signed service area agreement will have exclusive rights only to their existing area in service in 1993. In this case, service outside of the utility's existing service area will be assigned to the PUD, except where the one-half mile rule applies.

### 3.2.2 Conditions of Service by Designated Utility

Water service may be provided by the designated utility either through direct connection to the utility's existing water system or as a detached, remote system managed by the utility or others through agreement. In either case, the utility shall identify for the applicant all of the conditions of service which must be agreed to prior to the provision of water service. The Coordination Act requires that the utility be willing to extend service in a timely and reasonable manner and be consistent with SEPA, GMA, the adopted County-

wide Planning Policies for Skagit County, and County and city land-use plans.

### 3.2.3 Service Area Adjustment

If in the future a utility determines its service area is either too large or too small, or that it is unable to provide service, the service area boundaries may be revised at any time. This boundary revision shall require the signing of revised service area agreements by all purveyors impacted by the boundary change. Such revised agreements shall be executed by the authorized utility representative(s) and filed with the Skagit County Planning and Permit Center (SCPPC) and Skagit County Health Department (SCHD) for inclusion in the official CWSP file, and incorporated as a part of the County's annual Comprehensive Plan amendment review and approval.

### 3.2.4 CWSP Update

This CWSP shall be reviewed by the Water Utility Coordinating Committee (WUCC) and updated as necessary. Service areas adopted in this CWSP may also be revised, if such revisions are considered appropriate by the utilities concerned and incorporated as a part of the County's annual Comprehensive Plan amendment review and approval.

## 3.3 Service Area Selection

Selection of service areas was negotiated during the 1993 CWSP process. For this update, service area selection was limited to revision of boundary issues.

Service areas have been determined and mapped for all Group A and Group B utilities indicating an intent to expand their service area. All systems currently known to meet the definition of an expanding system are listed in Table 3-1. Their service area boundaries are shown in Exhibit 3-1.

A listing of the remaining non-expanding and Group B systems appears in Tables 3-2 through 3-4. System location by quarter-quarter section (40 acre tract) is shown on Exhibit 3-2. This list may be incomplete, particularly for the Group B systems of less than 15 connections. Considerable effort was made to inventory all systems, but resources did not allow a total search of State and County records.

The data contained in Tables 3-1 through 3-4 regarding present and future service connections represent approved connections by SCHD or DOH.

## 3.4 Service Area Agreements

### 3.4.1 Form of Agreement

Signed Service Area Agreements (Agreement) are on file with the SCHD and SCPPC.

Where understandings concerning joint service, transfer of service, or common boundaries require more specific terms than are provided in the Agreement, the affected utilities are to document the specific conditions in an attachment to the Agreement. In order for these understandings to be recognized in implementing the CWSP, the utilities must place them on file with the County as an attachment to the Agreement.

To confirm designated service areas and establish their legal service boundary, all expanding water utilities must have a completed Agreement on file with the County. Each Agreement shall be reviewed in conjunction with individual WSPs. Should a utility not have a signed Agreement on file, subsequent requests for system expansion will be denied.

### 3.4.2 Expanding/Extending Small Systems

A number of the smaller systems have indicated an intent to increase the number of service connections in the future. These added connections will constitute "expansion" or "extension" of service dependent on whether changes to source, transmission, storage, or distribution facilities are required. If it is the desire of the systems to expand beyond their existing service area, they are not precluded from seeking such recognition. This may be accomplished through an appropriate request to the County. Any such request shall include documentation that the utility's expansion plans are consistent with the objectives of the CWSP and the submittal of a WSP in accordance with State and County requirements and incorporated as a part of the County's annual Comprehensive Plan amendment review and approval.

**Table 3-1**

**Skagit County Expanding Community Systems [1]**

| No. | PWS-Name | PWS ID # [2][4] | Group | Approved # Of Residential Connections (or ERUs) |
|---|---|---|---|---|
| 1 | ALGER COMMUNITY CLUB INC | 01400K | A | 0 [3] |
| 2 | ANACORTES, CITY OF | 02200C | A | no limit |
| 3 | CAPE HORN MAINTENANCE COMPANY | 11060M | A | 371 |
| 4 | CARLSON WATER SYSTEM | 02109W | B | 9 |
| 5 | CASCADE RIVER COMMUNITY CLUB | 114940 | A | 93 |
| 6 | CEDARGROVE ON THE SKAGIT | 119174 | A | 292 |
| 7 | CONCRETE UTILITIES | 03950M | A | 440 |
| 8 | DEL MAR COMMUNITY SERVICE INC | 185808 | A | 346 |
| 9 | GUEMES ISLAND WATER COMPANY | 08236M | A | 175 |
| 10 | HAMILTON WATER DEPT | 307000 | A | 97 |
| 11 | LA CONNER WATER DEPT | 433500 | A | no limit |
| 12 | LEIF ERICKSON REC ASSOC | 23735H | A | 173 |
| 13 | LYMAN WATER DEPARTMENT | 490500 | A | 185 |
| 14 | ROCKPORT WATER SYSTEM | 736006 | A | 60 |
| 15 | SAMISH FARMS WATER ASSN INC | 75645X | A | 492 |
| 16 | SKAGIT COUNTY PUD 1 | 00932Y | A | no limit |
| 17 | SKAGIT COUNTY PUD 1 | 79500E | A | no limit |
| 18 | SKAGIT CO WATER DISTRICT #1 | 00392Q | A | 145 |
| 19 | SKAGIT RIVER COLONY | 592443 | A | 0 [3] |
| 20 | SWINOMISH UTILITY & ENVIR SRV AUTH | IH7560 | A | 353 |
| 21 | UPPER SKAGIT PUBLIC UTILITY | IH825U | A | |
| 22 | WILDERNESS VILLAGE COMM. ASSOC. | 968795 | A | 40 |

[1] These systems required to prepare individual Water System Plans. See Exhibit 3-1 for location.

[2] PWS ID # means DOH Public Water System ID number.

[3] Zero indicates no service connection, i.e. campground.

[4] See Table 8-7 for WSP status.

Note: Blanchard Edison is a non-expanding system. See Table 3-3.

**Table 3-2**
**Skagit County Non-Expanding, Non-Community Systems [1]**
**(See Exhibit 3-2)**

| No. | PWS-Name | PWS ID# [2] | Group | Type [3] | LOCATION | | | | Approved No. of Residential Connections (or ERUs) |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | SUB | SEC | TWP | RGE | |
| 1 | CROWN PACIFIC LTD | 76850X | A | NTNC | NE/NW | 14 | 35 | 6 | 0 |
| 2 | SAMISH GRADE SCHOOL | 75648F | A | NTNC | NE/NE | 25 | 36 | 4 | 0 |
| 3 | TESARO REFINING CO | 780501 | A | NTNC | | 28 | 35 | 2 | 0 |
| 4 | EUILON, INC | 87650R | A | NTNC | | 33 | 35 | 2 | 0 |
| 5 | ALGER FOOD MART | 66025N | A | TNC | NE/NE | 18 | 36 | 4 | 0 |
| 6 | ANDERSON FEED & GRAIN | 065022 | A | TNC | SW/SE | 12 | 35 | 1 | 1 |
| 7 | AVALON LINKS GOLF CLUB | 00952F | A | TNC | NE/NW | 17 | 35 | 4 | 0 |
| 8 | BREAZEALE INTERPRETIVE CENTER | 16624R | A | TNC | SE/NW | 30 | 35 | 3 | 0 |
| 9 | BUFFALO RUN RESTAURANT | 567853 | A | TNC | NW/NW | 18 | 35 | 11 | 0 |
| 10 | BURLINGTON KOA | 09535K | A | TNC | SW/NW | 5 | 35 | 4 | 3 |
| 11 | CAMP BROTHERHOOD INC | 10824M | A | TNC | NE/NE | 31 | 33 | 5 | 4 |
| 12 | CHUCKANUT MANOR RESTAURANT | 12954N | A | TNC | NW/NE | 21 | 36 | 3 | 0 |
| 13 | CHURCH OF GOD OF PROPHECY | 12971M | A | TNC | NW/NW | 14 | 35 | 5 | 0 |
| 14 | CREEKSIDE CAMPING | 289775 | A | TNC | NW/SE | 10 | 35 | 7 | 0 |
| 15 | DECEPTION PASS SP - ROSARIO BEACH | SP2145 | A | TNC | SW/NE | 22 | 34 | 1 | 0 |
| 16 | DJ'S TEXACO | 12924W | A | TNC | SW/SW | 7 | 35 | 11 | 0 |
| 17 | EAGLE COUNTRY STORE | 01421L | A | TNC | SE/SW | 7 | 35 | 11 | 0 |
| 18 | FIRE MT SCOUT RESERVATION | 25155C | A | TNC | NE/SW | 28 | 34 | 5 | 0 |
| 19 | GOOD FOOD DRIVE IN WATER SYSTEM | 736808 | A | TNC | NE/NE | 13 | 35 | 10 | 0 |
| 20 | GRANDY CREEK GROCERY | 071456 | A | TNC | NE/SW | 10 | 35 | 7 | 0 |
| 21 | GUEMES ISLAND RESORT INC | 30110F | A | TNC | NE/SE | 26 | 36 | 1 | 0 |
| 22 | LAKE ERIE TRAILER PARK | 43886H | A | TNC | SW/NW | 12 | 34 | 1 | 0 |
| 23 | LAKE MCMURRAY RECREATION RESORT | 066047 | A | TNC | SE/SW | 19 | 33 | 5 | 0 |

[1] Not required to have a Water System Plan. See Exhibit 3-2 for location of System.

[2] DOH Public Water System ID number.

[3] TNC means Transient/Non-Community System.

**Table 3-2 (Cont)**
**Skagit County Non-Expanding, Non-Community Systems**

| No. | PWS-Name | PWS ID# (2) | Group | Type (3) | Location | | | | Approved No. of Residential Connections (or ERUs) |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | SUB | SEC | TWP | RGE | |
| 24 | LAKE TYEE | 44970B | A | TNC | SW/SW | 27 | 36 | 8 | 1 |
| 25 | LEISURE TIME-GRANDY CREEK RESORTS | 28980T | A | TNC | NW/NE | 10 | 35 | 7 | 1 |
| 26 | LOG HOUSE INN | 476726 | A | TNC | SE/NW | 7 | 35 | 11 | 0 |
| 27 | MADRONA COMMUNITY, INC | 02154L | A | TNC | SW/NW | 32 | 36 | 1 | 0 |
| 28 | MARBLEMOUNT RANGER STATION | NP6006 | A | TNC | NW/NE | 12 | 35 | 10 | 7 |
| 29 | MCHAVEN INC | 44357N | A | TNC | NE/SW | 30 | 33 | 5 | 0 |
| 30 | MILLER, HOWARD/STEELHEAD PARK | 839750 | A | TNC | NW/NE | 35 | 35 | 9 | 0 |
| 31 | OYSTER BAR, THE | 651859 | A | TNC | NW/NW | 16 | 36 | 3 | 0 |
| 32 | OYSTER CREEK INN | 65189B | A | TNC | SW/SW | 9 | 35 | 3 | 1 |
| 33 | PIT STOP BAR & GRILL | 353988 | A | TNC | NE/NE | 7 | 35 | 4 | 0 |
| 34 | POTLATCH BEACH-DIVISION II | 69036M | A | TNC | SW/NW | 35 | 36 | 1 | 16 |
| 35 | ROCKPORT STATE PARK | SP740H | A | TNC | SW/SE | 27 | 35 | 5 | 1 |
| 36 | SHAKE MILL CAFE | 042222 | A | TNC | NW/NW | 13 | 35 | 10 | 0 |
| 37 | SKAGIT RIVER RESORT, LLC | 13344P | A | TNC | NW/NE | 23 | 35 | 10 | 0 |
| 38 | SKAGIT SPEEDWAYS, INC | 07264A | A | TNC | SW/SW | 29 | 36 | 4 | 0 |
| 39 | STRELL'S WEST BEACH TRACTS | 00853V | A | TNC | NE/NW | 2 | 35 | 1 | 0 |
| 40 | TAYLOR SHELLFISH FARMS | 73420E | A | TNC | NE/NW | 16 | 36 | 3 | 0 |
| 41 | THOUSAND TRAILS - LA CONNER | 00439X | A | TNC | SW/NW | 27 | 34 | 2 | 0 |
| 42 | THOUSAND TRAILS PHASE 2- MT VERNON | 88123Y | A | TNC | NW/SE | 30 | 36 | 4 | 47 |
| 43 | THOUSAND TRAILS PHASE I- MT VERNON | 88124F | A | TNC | SE/NE | 30 | 36 | 4 | 0 |
| 44 | WALLA WALLA COLLEGE MARINE STATION | 924800 | A | TNC | SE/NE | 2 | 34 | 12 | 0 |
| 45 | WILDERNESS VILLAGE TRAILER PARK | 968753 | A | TNC | SW/NE | 22 | 35 | 10 | 0 |

(1) Not required to have a Water System Plan. See Exhibit 3-2 for location of System.

(2) DOH Public Water System ID number.

(3) TNC means Transient/Non-Community System.

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Table 3-3
Skagit County Non-Expanding Community Systems
See Exhibit 3-2

| No. | PWS-Name | PWS ID# | Group | Type | Location | | | | Approved Proved # of Residential Connections (or ERUs) |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | SUB | SEC | TWP | RANGE | |
| 1 | BIG LAKE WATER ASSN. | 067009 | A | COMM | SE/SW | 25 | 34 | 4 | 70 |
| 2 | BLANCHARD EDISON WATER ASSOCIATION | 74508 | A | COMM | SE/SW | 35 | 36 | 3 | 438 |
| 3 | COLONY MOUNTAIN | 14069F | A | COMM | NW/NW | 26 | 36 | 3 | 83 |
| 4 | DOUBLE CREEK WATER ASSOCIATION | 56951H | A | COMM | SW/NW | 33 | 36 | 4 | 6 |
| 5 | EAGLE VALLEY WATER SYSTEM | 022178 | A | COMM | NW/NW | 31 | 36 | 5 | 51 |
| 6 | HEADQUARTERS WATER ASSOC INC | 32050H | A | COMM | SW/SW | 22 | 33 | 4 | 0 |
| 7 | POTLATCH BEACH WATER ASSOCIATION | 69034L | A | COMM | SE/SE | 35 | 36 | 1 | 30 |
| 8 | PRAIRIE ACRES WATER SYSTEM | 69157T | A | COMM | SW/NW | 25 | 36 | 4 | 48 |
| 9 | PRAIRIE ESTATES WATER SYSTEM | 30984C | A | COMM | NW/SE | 26 | 36 | 4 | 19 |
| 10 | PRESSENTIN CREEK WILDERNESS | 69273C | A | COMM | NE/NE | 24 | 35 | 7 | 55 |
| 11 | RIVER LANE COMMUNITY CLUB INC | 72773L | A | COMM | NE/SE | 9 | 35 | 8 | 21 |
| 12 | ROLF BRUUN WATER SYSTEM | 08915H | A | COMM | NE/SE | 32 | 33 | 4 | 14 |
| 13 | SAMISH ISLAND WATER CO | 75650L | A | COMM | SE/SE | 26 | 36 | 2 | 0 |
| 14 | SAMISH RIVER PARK, INC. | 756704 | A | COMM | NE/NW | 7 | 35 | 4 | 87 |
| 15 | SAUK MOUNTAIN ESTATES W.A. | 170495 | A | COMM | SE/NW | 27 | 35 | 9 | 24 |
| 16 | SAUK-SUIATTLE COMMUNITY | IH731W | A | COMM | SW/NW | 29 | 33 | 10 | 20 |
| 17 | SECRET HARBOR SCHOOL | 77200X | A | COMM | SW/NW | 4 | 35 | 1 | 0 |
| 18 | SHANGRI LA COMMUNITY CLUB | 77846U | A | COMM | SE/SW | 13 | 35 | 6 | 58 |
| 19 | SHELTER BAY COMMUNITY INC | 78155Q | A | COMM | SW/NE | 2 | 33 | 2 | 911 |
| 20 | SNEE-OOSH LAND CO | 808009 | A | COMM | NW/SE | 27 | 34 | 2 | 77 |
| 21 | SUNSET WEST WATER ASSOC | 86205F | A | COMM | NW/NE | 15 | 34 | 1 | 39 |
| 22 | TIMBERLINE TRAVELERS PARK | 88398L | A | COMM | SE/NW | 11 | 35 | 7 | 35 |
| 23 | VALLEY VIEW ESTATES WATER ASSN | 90993A | A | COMM | SE/NW | 9 | 35 | 4 | 50 |
| 24 | WILDLIFE ACRES WATER ASSOCIATION | 96882T | A | COMM | NE/NE | 33 | 36 | 4 | 20 |

Table 3-4
Skagit County Group B Systems
See Exhibit 3-2

| No. | PWS-Name | PWS ID# | Location | | | | Approved # of Residential Connections (or ERUs) |
|---|---|---|---|---|---|---|---|
| | | | SUB | SEC | TWP | RANGE | |
| 1 | ALBERTS SERVE U GROCERY | 16481H | SW/NE | 9 | 8 | 35 | 0 |
| 2 | ALVERSON TRACT OWNERS ASSOC. | 646429 | NE/NW | 36 | 36 | 1 | 0 |
| 3 | ANDALS CUSTOM MEATS | 18161Q | SW/SW | 33 | 34 | 4 | 3 |
| 4 | AVERY LANE WATER SYSTEM | 02013X | NE/NE | 14 | 35 | 4 | 5 |
| 5 | BACUS ROAD #1 | 64327Y | SW/NW | 12 | 35 | 5 | 9 |
| 6 | BAKER LAKE SHELL & GROCERY | 42382Q | NW/NW | 15 | 35 | 7 | 2 |
| 7 | BAKER RIVER WORK CENTER | FS0269 | SE/NW | 12 | 35 | 7 | 0 |
| 8 | BAY VIEW HOME ASSOCIATION | 06428J | NW/NE | 31 | 35 | 3 | 0 |
| 9 | BERRY S/P WATER ASSOCIATION | 01376B | NW/SE | 13 | 36 | 3 | 5 |
| 10 | BIG LAKE | 23634V | SW/SW | 36 | 34 | 4 | 10 |
| 11 | BIZ POINT WATER SYSTEM | 400278 | NW/NE | 15 | 34 | 1 | 0 |
| 12 | BONNIE ACRES WATER ASSOCIATION | 00382F | NW/SW | 14 | 34 | 1 | 11 |
| 13 | BRIDGEWATER WATER SYSTEM | 011763 | SE/NE | 2 | 35 | 4 | 3 |
| 14 | CAB IN THE WOODS, A | 980587 | NW/SW | 23 | 35 | 10 | 0 |
| 15 | CAMPBELL LAKE COMMUNITY WELL | 012556 | SW/NW | 18 | 34 | 2 | 0 |
| 16 | CASCADE MOUNTAIN INN | 24794L | SE/SW | 11 | 35 | 7 | 2 |
| 17 | CASCADIAN HOME FARM WATER SYSTEM | 02722K | NE/SE | 20 | 35 | 10 | 0 |
| 18 | CEDARDALE APARTMENTS | 12030X | NW/NW | 8 | 33 | 4 | 0 |
| 19 | CONCORD LANE COMMUNITY ASSOCIATION | 00033A | SW/SW | 12 | 35 | 4 | 0 |
| 20 | COTTONTAIL WATER SYSTEM | 01493E | SE/SE | 32 | 36 | 4 | 4 |
| 21 | DALSEG, RALPH | 18201A | SW/NE | 20 | 33 | 4 | 2 |
| 22 | DAY CREEK CHAPEL | 04447D | NE/SW | 29 | 35 | 6 | 0 |
| 23 | DAY CREEK STORE | 04448X | NE/NW | 29 | 35 | 6 | 0 |
| 24 | DEANES LAKE ERIE WATER SYSTEM | 026630 | SW/NE | 11 | 34 | 1 | 0 |

**Table 3-4 (Cont)**
**Skagit County Group B Systems**
**See Exhibit 3-2**

| | | | Location | | | | |
|---|---|---|---|---|---|---|---|
| No. | PWS-Name | PWS ID# | SUB | SEC | TWP | RANGE | Approved # of Residential Connections (or ERUs) |
| 25 | DRIFTWOOD SHORES WATER SYSTEM | 19960A | NW/SW | 2 | 35 | 1 | 0 |
| 26 | DUNTON H COMMUNITY WATER SUPPLY | 20472D | NW/SW | 12 | 34 | 1 | 0 |
| 27 | EAGLES NEST | 06603P | SW/SE | 35 | 34 | 2 | 26 |
| 28 | EAST NORTH BEACH COMM. WATER ASSN. | 21351A | SW/NW | 36 | 36 | 1 | 0 |
| 29 | ERWIN WATER SYSTEM | 013853 | NE/NE | 15 | 34 | 1 | 4 |
| 30 | FINNEY CREEK GIRL SCOUT CAMP | 251243 | NW/SE | 13 | 25 | 7 | 0 |
| 31 | FROSTY WATER ASSOCIATION | 87944Y | SW/NW | 16 | 33 | 4 | 8 |
| 32 | FUN-ON-THE FARM WATER SYSTEM | 003769 | NE/SE | 5 | 36 | 4 | 2 |
| 33 | GREEN CLIFFS ASSOCIATION, INC | 11491E | NE/NW | 15 | 34 | 1 | 5 |
| 34 | GUEMES SEAVIEW WATER SYSTEM | 02164V | SE/SE | 36 | 36 | 1 | 5 |
| 35 | GUEMES WATER ASSN (526-38) | 593761 | SE/NW | 2 | 35 | 1 | 10 |
| 36 | HATHWATER WELL | 03196Q | SE/SW | 18 | 36 | 5 | 3 |
| 37 | HIDDEN COVE WATER SYSTEM | 44401D | NE/NW | 16 | 35 | 8 | 0 |
| 38 | HILLSIDE MOTEL | 33248P | SE/SE | 18 | 33 | 4 | 0 |
| 39 | HINEGARDNER - VERNER WATER SYSTEM | 02452Y | SE/NE | 11 | 35 | 4 | 2 |
| 40 | HOPE ISLAND WATER ASSOCIATION | 34215E | NE/NE | 34 | 34 | 2 | 0 |
| 41 | HUMPHREY HILL WATER SYSTEM | 06021D | SW/SE | 29 | 36 | 4 | 6 |
| 42 | IDA ESTATES WATER SYSTEM | 013159 | SE/SE | 10 | 35 | 4 | 7 |
| 43 | KING GEORGE WATER SYSTEM | 00118H | SW/SE | 36 | 34 | 4 | 0 |
| 44 | KOVAC'S | 10747K | NE/NW | 6 | 35 | 4 | 0 |
| 45 | KWONESUM WATER SYSTEM | 61426C | SW/SW | 24 | 34 | 2 | 9 |
| 46 | LAKE CAMPBELL ADULT FAMILY HOME | 30977N | NE/SE | 12 | 34 | 1 | 0 |
| 47 | LAKE CAVANAUGH FIRE DISTRICT NO 7 | 024458 | NW/NW | 36 | 33 | 6 | 0 |



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**Table 3-4 (Cont)**

**Skagit County Group B Systems**

**See Exhibit 3-2**

| | | | Location | | | | |
|---|---|---|---|---|---|---|---|
| No. | PWS-Name | PWS ID# | SUB | SEC | TWP | RANGE | Approved # of Residential Connections (or ERUs) |
| 48 | LAKE CAVANAUGH MOUNTAIN MARKET | 437007 | NW/NW | 36 | 33 | 6 | 0 |
| 49 | LAKE MCMURRAY STORE | 00569U | NW/SE | 25 | 33 | 4 | 0 |
| 50 | LAKE TERRACE WATER ASSN | 00542P | SE/NE | 35 | 34 | 4 | 8 |
| 51 | LEROY ANDERSON | 02353B | NE/NE | 34 | 34 | 2 | 0 |
| 52 | LOWER CEDARDALE WATER CO | 48700J | SW/SW | 2 | 33 | 4 | 0 |
| 53 | LUNZ RESORT | 48929Y | NE/NW | 18 | 34 | 2 | 0 |
| 54 | MARBLE MOUNT SALMON HATCHERY | 79516T | SW/NW | 17 | 35 | 11 | 0 |
| 55 | MARBLEMOUNT COMMUNITY CLUB | 031303 | SE/SW | 1 | 35 | 11 | 0 |
| 56 | MATSON ROAD WATER SYSTEM | 04338J | NW/SE | 26 | 36 | 4 | 2 |
| 57 | MEMORY LANE WATER ASSOCIATION #2 | 05929M | NE/NE | 16 | 35 | 7 | 6 |
| 58 | MEMORY LANE WATER SYSTEM | 017210 | NE/NW | 16 | 35 | 7 | 6 |
| 59 | MORGAN MEATS INC | 27080K | SE/SW | 21 | 35 | 4 | 0 |
| 60 | MOUNTAIN VIEW SUBDIVISION | 03774Y | SW/NW | 26 | 34 | 4 | 14 |
| 61 | NORTH BEACH WATER ASSOCIATION | 007461 | SW/NE | 36 | 36 | 1 | 0 |
| 62 | NORTH BEACH WATER CO | 600006 | SE/SW | 25 | 36 | 2 | 0 |
| 63 | OCEAN ACRES INCORPORATED | 62846F | SW/NW | 11 | 35 | 1 | 0 |
| 64 | OCEAN VIEW PLACE | 64701V | NW/NW | 2 | 34 | 1 | 0 |
| 65 | PICHA WATER SYSTEM | 02166W | NE/NE | 27 | 35 | 3 | 2 |
| 66 | R. J. HIDEAWAY | 07245A | SW/SE | 12 | 35 | 10 | 0 |
| 67 | REEF POINT COMMUNITY WELL | 71694E | NW/NW | 27 | 34 | 2 | 0 |
| 68 | ROSARIO BEACH APARTMENTS | 00134Y | SE/NE | 22 | 34 | 1 | 0 |
| 69 | ROUTON WATER SYSTEM | 52931Q | SE/SE | 7 | 36 | 4 | 0 |
| 70 | SAMISH STATE SALMON HATCHERY | 75677Q | NW/NW | 32 | 36 | 4 | 0 |
| 71 | SAUK RIVER CHRISTIAN CAMP | 76452E | SE/SE | 18 | 33 | 10 | 0 |

**Table 3-4 (Cont)**

**Skagit County Group B Systems**

**See Exhibit 3-2**

| | | | Location | | | | |
|---|---|---|---|---|---|---|---|
| No. | PWS-Name | PWS ID# | SUB | SEC | TWP | RANGE | Approved # of Residential Connections (or ERUs) |
| 72 | SAUK STORE ROAD SYSTEM | 76453Y | NE/SW | 21 | 35 | 9 | 0 |
| 73 | SEAWAY HOLLOW ASSOCIATION | 77160B | SW/SW | 31 | 36 | 2 | 0 |
| 74 | SHELLY-RAMERMAN | 03188H | SW/SE | 15 | 34 | 1 | 4 |
| 75 | SJOBOEN WATER SYSTEM | 79447Y | NE/NE | 19 | 35 | 9 | 0 |
| 76 | SKAGIT CONSERVATION ASSOCIATION | 484762 | SE/NE | 11 | 33 | 4 | 0 |
| 77 | SKAGIT HOME PARK WATER SYSTEM | 795072 | NE/NE | 16 | 35 | 8 | 0 |
| 78 | SKAGIT VALLEY GRANGE #620 | 79527K | SE/NE | 22 | 35 | 4 | 0 |
| 79 | SKELTON, CLIFF WATER SYSTEM | 043669 | SE/SE | 16 | 34 | 2 | 0 |
| 80 | SPRING WATER WATER SYSTEM | 83360C | SW/NE | 13 | 35 | 7 | 0 |
| 81 | SUNNY SLOPE WATER SYSTEM | 853400 | SW/SW | 27 | 34 | 2 | 0 |
| 82 | SWANSON LANE WATER SYSTEM | 661017 | SW/SE | 31 | 33 | 4 | 0 |
| 83 | SWINOMISH SNEE-OOSH N. SATELLITE | IH017K | SE/SE | 16 | 34 | 2 | 8 |
| 84 | TAGGART QUARRY WATER SYSTEM | 06424F | NW/SE | 13 | 34 | 1 | 6 |
| 85 | THIBERT'S CRAB MARKET, INC. | 144334 | NE/SE | 4 | 34 | 2 | 0 |
| 86 | THOMAS CREEK | 53553U | SE/SE | 2 | 35 | 4 | 14 |
| 87 | TOTEM GIRL SCOUT COUNCIL CAMP | 88866E | NW/SE | 13 | 25 | 7 | 0 |
| 88 | TOTEM TRAIL CAFE | 88880V | SW/NE | 22 | 35 | 10 | 0 |
| 89 | WAGON WHEEL MOTEL | 92067K | SE/NE | 35 | 34 | 2 | 0 |
| 90 | WEST BEACH WATER ASSOCIATION | 02034Y | SW/NE | 2 | 35 | 1 | 0 |
| 91 | WILD FERN | 10969C | NE/SW | 21 | 35 | 9 | 0 |
| 92 | WILDWOOD LANE CORP | 96885B | SE/SW | 2 | 34 | 1 | 0 |
| 93 | WSP - BOW HILL PORT OF ENTRY #33 | 50678V | NW/NW | 7 | 35 | 4 | 0 |

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## Key to Exhibit 3-2

| PWS ID | PWS-NAME |
|---|---|
| 00033A | CONCORD LANE COMMUNITY ASSOCIATION |
| 00118H | KING GEORGE WATER SYSTEM |
| 00134Y | ROSARIO BEACH APARTMENTS |
| 003769 | FUN-ON-THE FARM WATER SYSTEM |
| 00382F | BONNIE ACRES WATER ASSOCIATION |
| 00439X | THOUSAND TRAILS - LA CONNER |
| 00542P | LAKE TERRACE WATER ASSN |
| 00569U | LAKE MCMURRAY STORE |
| 007461 | NORTH BEACH WATER ASSOCIATION |
| 00853V | STRELL'S WEST BEACH TRACTS |
| 00952F | AVALON LINKS GOLF CLUB |
| 011763 | BRIDGEWATER WATER SYSTEM |
| 012556 | CAMPBELL LAKE COMMUNITY WELL |
| 013159 | IDA ESTATES WATER SYSTEM |
| 01376B | BERRY S/P WATER ASSOCIATION |
| 013853 | ERWIN WATER SYSTEM |
| 01421L | EAGLE COUNTRY STORE |
| 01493E | COTTONTAIL WATER SYSTEM |
| 017210 | MEMORY LANE WATER SYSTEM |
| 02013X | AVERY LANE WATER SYSTEM |
| 02034Y | WEST BEACH WATER ASSOCIATION |
| 02154L | MADRONA COMMUNITY, INC |
| 02164V | GUEMES SEAVIEW WATER SYSTEM |
| 02166W | PICHA WATER SYSTEM |
| 022178 | EAGLE VALLEY WATER SYSTEM |
| 02353B | LEROY ANDERSON |
| 024458 | LAKE CAVANAUGH FIRE DISTRICT NO 7 |
| 02452Y | HINEGARDNER - VERNER WATER SYSTEM |
| 026630 | DEANES LAKE ERIE WATER SYSTEM |
| 02722K | CASCADIAN HOME FARM WATER SYSTEM |
| 031303 | MARBLEMOUNT COMMUNITY CLUB |
| 03188H | SHELLY-RAMERMAN |
| 03196Q | HATHWATER WELL |
| 03774Y | MOUNTAIN VIEW SUBDIVISION |
| 042222 | SHAKE MILL CAFE |
| 04338J | MATSON ROAD WATER SYSTEM |
| 043669 | SKELTON, CLIFF WATER SYSTEM |
| 04447D | DAY CREEK CHAPEL |
| 04448X | DAY CREEK STORE |
| 05929M | MEMORY LANE WATER ASSOCIATION #2 |
| 06021D | HUMPHREY HILL WATER SYSTEM |
| 06424F | TAGGART QUARRY WATER SYSTEM |
| 06428J | BAY VIEW HOME ASSOCIATION |

| PWS ID | PWS-NAME |
|---|---|
| 065022 | ANDERSON FEED & GRAIN |
| 06603P | EAGLES NEST |
| 066047 | LAKE MCMURRAY RECREATION RESORT |
| 067009 | BIG LAKE WATER ASSN. |
| 071456 | GRANDY CREEK GROCERY |
| 07245A | R. J. HIDEAWAY |
| 07264A | SKAGIT SPEEDWAYS, INC |
| 08915H | ROLF BRUUN WATER SYSTEM |
| 09535K | BURLINGTON KOA |
| 10747K | KOVAC'S |
| 10824M | CAMP BROTHERHOOD INC |
| 10969C | WILD FERN |
| 11491E | GREEN CLIFFS ASSOCIATION, INC |
| 12030X | CEDARDALE APARTMENTS |
| 12924W | DJ'S TEXACO |
| 12954N | CHUCKANUT MANOR RESTAURANT |
| 12971M | CHURCH OF GOD OF PROPHECY |
| 13344P | SKAGIT RIVER RESORT, LLC |
| 14069F | COLONY MOUNTAIN |
| 144334 | THIBERT'S CRAB MARKET, INC. |
| 16481H | ALBERTS SERVE U GROCERY |
| 16624R | BREAZEALE INTERPRETIVE CENTER |
| 170495 | SAUK MOUNTAIN ESTATES W.A. |
| 18161Q | ANDALS CUSTOM MEATS |
| 18201A | DALSEG, RALPH |
| 19960A | DRIFTWOOD SHORES WATER SYSTEM |
| 20472D | DUNTON H COMMUNITY WATER SUPPLY |
| 21351A | EAST NORTH BEACH COMM. WATER ASSN. |
| 23634V | BIG LAKE |
| 24794L | CASCADE MOUNTAIN INN |
| 251243 | FINNEY CREEK GIRL SCOUT CAMP |
| 25155C | FIRE MT SCOUT RESERVATION |
| 27080K | MORGAN MEATS INC |
| 289775 | CREEKSIDE CAMPING |
| 28980T | LEISURE TIME-GRANDY CREEK RESORTS |
| 30110F | GUEMES ISLAND RESORT INC |
| 30977N | LAKE CAMPBELL ADULT FAMILY HOME |
| 30984C | PRAIRIE ESTATES WATER SYSTEM |
| 32050H | HEADQUARTERS WATER ASSOC INC |
| 33248P | HILLSIDE MOTEL |
| 34215E | HOPE ISLAND WATER ASSOCIATION |
| 353988 | PIT STOP BAR & GRILL |
| 400278 | BIZ POINT WATER SYSTEM |

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**Key to Exhibit 3-2 (Cont)**

| PWS ID | PWS-NAME |
|---|---|
| 42382Q | BAKER LAKE SHELL & GROCERY |
| 437007 | LAKE CAVANAUGH MOUNTAIN MARKET |
| 43886H | LAKE ERIE TRAILER PARK |
| 44357N | MCHAVEN INC |
| 44401D | HIDDEN COVE WATER SYSTEM |
| 44970B | LAKE TYEE |
| 476726 | LOG HOUSE INN |
| 484762 | SKAGIT CONSERVATION ASSOCIATION |
| 48700J | LOWER CEDARDALE WATER CO |
| 48929Y | LUNZ RESORT |
| 50678V | WSP - BOW HILL PORT OF ENTRY #33 |
| 52931Q | ROUTON WATER SYSTEM |
| 53553U | THOMAS CREEK |
| 567853 | BUFFALO RUN RESTAURANT |
| 56951H | DOUBLE CREEK WATER ASSOCIATION |
| 593761 | GUEMES WATER ASSN (526-38) |
| 600006 | NORTH BEACH WATER CO |
| 61426C | KWONESUM WATER SYSTEM |
| 62846F | OCEAN ACRES INCORPORATED |
| 64327Y | BACUS ROAD #1 |
| 646429 | ALVERSON TRACT OWNERS ASSOC. |
| 64701V | OCEAN VIEW PLACE |
| 651859 | OYSTER BAR, THE |
| 65189B | OYSTER CREEK INN |
| 66025N | ALGER FOOD MART |
| 661017 | SWANSON LANE WATER SYSTEM |
| 69034L | POTLATCH BEACH WATER ASSOCIATION |
| 69036M | POTLATCH BEACH-DIVISION II |
| 69157T | PRAIRIE ACRES WATER SYSTEM |
| 69273C | PRESSENTIN CREEK WILDERNESS |
| 71694E | REEF POINT COMMUNITY WELL |
| 72773L | RIVER LANE COMMUNITY CLUB INC |
| 73420E | TAYLOR SHELLFISH FARMS |
| 736808 | GOOD FOOD DRIVE IN WATER SYSTEM |
| 745080 | BLANCHARD EDISON WATER ASSOCIATION |
| 75648F | SAMISH GRADE SCHOOL |
| 75650L | SAMISH ISLAND WATER CO |
| 756704 | SAMISH RIVER PARK, INC. |
| 75677Q | SAMISH STATE SALMON HATCHERY |
| 76452E | SAUK RIVER CHRISTIAN CAMP |
| 76453Y | SAUK STORE ROAD SYSTEM |
| 768500 | CROWN PACIFIC LTD |
| 77160B | SEAWAY HOLLOW ASSOCIATION |
| 77200X | SECRET HARBOR SCHOOL |
| 77846U | SHANGRI LA COMMUNITY CLUB |
| 780501 | TESARO REFINING CO |

| PWS ID | PWS-NAME |
|---|---|
| 78155Q | SHELTER BAY COMMUNITY INC |
| 79447Y | SJOBOEN WATER SYSTEM |
| 795072 | SKAGIT HOME PARK WATER SYSTEM |
| 79516T | MARBLE MOUNT SALMON HATCHERY |
| 79527K | SKAGIT VALLEY GRANGE #620 |
| 808009 | SNEE-OOSH LAND CO |
| 83360C | SPRING WATER WATER SYSTEM |
| 839750 | MILLER, HOWARD/STEELHEAD PARK |
| 853400 | SUNNY SLOPE WATER SYSTEM |
| 86205F | SUNSET WEST WATER ASSOC |
| 87650R | EUILON, INC |
| 87944Y | FROSTY WATER ASSOCIATION |
| 88123Y | THOUSAND TRAILS PHASE 2- MT VERNON |
| 88124F | THOUSAND TRAILS PHASE I- MT VERNON |
| 88398L | TIMBERLINE TRAVELERS PARK |
| 88866E | TOTEM GIRL SCOUT COUNCIL CAMP |
| 88880V | TOTEM TRAIL CAFE |
| 90993A | VALLEY VIEW ESTATES WATER ASSN |
| 92067K | WAGON WHEEL MOTEL |
| 924800 | WALLA WALLA COLLEGE MARINE STATION |
| 968753 | WILDERNESS VILLAGE TRAILER PARK |
| 96882T | WILDLIFE ACRES WATER ASSOCIATION |
| 96885B | WILDWOOD LANE CORP |
| 980587 | CAB IN THE WOODS, A |
| FS0269 | BAKER RIVER WORK CENTER |
| IH017K | SWINOMISH SNEE-OOSH N. SATELLITE |
| IH731W | SAUK-SUIATTLE COMMUNITY |
| NP6006 | MARBLEMOUNT RANGER STATION |
| SP2145 | DECEPTION PASS SP - ROSARIO BEACH |
| SP740H | ROCKPORT STATE PARK |

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# Section 4
# Minimum Design Standards

## 4.1 Introduction

This Section of the Coordinated Water System Plan (CWSP) provides a set of minimum design and performance specifications for new water utilities and for all existing utilities planning to install capital facilities for expansion purposes in the Skagit County Critical Water Supply Service Area (CWSSA). Municipalities are included in this definition with respect to service outside their corporate limits.

In Subsection 4.3, the application of these minimum design standards for water utility planning and construction is set forth. The design standards themselves are described in Subsection 4.5 *General Provisions*, identifying laws, regulations and standard specifications which are applicable unless otherwise superseded; and Subsection 4.6 *Specific Provisions*, detailing specific design standards adopted by the Water Utility Coordinating Committee (WUCC) of Skagit County (County).

The Public Water Systems Coordination Act and the procedures outlined in the CWSP apply uniformly to all public water supply systems in Skagit County as they relate to design standards in the unincorporated area, and other administrative procedures. These standards do not supersede any other legally constituted and applicable standards that are more stringent.

## 4.2 Purpose

The purpose of these standards is to set a base level of utility planning, design, and construction for public water utilities. This base level must provide for development at a level of service consistent with adopted land use plans and ordinances of the agencies with jurisdiction.

Subject to certain exceptions contained in the Public Water System Coordination Act, each utility, including municipalities, is to adopt design standards as a part of its water system plan (WSP). It is intended that a utility may adopt the minimum design standards described herein or may adopt higher standards, provided such standards are not inconsistent with applicable land use plans.

The design of facilities for the expansion of an existing system or establishment of a new system, including Group B systems, must be reviewed and approved by either the Skagit County Health Department (SCHD) or State Department of Health (DOH) before any construction begins. This review and approval will be based upon


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the minimum standards identified herein, unless the utility has adopted more stringent standards that are not inconsistent with applicable comprehensive plans.

Following completion of the CWSP, all expanding Group A Water Systems (see Table 3-1) must update their WSPs to be consistent with this CWSP. The documentation must include the documents listed below.

To conduct the system review process, DOH and SCHD require the documentation shown on Table 4-1 to be on file:

**Table 4-1**
**System Review Process Required Documentation**

| System Designation | Required Documentation on File With DOH |
|---|---|
| ***Group A Water Systems*** | ***(See Exhibit 1-1 and 3-1)*** |
| Large and Expanding Systems | DOH Operating Permit and Approved Water System Program including CIP/CFP |
| Non-Expanding Systems | DOH Operating Permit, Small Water Management Program, and CIP/CFP |
| ***Group B Water Systems*** | ***(See Exhibit 1-1 and Appendix E)*** |
| Existing Systems | Approval Status and Water Facilities Inventory |
| New Systems | Completed Group B Workbook and Satellite System Management Agreement (if applicable) |

## 4.3 Application of Standards - Priority and Ranking

These standards are set forth to ensure a sufficient quantity and quality of water is provided to ensure public health, and sufficient flow is available for public safety in areas of the County where fire protection is specified. Plans for expansion must be consistent with other County and water supplier adopted land use plans and WSPs, as generally outlined below.

The following list of policies and plans (Table 4-2) is intended to reflect the priority or ranking of authority. For example, the Skagit County County-wide Planning Policies establish the overall objective or policy. Number 4, or Water System Plans, must be consistent with, or help implement, the Planning Policies.

**Table 4-2**
**Policy and Plans Priority and Ranking**

| Planning Documents | Purpose |
|---|---|
| 1. Skagit County Countywide Planning Policies | Land use planning and policy |
| 2. Skagit County, City, and Town Comprehensive Plans | Land use planning and policy |
| 3. Skagit County Coordinated Water Supply Plan (CWSP) | County wide functional water supply plan |
| 4. Water System Plan (WSP) (or Completed Group B Workbook) | Individual water system plan |
| 5. Capital Improvement Plan (CIP) for 6, 10, and 20-Year Planning Horizon | Capital Facilities Plan (CFP)/Capital Improvement Plan (CIP) |
| 6. System Annual CFP/CIP (Update to #4) | Annual CFP/ Budget |
| 7. Modified CFP/CIP (Special Project Modification) | Modified CFP/Budget |

### 4.3.1 Definition of Expansion and In-Fill

For purposes of application of the design standards presented herein, "expansion of service" is defined as systems requiring upgrades to source of supply, storage, and/or the distribution system (including extension of mains) to provide new water service and meet health and fire flow demands. Additional service is considered "in-fill" when service can be met without upgrades to the existing source of supply, storage, and/or the distribution system. Repair of existing systems shall not be considered expansion.

### 4.3.2 Urban Growth Areas

The minimum design standards described herein shall apply to all Urban Growth Areas (UGAs). The water utility/purveyor may adopt design standards that at least meet or exceed those standards prescribed herein so long as not inconsistent with applicable comprehensive plans.

### 4.3.3 Non-Urban Growth Areas

Water systems in non-UGAs of the County are required to meet or exceed these minimum standards. System design criteria shall be based on land use plans for the area being served. The system must also meet the water system hydraulic requirements and DOH requirements.

### 4.3.4 Existing System Conformance with Minimum Standards

Existing water systems are not required to utilize these minimum standards for connection of new retail customers to existing mains (in-fill) or for repair/replacement of facilities so long as no expansion of service area is


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involved. However, when in-fill development is such that demand exceeds the water system's ability to meet quantity, quality, and pressure requirements, the necessary upgrades to the system shall meet these minimum standards. When existing facilities must be repaired or replaced to serve an expanded service area, all new construction shall meet these minimum standards.

### 4.3.5 Interpretation of Standards

Where two sets of standards may apply, the most stringent standard shall prevail, provided standards are not inconsistent with applicable comprehensive plans. In the event that a lesser or alternative standard is proposed by local fire officials, water system, or local government, the alternative interpretation of the minimum standards shall be in writing and limited to items for which the agency has legal jurisdiction (i.e., interpretation of fire flow). In the event that an alternative interpretation of the minimum standards is applied, the liability for the variance lies with the approving agency.

### 4.3.6 Indian Tribes

As noted in Section 2, there is a legal question as to whether the State laws governing the CWSP process apply to non-Indian owned fee lands within Indian reservations and activities thereon. Therefore, the standards contained herein are recommended for all systems, but they might not be binding upon public water systems serving reservation fee lands or trust lands within the reservation.

As is the case regarding existing non-expanding water systems, Tribes are encouraged to adopt the standards contained herein or develop more stringent standards. Such action will enhance the goal of achieving consistency and uniformity in system design and construction throughout the CWSSA.

### 4.3.7 Water System Plans and Applicable Land Use Plans

New and expanding utilities shall meet water system planning requirements using land use designations as prescribed by the government with land use authority and/or jurisdiction. Such designations shall be identified in the utility's WSP, and shall be used to establish design requirements. The sequence outlined in Section 4.2 should be followed.

The utility shall prepare a WSP and a program of capital improvements required to provide the anticipated level of service within their designated water service area, consistent with the land use plan. When the utility is

requested to provide water service, it will identify that portion of planned capital facilities as well as other installations necessary to provide the service requested consistent with applicable land use plans and development ordinances. In such cases, the utility and developer may reach an agreement to provide the desired service through a schedule of improvements, which is specified by a legally binding contract.

A phased development plan shall be developed as provided in Subsection 4.3.8. The plan shall be consistent with applicable County and city ordinances and codes in effect for the utility and future capital requirements needed for the development at its maximum potential densities as designated by the applicable general purpose government. A phased development plan shall depict the capital facilities for phased construction and their conformance with these standards.

Once a water utility's plan is approved, the utility should coordinate with its land use planning agency with jurisdiction regarding any proposed land use changes which impact the required level of water service. The water service related cost of said impacts, as determined by the utility, should be fully considered by the planning agency in acting on the proposed land use change.

### 4.3.8 Phased Development

If water service is requested of a utility in an area where only limited service is currently provided, the cost of installing all facilities at once in order to meet the desired level of service may be prohibitive. In this case, the utility and developer may reach an agreement to provide the desired service through a schedule of improvements over a reasonable period of time consistent with applicable land use plans and development ordinances. This phased development plan must be approved by the County and the purveyor for service in unincorporated areas, the city agency with jurisdiction within corporate limits, the County and the city agency with jurisdiction within UGAs, and must be consistent with the approved water comprehensive plan of the utility. A phased development plan must meet the requirements of County-wide Regional Policy 12.5 as implemented in comprehensive plans and development regulations.

A phased development plan shall be applicable when the following conditions are met:

(1) The written agreement between the utility and developer setting forth the phased development plan is submitted and approved prior to issuing a development permit (subdivision, plat, short plat, etc.). The plan must identify the water service level to be initially provided, projected growth expected in the new service area, additional capital

facilities required, a schedule of construction, and eventual level of service to be provided. The phased construction schedule must provide for compliance with design standards in a reasonable period of time and consistent with applicable land use plans and development ordinances.

(2) If the proposed new service is within the utility's designated service area, the utility shall have an approved comprehensive plan. If the new service is proposed outside of a designated service area, or if it is to be developed by a Satellite Management Agency (SMA), the utility or SMA shall submit an amendment to its comprehensive plan which addresses the needs of the new service area.

(3) All water mains and other permanent facilities installed during the phased development period shall be in accordance with the eventual system design identified in the utility's plan.

If land use changes occur, or if growth does not occur as anticipated, the utility may submit a revised plan, which identifies the reasons for relief from the original plan and a fixed date for compliance to be achieved.

## 4.4 Standards Incorporated By Reference

The existing standards listed below, or as may be modified by the appropriate authorities, are hereby incorporated by reference. Priority for application of these standards is in the order listed, but the most stringent applies. These standards will apply to water system design, installation, modification, and operation.

- ❑ Rules and Regulations of the State Board of Health Regarding Public Water Systems.
- ❑ Applicable State, County, or city rules, regulations, ordinances, and standards.
- ❑ Standards of the American Water Works Association (AWWA).
- ❑ Recommended Standards for Water Works (aka Ten States Standards)
- ❑ Standard Specifications for Road, Bridge, and Municipal Construction, as published by the Washington State Department of Transportation/ American Public Works Association (DOT/APWA), latest edition.

## 4.5 General Provisions

### 4.5.1 Source Development

New and previously unapproved sources must be designed to meet the Departments of Ecology (Ecology) and DOH regulations and design guidelines. These include Chapter 173-160 WAC, "Minimum Standards for Construction and Maintenance of Water Wells," as administered by Ecology, and Chapter 246-290 and 246-291 WAC, "Drinking Water Regulations of the State Board of Health," as administered by DOH.

All test and production wells must be drilled in accordance with detailed drilling and testing specifications, which have either been prepared by, or received prior approval, of the utility.

### 4.5.2 Water Rights

Water rights must be obtained in accordance with Ecology regulations and procedures. Copies of water rights documents, correspondence, and other records are to be maintained on file with the purveyor.

### 4.5.3 Water Quality

Water quality must be proven to conform with the federal Safe Drinking Water Act (as amended), DOH criteria specified in Chapter 246-290 and 246-291 WAC, and/or any additional requirements more stringently applied by the local health department. Each utility may reserve the right to reject any source whose raw water quality does not meet these criteria.

### 4.5.4 General Construction Standards

Selection of materials and construction of water system facilities in the Skagit County CWSSA shall conform to the provisions of Subsection 4, with the additional provisions:

(1) All owners/operators of water systems which have lines in County roads rights-of-way must comply with franchise requirements outlined in ordinances passed by the Board of County Commissioners authorizing such use of the road and rights-of-way.

(2) Construction within incorporated areas remains subject to municipal permitting requirements.

(3) All projects requiring design by a registered professional engineer shall be inspected by the utility or its designated representative before closure of any excavation.

### 4.5.5 Hydrostatic Pressure Test

A hydrostatic pressure leakage test will be conducted on all newly constructed water mains, fire lines, fire hydrant leads and stubouts in accordance with DOT/APWA Section 7-11.3(11) or AWWA C-600 specifications, unless specified otherwise by the designated utility.

### 4.5.6 Disinfection and Bacteriological Testing

All pipe, reservoirs, and appurtenances shall be flushed and disinfected in accordance with the standards of DOH, AWWA C651-86 and C652-86, or DOT/APWA Section 7-11.3(12), unless specified otherwise by the designated utility.

### 4.5.7 Utility Interties

Planning for specific locations, size, and alignment of major water lines should consider emergency interties with adjacent water utilities.

### 4.5.8 Flow Measurement

All Group A service lines shall be installed so that each residential, commercial, and industrial structure will have a separate metered service for domestic water received from the utility. If approved by the designated utility, domestic water consumption may be measured by a master meter for service to a complex, under single ownership, and where water utility line subdivision is impractical. Service lines providing fire flow may be required by the utility to be equipped with a fire detection check valve and/or appropriate cross-connection control devices as required by WAC 246-290-490.

All new groundwater sources for public water supplies shall be provided with an access port for measurement of depth to water, and measuring devices for determining flow rate and total production. Installation of these devices is also recommended for existing groundwater sources. All new sources for which water treatment is included shall be provided with flow measurement.

### 4.5.9 Cross Connection Control

Where the possibility of contamination of the supply exists, water services shall be equipped with appropriate cross connection control devices in accordance with Chapter 246-291 (Group B) or 246-290 (Group A) WAC. The designated utility and/or the County cross-connection control program shall determine the need, size, kind, and location of the device.

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## 4.6 Specific Provisions

### 4.6.1 Pressure Requirement

Water systems shall be designed to maintain a minimum residual pressure of 30 psi at the meter, or property line if there is no meter, under maximum demand flow conditions, excluding fire demand. For water systems requiring fire flow capability, the distribution system shall be designed to provide the required fire flow at a pressure of at least 20-psi at the hydrant during maximum instantaneous demand (MID) conditions (WAC 246-290).

### 4.6.2 Pipe Sizing and Materials

The minimum pipe diameter for distribution mains shall be 8 inches within UGAs. Minimum main size in non-UGAs will be determined by system hydraulic requirements. Land use activities generally included in these two categories are listed below in Subsection 4.6.12, Fire Flow Requirements. Exceptions to the minimum diameter requirement for sub-areas of the system may be granted by DOH under the following conditions:

(1) Fire flow is not required under current land use, the potential for reclassification of land use to a higher density in the foreseeable future is not anticipated or is remote, and a smaller diameter pipe for sub-areas of the system is justified by hydraulic analysis; or,

(2) A remote system serving four lots or less is to be developed within a designated service area and the designated utility has entered into a water service agreement with the developer which includes provisions for eventual direct connection of the development. Fire protection requirements, if any, must be met during the interim.

Water main size shall be adequate to deliver fire flow and to maintain the pressure requirement defined above. All water mains shall meet applicable engineering and health standards adopted by the State of Washington or the water purveyor, including Chapters 246-290 and 246-293 WAC.

Water mains serving fire hydrants, either as part of new construction or planned phased improvements, shall be not less than 8 inches diameter for a deadend line, nor less than 6 inches diameter if looped. Hydrant leads extending less than 50 feet or across a street shall be of a suitable size to carry the required fire flow, but shall not be less than 6 inches diameter. In a deadend cul-de-sac, normal domestic mains less than 6 inches diameter may be installed from the last hydrant to remaining residences.



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All pipe material shall be equal to or greater than AWWA standard specifications unless previously approved by the DOH. All pipe material for new water systems shall be constructed with "lead-free" materials. The lead content for joint compound materials (solder and flux) used for pipe installation shall be less than 0.2 percent in order to be considered "lead-free." The lead content for all installed pipes shall be such that it does not contribute more than 0.011 mg/L to the water.

### 4.6.3 Isolation Valving

Valving shall be installed in a configuration that permits isolation of lines. A valve is not required for short block lines of less than 100 feet. Valves should be installed at intersections with maximum spacing at 500 feet in commercial, industrial, and multi-family districts, 800 feet in residential districts, and 1/4 mile in arterial mains.

### 4.6.4 Air and Air-Vacuum Relief Valves

In order to minimize problems associated with air entrainment, the purveyor shall provide for installation of air or combined air-vacuum relief valves at appropriate points of high elevation in the system. In no case shall the installation be such that there is a possibility of back-siphonage into the distribution system.

### 4.6.5 Blow-off Valves

A blow-off assembly shall be installed on all deadend runs of 200 feet or more, and at designated points of low elevation within the distribution system. The blow-off assembly shall be installed in the utility right-of-way except where an access and construction easement is provided for in writing by the water utility. In no case shall the installation be such that there is a possibility of back-siphonage into the distribution system.

### 4.6.6 Pressure Reducing Stations

A manifold system shall be installed at pressure reducing stations that provides for a redundant pressure reducing valve, a bypass valve, or other suitable device which assures reliability and continuity of service.

### 4.6.7 Storage

The sizing of permanent storage facility requirements are based upon five components:

(1) Working Storage, which is the increment of storage contained in the reservoir between the pump on and pump off operating elevations;

(2) Equalizing Storage, required to supplement production from water sources during high demand periods;

(3) Standby Storage, required as backup supply in case the largest source is out of service; and,

(4) Fire Storage, required in order to deliver the level of fire flow service identified in the utility's approved plan (see "Fire Flow Requirements" below) for the required duration.

(5) Dead storage, which is the increment of storage at the bottom of the tank to account for pump protection, silt stops, and meeting minimum pressure requirements.

As a minimum, sizing of storage facilities shall be adequate to provide for equalizing, working, and dead storage plus the larger of standby or fire storage requirements. Equalizing, operating, dead and standby storage volumes shall be determined using "Sizing Guidelines for Public Water Supplies," DOH. Fire storage volumes shall be determined using the fire flow and duration as provided in levels of service requirements of Skagit County or municipal ordinance and the utility's approved plan. Sites providing gravity flow should be considered when siting storage facilities.

### 4.6.8 General Facility Placement

Below-ground facilities shall be located in accordance with applicable municipal or County ordinance. Where no ordinance applies, water mains shall be installed at a location that is compatible with the existing water system, the terrain, and the location of other utilities. In new subdivisions, wherever practical, water mains should be installed parallel to the centerline on the north or east sides of the street.

In addition, all piping, pumping, source, storage, and other facilities shall be located on public rights-of-way or dedicated utility easements. Utility easements must be a minimum of 15 feet in width, and piping shall be installed no closer than 5 feet from the easement's edge. Exceptions to this minimum easement may be approved by the operating water utility. Unrestricted access shall be provided to all public water system lines and their appurtenances, and public fire hydrants that are maintained by public agencies or utilities.

### 4.6.9 Pipe Cover

The depth of trenching, installation of pipes, and backfill shall be such as to provide a minimum cover of 30 inches over the top of the pipe for transmission and distribution lines and 24 inches for service piping. Back-filling up to 12 inches over the top of the pipe shall be evenly and carefully

placed. The remaining depth of trench is to be filled in accordance with applicable construction standards identified in General Provision. Materials capable of damaging the pipe or its coating shall be removed from the backfill material.

### 4.6.10 Water, Sewer Line, and Stormwater Separation Distances

Whenever possible, transmission and distribution water piping shall be separated at least 10 feet horizontally from on-site waste disposal piping, drainfields, and/or wastewater gravity or force mains. The bottom of the water main shall be 18 inches above the top of the sewer. Where local conditions prevent such horizontal and/or vertical separation, closer spacing is permissible where design and construction meet the special requirements of Ecology criteria for Sewage Works Design. Where applicable, consideration should also be given to stormwater piping and the appropriate design criteria applied.

### 4.6.11 Fire Hydrants

#### *Standard Conditions*

All fire hydrants shall comply with standards issued by the Fire Marshal with jurisdiction. Hydrants shall be the dry-barrel type with two hose outlets with inside diameters of 2-1/2 inches and one large pumper outlet with an inside diameter of 4 inches. Small ports shall have national standards threads measuring 3.0625 inches outside diameter at 7-1/2 threads per inch. Pumper ports shall be No. 3 Pacific Coast threads measuring 4.828 inches outside diameter at 6 threads per inch. The operating nut shall be 1-1/4 inch pentagon. When fire protection facilities are to be installed by the developer, the work shall include access roads, serviceable prior to and during the time of construction.

Local fire authorities may require that a 5-inch Stortz fitting be added to the pumper port of new hydrants. Mutual aid response shall be analyzed to insure compatibility. The Fire Marshal is to be informed in writing when such standards are required.

Hydrants shall be set plumb to finished grade with the pumper port facing the street. The lowest outlet should be no less than 16 inches above grade level and with no less than 36 inches of clear area around the hydrant for clearance. View of hydrants shall not be obstructed by any structure or vegetation within a distance of 50 feet in the direction of vehicular approach.

Hydrants located in areas subject to heavy vehicular traffic (other than roadways), such as parking lots or driveways, shall be protected against

damage from collision. The color of all public hydrants shall be determined by the local fire authority in consultation with the water utilities. Location markers for flush hydrants shall carry the same color designation as determined above.

It shall be the installer's responsibility to notify the fire department in writing when a hydrant is available for use. Upon approval of the local fire protection authority and water utility, hydrants shall become the property of the water utility. The location of all valves, fire hydrants, and hydrant designed flow capacity shall be properly and accurately marked on identifiable plans or drawings, one copy of which shall be furnished to the Fire Marshal at the time of inspection.

All fire alarm systems, fire hydrant systems, fire extinguishing systems (including automatic sprinklers), wet and dry standpipes, basement inlet pipes, and other fire protection systems and appurtenances shall meet the approval of the local fire protection authority as to installation and location and shall be subject to periodic tests. Plans and specifications shall be submitted to the local fire protection authority for review and approval prior to construction.

### *Low Flow/Non-Standard Hydrants (Existing Systems)*

It is recognized that some water systems have installed fire hydrants which do not provide fire flow that meets standards. Fire protection connection to these systems can result in negative pressures and possible cross contamination of the system.

Existing water systems, with installed hydrants having a capacity which is below minimum standards, must identify such hydrants by a color coding system to be determined by the Skagit County Fire Chiefs Association.

### *Maintenance and Testing Responsibilities*

During the preparation of the 1993 CWSP, discussions regarding standards for fire hydrants and fire flow involved the WUCC, County Fire Marshal, city and district fire chiefs, attorneys, and the Consultant. One result of these discussions was identification of the need for a maintenance and testing agreement between the fire authorities and the water utilities. Therefore, a model agreement was developed for that purpose. A model agreement is included as Appendix F. The agreement clearly delineates basic responsibilities and should be executed by each utility providing fire flows and the appropriate fire official. Responsibility for individual items should be changed by mutual and written agreement between the utility and fire protection agency.

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### 4.6.12 Fire Flow Requirements

Water supply facilities for expanding public water systems shall be designed to meet the fire flow objectives set forth below, or additional requirements scheduled by the Fire Marshal with jurisdiction. Fire protection for new structures must meet the requirements identified by the Fire Marshal with jurisdiction. Utilities shall develop their capital improvement program for meeting these objectives in consultation with the appropriate local fire authorities. It is the intent that said program may be scheduled to be phased-in over a specific period considered to be reasonable for the individual circumstances and consistent with applicable land use plans and development ordinances. The program shall be described in the utility's WSP and be subject to DOH approval.

In applying the minimum fire flow standards described in Table 4-3 on the following page, the Uniform Fire Code will take precedence over specified building structure requirements, when site-specific interpretation is required. Also, common standards should be developed for application within County and city designated urban growth management areas. These common standards must equal or exceed the standards described herein.

## 4.7 Severability

If any provision of these standards or their application is found to be invalid, the remainder of the standards and their implementation are not affected.



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**Table 4-3**
**Minimum Fire Flow Design Standards For New And Expanding Water Systems[1]**

| Land Use Designations Or Densities | Minimum Fire Flow (Gallons Per Minute) | Minimum Duration (Minutes) | Maximum Hydrant Spacing (Feet) |
|---|---|---|---|
| ***Urban Growth Areas*** [2] | | | |
| Industrial | 1500[4] | 60 | [3] |
| Commercial | 1500 [4] | 60 | [3] |
| Multi-Family Residential | 1500 [4] | 60 | 500 |
| Single-Family & Duplex Residential | 1000 | 60 | 500 |
| ***Non-Urban Growth Areas*** | | | |
| Commercial / Industrial | 1500 [4] | 60 [4] | [4] |
| 1 Dwelling Unit Per Lot Less Than 2.5 Acres | 500 [5] | 30 [5] | 900 [5] |
| 1 Dwelling Unit Per Lot 2.5 Acres Or Larger | NONE [5] | NONE [5] | NONE [5], [6] |
| Natural Resource Lands | NONE [5] | NONE [5] | [5], [6] |

(1) The design standards may be amended to reflect changes to Comprehensive Plan land use designations and/or their densities. Proposed amendments will be presented to the Skagit County CWSP WUCC for approval.

(2) These criteria establish a minimum water system design standard. Each water system in an urban growth area must comply with the standards of the local government with jurisdiction. When there are different or conflicting standards, the most stringent standard shall apply. Prior to the issuance of a development permit, the approving authority shall establish fire flow, duration and hydrant spacing requirements.

(3) As determined by the appropriate fire official.

(4) Fire flow for individual buildings or groups of buildings is to be determined by the Skagit County Fire Marshal per Uniform Fire Code Appendix IIIA and the Skagit County Fire Marshal policy on fire flow. The application of lesser or alternative standards shall be in accordance with Section 4.3.5 (Interpretation of Standards).

(5) Fire flow will be required for a Conservation and Reserve Development (CaRD) land division as follows.

| CaRD Characteristics | Fire Flow Requirement |
|---|---|
| 5 or more lots | Option 1: Fire flow of 500 gpm for 30 minutes with hydrant spacing of 900 ft. or,<br>Option 2: Fire Marshal approved fire prevention water system that provides adequate pressure and flow to support NFPA 13D sprinkler systems is required for all residential dwellings. In addition, if the property is located in an Industrial Forest, Secondary Forest, or Rural Resource designated land the fire protection requirements as listed in Skagit County Code 14.16.850 (6)(b)(iii)(b-e) also apply. |
| 4 or fewer lots | None required, unless the property is located in an Industrial Forest, Secondary Forest, or Rural Resource designated land. If the property is located in such designated land the fire protection requirements as listed in Skagit County Code 14.16.850 (6)(b)(iii)(b-e) apply. However, NFPA 13D sprinklers are only applicable to residential dwellings. |

As of the effective date of the CWSP, where in-fill development or extension of an existing water system occurs to serve an existing platted lot, the Skagit County Fire Marshal may limit the requirement for fire flow or fire suppression in accordance with Table 4-1 to the newly developed lot only. Group B public systems may choose to separate the fire flow from water flow. Separate tank and hydrant(s) location is subject to Skagit County Fire Marshal approval.

(6) Hydrants shall be installed when water lines are installed or replaced and are capable of supplying a tanker truck with a minimum of 500 gallons per minute at a minimum residual pressure of 20 psi. Tanker truck filling hydrants are to be located at major roadway intersections and along roads at a spacing not to exceed one mile to assist in fire protection.



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# Section 5
# Utility Service Review Procedure

## 5.1 Introduction

This Coordinated Water System Plan (CWSP) establishes a set of administrative procedures, water resource policies, and growth objectives for Skagit County (County) water purveyors. The procedures are to guide local officials, citizens, developers, and State and federal regulatory agencies in identifying the necessary facilities for providing an adequate water service.

Provisions of the Public Water System Coordination Act require that no new public water system be established within the Skagit County Critical Water Supply Service Area (CWSSA) unless it is determined that existing purveyors are unable to provide the service, in the manner defined in Section 3.1. Section 4.3 outlines the sequence of steps designed to ensure that the Skagit County County-wide Planning Policies, including the appropriate level of rural or urban water service, is available when development or building occurs. This CWSP is designed to identify the standards and the utility responsible for providing the service.

Therefore, the local government building permit process is the step where local governments should apply a regulatory or control point to ensure that the CWSP and the Skagit County County-wide Planning Policies are consistent. This legislation, in itself, does not preclude the use of wells that meet the County siting criteria as set forth in Chapter 12.48 Skagit County Code (SCC).

This section of the CWSP presents the administrative procedures for reviewing development proposals and associated requests for water service in the unincorporated portion of Skagit County. This review process is for the purpose of identifying existing purveyors who are willing and able to extend this new water service, and to document availability of water supply.

A general philosophy of the CWSP is that water utility service does not dictate growth patterns. On the contrary, land use policies should establish growth trends within the water utility service areas to permit the water utility management program to be responsive to, and provide service commensurate with applicable adopted land use policies.

Water system plans (WSPs) must address the water system facilities required to accommodate growth. This growth is projected to occur within each utility's service area, based on the State Environmental Policy Act (SEPA), the Growth Management Act (GMA), the County-wide Planning Policies for Skagit County, and County and city land-use plans. Capital improvements are planned and

constructed to conform with the anticipated service requirements associated with those plans.

In addition, if an applicant for water service is proposing a land use change, such a change could incur a significant financial burden on the provider of water service. Because water utilities must, of necessity, develop their systems to conform with applicable land use plans, any major change in land use may require substantial system improvements to serve the proposed development. Therefore, additional review procedures will apply to applications which propose a land use change.

## 5.2 Activities Within City Boundaries

Water service requests within established city limits are not subject to the Utility Service Review Procedure (USRP). Applicants for such water service must contact the city directly. In those cities served by the Public Utility District No. 1 of Skagit County (PUD) (currently Mount Vernon, Burlington, and Sedro Woolley), the request for water service will be referred to the PUD by the appropriate city administrator.

## 5.3 Activities Within Indian Reservations

As is noted in Section 2, there is legal question as to whether the State laws governing the CWSP process apply to non-Indian owned fee lands within a "Reservation" and activities thereon. It is the position of at least the Swinomish Indian Tribal Community that Tribal Utility Law applies to all lands within the exterior boundaries of its Reservation.

One result of this CWSP is that the areas within the three Indian Reservations are determined to be the exclusive future service areas of the Tribal water systems. However, in the instance of the Swinomish Indian Reservation, a number of existing systems are situated within the exterior boundaries. As set forth in Section 3 (Water Utility Service Areas), the current service areas of existing systems are preserved as their geographical area of responsibility and operation. This condition applies even though, as result of the CWSP, a non-expanding system may be located entirely within the boundaries of a larger system (e.g., a Tribal system).

Since the Swinomish Tribal water system is confirmed in this CWSP as having responsibility for the entire Swinomish Indian Reservation, the following utility service review procedures will apply:

- ❑ New water service within existing systems on the Reservation will be approved only for "in-fill" development consistent with current County, Department of Health (DOH), or Swinomish Tribal Planning Department (STPD) system approval, as applicable.

- The County will coordinate review of all "in-fill" water service requests with the STPD. The spirit of this coordination will be to seek to assure that new development is consistent with County and Tribal land use policies.

- Requests for water service for new developments or expansion of existing non-Tribal systems will be referred to the STPD. If service cannot be provided consistent with CWSP and Tribal policies, by extension of the Tribal system, or by a new remote Tribal system, the conditions of the Satellite Management Agency (SMA) program (see Section 6) will apply.

- The appeal procedure provided for herein will apply to water service issues related to non-Indian lands.

## 5.4 Utility Service Review Procedure

The USRP identifies the utility in whose designated service area a proposed development lies. It then describes, in order of priority, the available water service options.

Within the USRP process, reference to "service area(s)" means the specific geographical area described in the written agreement required by RCW 90.116.070(1) and WAC 246-293-250(1). The service area boundaries are identified by map in Section 3 of this CWSP and on file with Skagit County Planning and Permit Center (SCPPC) and/or Skagit County Health Department (SCHD). The boundary will include the area within which direct/retail service connection to customers is currently available (existing service area) and the area for which water service is planned (future service area) by the designated utility.

The USRP applies to all development proposals requiring approval by SCPPC. These include building permits and their related prior land use approvals for which either connection to, or a determination of, adequate and potable water is required. Included are related land use approvals that could affect future building permits such as: special use permits, variances, "quasi-judicial" property rezones, shoreline substantial development/conditional use permits, and boundary line adjustments.

At the time an application is submitted for permits or approvals involving water supply, or upon request, the SCPPC will initiate and administer the review procedure. A flow chart of steps to be followed in the USRP is provided as Exhibit 5-1.

The USRP procedures are intended to identify an existing water purveyor willing and able to provide water supply facilities and to include the new development within its service area. Such a determination is subject to the new development complying with the SEPA, GMA, the County-wide Planning Policies for Skagit

County, and County and city land-use plans. In effect, the result of the USRP is to assign the proposed new development or land use to the service area of a designated water utility. In the event that a designated utility is unable or unwilling to provide service, the referral process referenced in subsequent paragraphs is to be followed. The service identified through this process must be consistent with the SEPA, the GMA, the County-wide Planning Policies for Skagit County, and County and city land-use plans as described in Section 3.1.

Pursuant to State law, water service requests occurring within a contested service area or the service area of a utility that has not completed either its individual WSP or its service area agreement may be denied until these issues are resolved. If the affected utilities are unable or unwilling to resolve their service area conflicts, the local legislative authority may attempt to resolve the conflict through procedures established under RCW 70.116.060(5). If the local legislative authority chooses not to act, DOH shall render a determination following appropriate due process.

### 5.4.1 Review Process for Development Proposals or Water Service Requests in Conformance with Applicable Land Use Plans

When development and associated water service applications conform with land use plans and zoning ordinances, the USRP will generally follow the sequential steps outlined in Exhibit 5-1. This procedure is described by the following:

#### *Responsible Agency*

The SCPPC will coordinate review of all development proposals within the unincorporated area of the County. Through this coordination, the SCPPC will be responsible for ensuring the proposal is in conformance with the applicable comprehensive land use plans, zoning code, and utilities' comprehensive water system plans. Upon determination of appropriate land use designation, the SCPPC will review building permit requests for conformance with fire flow requirements adopted in this CWSP.

#### *Individual Residential Developments*

The review of proposals for development and use of an individual water supply will be coordinated by the SCPPC in the following manner.

If the proposed development is outside the designated service areas of existing purveyors, the applicant will be required to provide suitable evidence of the availability of an adequate water supply in accordance with SCC 12.48.

Where the proposed development is within the designated service area of an existing utility, the applicant will be notified of that utility. The intent of this referral is to bring the applicant and utility together for a discussion and

examination of the alternative of connecting to the existing public system, provided that the proposed development conforms to the SEPA, the GMA, the County-wide Planning Policies for Skagit County, and County and city land-use plans. Should the utility not be willing or able to provide timely service or the applicant considers the conditions of service to be unreasonable, an individual water system may be developed upon showing of an adequate water supply consistent with SCC 12.48. If agreement is reached, appropriate documentation of the availability of an adequate water supply must be included in the application for building permit as provided in SCC 12.48.

### *Public Supplies*

Where three or more service connections are proposed, the applicant must coordinate the supply needs with an existing utility, as assigned. The SCHD will review the proposed water service request and refer the applicant to a designated utility, adjacent utilities, the PUD, or allow the creation of a new utility, as outlined in the steps below.

***Proposed Development Within Designated Service Areas.*** The applicant will be referred to the designated utility. In response to a request for water service, the utility will give notice of its intent to exercise one of the following options, in order of priority:

- ❑ The designated utility provides service to extended or expanded mains provided by the developer or utility as agreed upon by the parties.

- ❑ The previous SMA approved designated utility approves design of a detached, remote system and upon construction in accordance with said design, owns and operates the system. Design of the system shall be in accordance with the standards and specifications of the designated utility. A contract establishes financial obligations for maintenance, operation, and management until the two systems are connected; or

- ❑ The previous SMA approved designated utility approves design of a detached, remote system and enters into an agreement specifying the operational requirements and financial obligations of the originators of the remote system. The remote system may be operated on a daily basis by an adjacent utility, or a developer/homeowners association under the direction and guidelines of the designated utility. The designated utility retains contractual responsibility for monitoring the water system operation and for water quality. Where the remote system consists of four or fewer connections and requires no fire flow, the designated utility may allow facilities which meet DOH standards

but are less stringent than the CWSP minimum design standards. It is anticipated that these more lenient standards will be utilized primarily when the small system will be absorbed and served by larger facilities planned for future installation by the designated utility; or

- ❑ The designated utility denies the provision of service for reasons other than failure to conform to the requirements of SEPA, GMA, the County-wide Planning Policies for Skagit County, and County and city land-use plans. Thus, the utility relinquishes that portion of its service area pursuant to the service area adjustment provision of Section 3 and service options are further determined through the procedures described below.

***Proposed Development in Relinquished Service Areas or Un-Designated Areas.*** If a designated utility is unwilling or unable to provide service for reasons other than compliance with the SEPA, the GMA, the County-wide Planning Policies for Skagit County, and County and city land use plans or if the development is in an undesignated area, the following will occur:

- ❑ The SCPPC and/or SCHD identifies adjacent purveyors with an approved WSP that provides for expansion and gives them the first option to serve the new development. An existing system shall be considered "adjacent" to the proposed development if service can be provided with a service line extension not to exceed one-half mile in length. If responsibility is accepted, service area boundaries are changed; or

- ❑ If an existing purveyor is unwilling to assume ownership and/or system operational responsibility, the SCPPC and/or SCHD will refer the developer to the PUD for development of a remote/satellite system under ownership and/or management of the PUD.

***Review of Contested Issues.*** Each of the referral steps described above may result in an offer of water service by an existing purveyor under conditions deemed to be unacceptable by the developer. For resolution of such issues, not involving compliance with SEPA, GMA, the County-wide Planning Policies for Skagit County, or County and city land use plans, an appeal process has been established and is described below in Sub-Section 5.5

Within the referral process, authority for creation of a new water system will be granted only in the non-designated area of the County and as a result of the denial of water service by the PUD for economic reasons or the imposition of conditions of service by the PUD that are unacceptable to the developer. The determination that a new system may be created within unincorporated

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areas of the County will be by the Skagit County Hearing Examiner and the Skagit Board of County Commissioners. When such issues are associated with development activities within incorporated areas, their resolution will be through the procedures established by the responsible city or town.

***Project Review***

The proposed project must be reviewed with the assigned utility to identify the engineering, design standards, financial, managerial, and other requirements of service. Fire flow requirements consistent with the CWSP design standards (Section 4) will be determined for the proposed project by the appropriate Fire Marshal. Review by the assigned utility will ensure that the applicant and purveyor have discussed the requirements of both parties.

The utility will provide to the applicant either a satisfactory Public Water System Evaluation or a service connection fee receipt as per SCC 12.48.

***Written Contract***

After the preliminary plat and applicable land use permits are approved, a written contract should be developed and executed between the utility and applicant to formalize the conditions of service responsibilities. Prior to County approval of final plats or building permits, the water facilities are to be installed to meet the utility's minimum standards.

### 5.4.2 Review Process for Development Proposals or Water Service Requests Not in Conformance with Applicable Land Use Plans

If a development proposal requires a zoning change or alteration of applicable land use plans, then each affected utility shall be contacted by the SCPPC and allowed to comment on the proposal prior to approval of that change. By identifying new or additional utility costs associated with changes in land use or zoning, these costs of development can be integrated into the decision making process. This will allow the assignment of these costs to customers benefiting from the land use change.

## 5.5 Appeal Process

It may be expected that issues of protest or interpretation regarding requirements of the CWSP will be raised by either an applicant for a development permit or a utility. For issues related to development activities in the unincorporated area, a two-step appeals process will be established as described below and shown on Exhibit 5-2.

### 5.5.1 Issues Subject to Appeal and Review

Only water service issues relating to direct retail water services are subject to appeal and review under this process. Issues related to conformance with SEPA, GMA, the County-wide Planning Policies for Skagit County, and County and city land use plans, financing policies, and wholesale agreements are not subject to appeal and review under this process. In most instances, such issues will be identified when the applicant requests a Public Drinking Water System Evaluation from the water utility. Issues subject to review are limited to the following:

(1) Interpretation and application of water utility service area boundaries.

(2) Proposed schedule for providing service.

(3) Conditions of service, excluding published rates and fees.

(4) Design standards more stringent than the standards included in Section 4.

### 5.5.2 Step 1 Review Process

A recent change in the State law provides for a 120-day appeal period. This law is being interpreted, by DOH, such that the 120-day period commences at the first meeting between the purveyor and the applicant pursuant to the USRP process described in this Section. At the conclusion of this negotiation period, agreement to the satisfaction of both parties must be reached with written confirmation.

If an appeal exists, it will likely occur during the 120-day negotiation period. Therefore, the CWSP's 45-day local "Appeals" procedure, discussed in this subsection, will extend the 120-day period by the length of time equal to the time required to resolve the appeal.

It is expected that most issues will arise over the question of what constitutes timely and/or reasonable conditions of water service. The view of the Water Utilities Coordinating Committee (WUCC) is that the majority of such disputes can best be resolved if discussions between the parties are facilitated by persons knowledgeable as to public water system design, construction, and operation. To this end, the WUCC will form a subcommittee for purpose of peer review of appealable issues with the objective of reaching negotiated agreements.

If an applicant and a utility are unable to agree on conditions of service, a written request for review of the issues may be made to the SCHD or SCPPC by either party. The SCPPC will initiate review by sending a copy of the request to the chairperson of the WUCC. The WUCC will establish a process

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for review and informal resolution of appeals. The process will generally function within the following framework:

### *Appeal Review Subcommittee*

A subcommittee of the WUCC will be appointed by the Skagit Board of County Commissioners employing a staggered term format. Membership will consist of representatives of the following interests. Membership may change at the discretion of the WUCC as experience is gained in the appeal process.

| | |
|---|---|
| ❑ Municipal Corporation Water Utilities | 2 members |
| ❑ Non-municipal Corporation Water Utilities | 2 members |
| ❑ Well Drilling Industry | 1 member |
| ❑ Skagit County Department of Health | 1 member |
| ❑ Skagit County of Planning and Permit Center | 1 member |

*(Note: The two Skagit County representatives will be ex-officio members.)*

### *Objectives*

The review process will be directed to achieving the following objectives:

- ❑ Provide a forum for negotiation of the issues between the parties.
- ❑ Facilitate the negotiations.
- ❑ Assure equitable representation between parties.
- ❑ Reach agreement between parties.
- ❑ Where parties choose not to participate in the negotiations, identify and evaluate the facts associated with the issues.

### *WUCC Subcommittee Report*

The WUCC Subcommittee will conclude its review within 45-calendar days of receipt of the appeal. A 45-calendar day review period will serve as the standard for fact finding and facilitating agreement. When 45-calendar days does not provide adequate review, an extended review period can be set forth through establishment of a jointly agreed work plan. The WUCC Subcommittee chairperson will provide a written report to the SCPPC which contains the majority view of the Subcommittee. When the appeal has been resolved, the conditions of agreement will be reported. A full or conditional

notice of withdrawal of the appeal by the applicant should accompany the report. Where resolution was not achieved, the report should identify the controlling issues and the position of the parties. A Subcommittee recommendation for disposition of the issues is to be provided.

### 5.5.3 Step 2 Review Process

When the WUCC Subcommittee is not successful in facilitating a resolution of the appeal, the SCPPC shall formally forward the appeal and "Report" of the WUCC Subcommittee to the Skagit County Hearing Examiner. Further review will then take place under Skagit County Code 14.01. The report of the WUCC Subcommittee will be entered as part of the hearing record, be fully considered by the Hearing Examiner, but will not be binding with respect to substance or process.

In the event that a city is a party to an appeal relating to GMA issues, the appeal shall not be forwarded to the County Hearing Examiner. Instead, the appeal shall be referred to a third party arbitrator jointly agreed to by the city and the Board of County Commissioners.

### 5.5.4 Further Appeal

There shall be no further appeal of review conducted by a third party arbitrator. However, a request for review of the Hearing Examiner decision may be filed with the Skagit Board of County Commissioners pursuant to Skagit County Code 14.01. The decision of the Board shall be final and binding upon the parties to the appeal.

Upon completion of the appeal process, the SCPPC will continue processing of the development application consistent with the final resolution.

### 5.5.5 Appeal Process Review

The need for effectiveness and efficiency of the described process can only be determined through plan implementation. Refinement or re-direction may be needed. Adjustments should be made within the framework of the described appeal process. Major changes will require CWSP amendments.

## 5.6 Special Review Considerations

In the review of development proposals and associated requests for water service, the SCHD shall be guided by the following special considerations.

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### 5.6.1 Applications for Service to Non-Residential Properties

Commercial and industrial properties represent a fire flow responsibility that may greatly exceed flows required for residential housing. These flow requirements are critical to the sizing of the storage, pumping, and piping facilities. For these reasons, the SCPPC shall also use the referral process described herein for all proposed commercial and industrial developments.

### 5.6.2 Expansion of Small Water Systems

The inventory of small systems was updated by DOH for this CWSP. This inventory was of systems classified as Group A and Group B. A total of 162 systems in these categories were identified within the CWSSA. Expansion of all systems will be tracked by SCHD with respect to the number of active services versus initially approved services. Expansion beyond the initial approval will not be allowed without further review of system capabilities by the SCHD or DOH.

Special consideration is required for the future expansion of small systems (after adoption of the CWSP) both inside and outside designated service areas. These considerations are addressed below:

#### *Expansion Outside Designated Service Areas*

An expanding Group A - Non-Community, and Group B system located outside of designated service areas will be referred by the SCHD or SCPPC to adjacent, larger utilities with approved WSPs or the PUD as the SMA. This will allow the expanding system to discuss and evaluate utility service proposals by an adjacent utility, or SMA versus expansion. If the decision is made to pursue expansion, the system owner must submit to the SCHD or SCPPC a completed Service Area Agreement. A WSP commensurate with the planned system expansion must be submitted to, and be approved by, the appropriate agency, either DOH, or the SCHD or SCPPC.

#### *Expansion Within Designated Service Areas*

Expansion beyond initially approved service connections for an existing smaller utility located within a designated utility service area will not be allowed without approval by the larger utility. The CWSP places responsibility on the review agencies to recognize a specific utility's service area. In turn, the utility is responsible for effective management within that service area.

## 5.7 Receivership of Failing Systems

RCW 43.70.195, enacted by the 1990 State Legislature, provides that whenever an action is brought by the Secretary of Health or a local health officer to place a public water system in receivership, the petition shall include the names of one or more suitable candidates for receiver who have consented to assume operation of the water system. If there is no other person willing and able to be named as receiver, the court shall appoint the county in which the water system is located as receiver.

Through the establishment of service area boundaries and the review process described above, existing utilities have accepted the lead responsibility for providing public water supply within their designed service areas; and, therefore, should be the named receiver for the failing system. A logical extension of this responsibility is for the designated utilities to assist in correcting problems of failing systems within the boundaries of their service areas and accept ownership of the systems following the upgrade of the system to the utility's standards. It should be noted that regardless of the ultimate responsibility for providing future water service, it is the customers of the water system that have the primary responsibility for paying for the system upgrades.

Upon adoption of this CWSP by DOH, the Group A systems with 100 or more permanent connections, and all expanding public water systems, will be considered candidates that have consented to assume the receivership role described in RCW 43.70.195 for failing systems within their designated service area. The Secretary of Health or DOH will advise the court of the name of the designated utility in any future petition for receivership.

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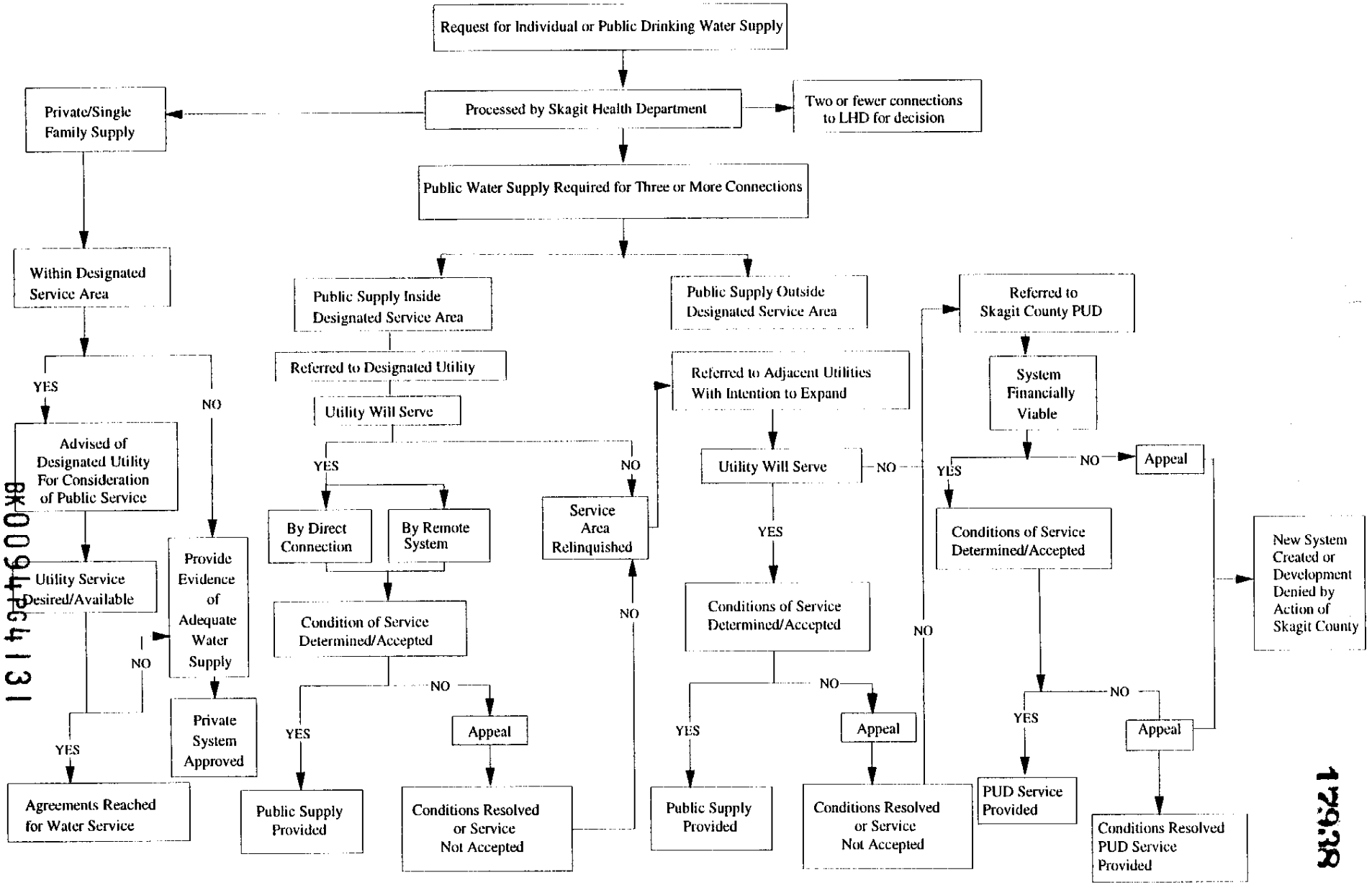
270165/exhibit5-1.prz
June 30, 1999

# Exhibit 5-1
# Utility Service Review Procedure

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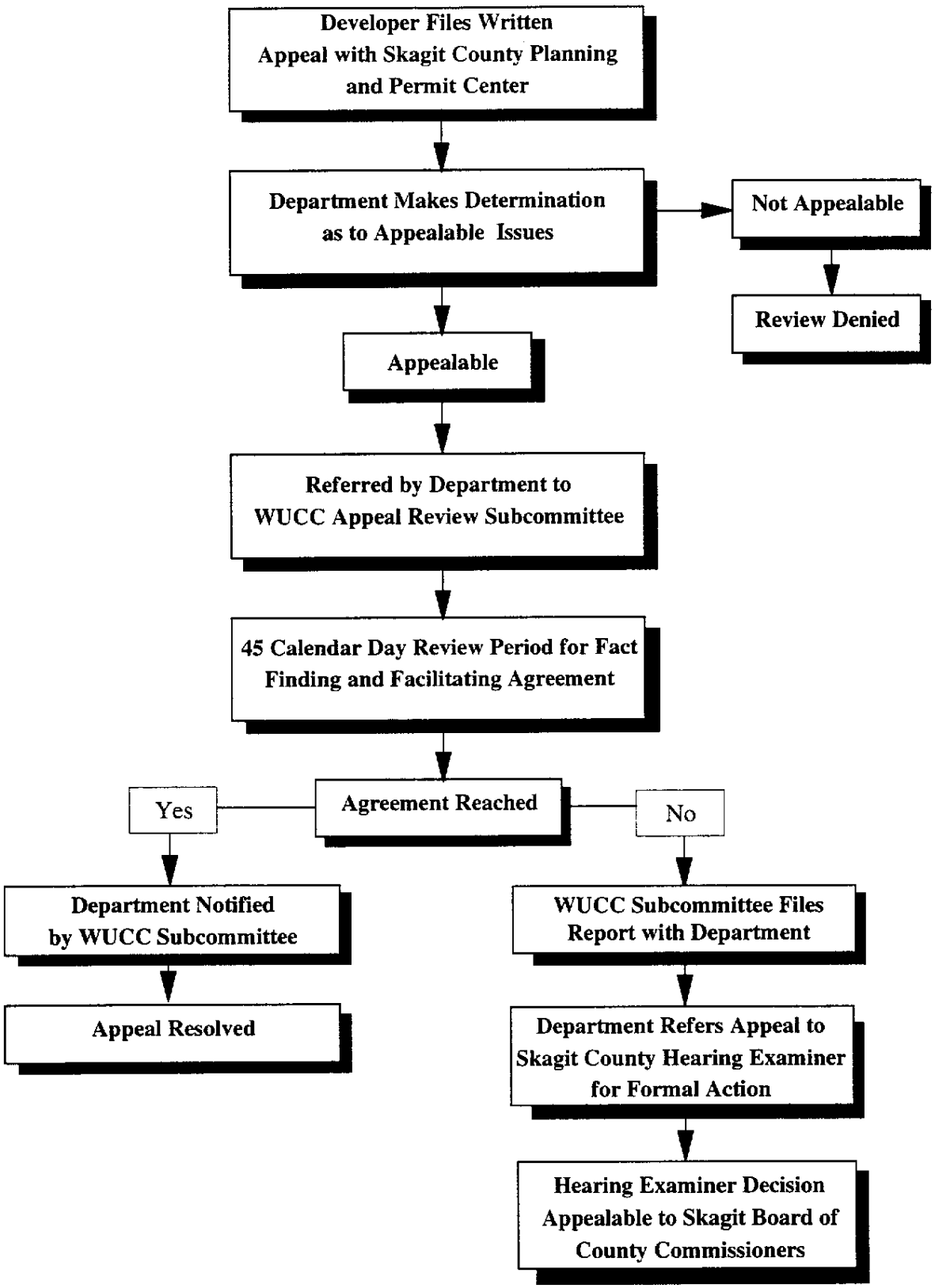
# Exhibit 5-2
# Appeal Process



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# Section 6
# Satellite System Program

## 6.1 Introduction

The concept of satellite systems has evolved from general guidance contained in planning handbooks published by the State Department of Health (DOH), to legislation enacted by the 1991 State Legislature. In general terms, a satellite system program is intended to address situations where small public water systems (i.e. Group B) are proposed in areas remote from the supply facilities of larger existing systems. Extension or expansion of existing facilities may not be practical in the foreseeable future. For this reason, the new system must be developed as an independent or "stand-alone" facility. These circumstances may occur either within or outside of designated service areas.

The 1991 State legislation added RCW 70.116.134 which requires DOH to adopt rules which establish criteria for designating individuals or water purveyors as qualified satellite system management agencies.

## 6.2 Skagit County Program

Recognizing that the Public Utility District No. 1 of Skagit County (PUD) has the authority and capability to provide water service throughout Skagit County (County), the Water Utility Coordinating Committee (WUCC) identified the PUD as the Satellite Management Agency (SMA). In this capacity, the PUD will work cooperatively with existing water utilities to coordinate service areas and service delivery to meet the requirements of State and federal laws. If an existing system does not have the resources to meet these requirements, the PUD will assist in the evaluation of transferring ownership and operation of the system to the PUD, based upon an appropriate system upgrade and financing plan. Where new service is required which cannot be provided by other existing systems, consistent with the utility service review procedure (USRP) provided in this Coordinated Water System Plan (CWSP), the PUD will provide service through system extension or establishment of a new remote system. As a condition of providing service, the PUD shall own the public water supply system.

The following PUD policies and programs are designed to meet the public water supply needs in that portion of the County not designated in the CWSP as the service area of other water supply utilities, and in those areas where existing utilities request the assistance of the PUD.

### 6.2.1 Urban Growth Areas - Existing and New Systems

#### *Service Area*

In accordance with the Growth Management Act (GMA), the PUD will develop a Capital Improvement Plan for those urban areas and portions of the rural area that have been designated the PUD service area. Currently, those areas include Sedro Woolley, Burlington, Mount Vernon, and La Conner urban growth areas (UGAs), rural areas adjacent to the UGAs, and a portion of Fidalgo Island. The PUD is committed to working with other water utilities, such as the City of Anacortes, to cooperatively meet the urban growth needs of Skagit County through intergovernmental agreement for supply development and system operation.

#### *System Merger/Extension*

The PUD will accept responsibility for water systems located within the PUD's designated urban service area which are proposed for receivership, following the development by the PUD of a system improvement and financing plan to merge the small system with the PUD system. The PUD will not accept ownership responsibility for the system until it has been upgraded to meet PUD urban design standards to ensure compliance with State regulatory requirements.

#### *Urban Standards*

The PUD will clearly identify its urban service standards for service extensions and system upgrades. These standards will meet, and may exceed, the CWSP minimum standards, but shall not be inconsistent with applicable comprehensive plans.

### 6.2.2 Non-Urban Growth Areas - Existing and New Systems

#### *Service Area*

Existing public water systems located in the Non-UGAs have been inventoried. Service areas have been identified for those systems with 100 permanent connections or more, and smaller systems indicating an intent to expand their service area. For the remaining systems, the current service area is assumed to be the future service area.

The PUD will assist the County in the evaluation of existing water systems to determine their capability to provide an "adequate water supply" as defined under Section 63 of the GMA (RCW 19.27.097). The County will refer new water service requests to the designated water system when it is determined that existing systems have the capacity and capability to meet the State and

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federal Safe Drinking Water Act requirements for a designated service area and the associated projected water demand. This determination will be made by DOH, in cooperation with Skagit County Planning and Permit Center (SCPPC) and Skagit County Heath Department (SCHD).

When new service is requested in areas not specifically assigned to existing utilities through the CWSP, the County shall first refer the developer to adjacent purveyors with an approved water system plan (WSP) that provides for expansion. An existing system shall be considered "adjacent" to the proposed development if service can be provided with a service line extension not to exceed 1/2 mile in length. If service will not be provided by an adjacent utility, the developer will be referred to the PUD.

### *System Merger/System Extension/Remote Systems*

If an existing system is unable or unwilling to extend water service to meet existing or new water service needs, the PUD will assist the property owners or County (following appropriate land use decision) in evaluating the service options by: 1) identifying requirements to upgrade the existing system; 2) establishing a stand alone remote PUD system; or, 3) extending the existing PUD system to serve the properties. New system and service requirements in the undesignated portion of the County will be the responsibility of the PUD subject to the determination of the appropriate method of service and execution of agreements. The PUD will not accept ownership or operating responsibility for an existing or new rural system until the system meets rural design standards to ensure compliance with State regulatory requirements.

Consistent with the program established for UGAs, the PUD will accept responsibility for water systems proposed for receivership within that portion of the County not included in designated service areas.

### *Non-Urban Growth Area Standards*

Service extensions and remote systems in non-UGAs shall meet the CWSP design standards. (Note: standards will typically be based on the requirements to provide domestic/applicable-fire flow water service. The hydraulic design will be based on maintaining adequate pressure to implement a comprehensive PUD rural area water system).

## 6.3 Conformance With State Program

It is the intent of the WUCC that the County shall identify the PUD as the responsible agency for the County program defined herein, and the PUD shall adopt

the DOH standards for determining financial viability as part of its satellite system program.

## 6.4 Appeal Process Relationship

An appeal process has been established for resolution of disputes arising in implementation of the CWSP. This process is described in Section 5, including conditions under which a new public water system may be created in the non-designated area of the County. This appeal process is applicable to provisions of the Satellite System Program.

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# Section 7
# Water Demand Forecast

## 7.1 Introduction

For planning purposes, the development of projections of population growth in the study area and associated public water supply demand is essential. This Section presents an updated population forecast based on State Office of Financial Management (OFM) figures, and a water demand forecast based on updated water use assumptions. This information, together with the assessment of existing utilities ability to meet current and future water supply needs (Section 8), provides the framework for designing the coordination process required to assure future water supply requirements are met in an efficient manner.

## 7.2 Background and Approach

Planning for future water supply needs requires projection of demand for both near- and long-term periods. The near-term projections are generally necessary to define needed capital improvements anticipated within the next six years. Such improvements require lead time for financing, design, and construction. Long-term forecasts are necessary to quantify probable water resource requirements. Such forecasts guide the identification and sizing of long-range supply facilities, the water rights reservation process, and management of water resources necessary to meet future demands.

The long-term water use forecasting is combined with different growth rate scenarios to develop high, medium, and low population forecasts. Each of these forecasts serves as a valuable tool in the planning process. The "medium" forecast provides a "best estimate" of long-term growth based on historical and near-term events. A high forecast is used to project potential resource need while the low forecast is used to plan for revenues. Planning within the high-low range allows Skagit County (County) to develop resources accordingly without becoming financially overextended.

Population growth is the single most influencing factor in future water demand. Not only does the magnitude of future population have an impact, but the location of new population centers will greatly affect delivery of future water supplies. Therefore, population growth must be coordinated and based on approved land use plans and policies.

Water demand projections are based on existing studies, population projections, current water use data, land use patterns, and the estimated reduction in water use

resulting from water conservation. Demand forecasts are expressed as average day and peak day demand.

Data used in developing the demand forecast was obtained from OFM and Skagit County Planning and Community Development Department (SCPCD). Land use designations were provided by the County.

## 7.3 Reservation of Water

The Water Resources Act of 1971 (Chapter 90.54 RCW) provides that the Department of Ecology (Ecology) may reserve and set aside public water for utilization for specific purposes in the future. The priority of the reserved water right carries the date the reservation is established by Ecology. Regulations adopted by Ecology (Chapter 173-590 WAC) set forth the procedures to be followed and the requirements for petitioning for a reservation of water. A controlling condition is that a Coordinated Water System Plan (CWSP), approved by the Secretary of Health, must accompany a petition for regional water supply reservation unless an exemption is granted.

Ecology regulations require that petitions for reservation of water must be based on 50 year population and related water demand projections. For this reason, the projections developed herein extend to the year 2050.

## 7.4 Population Growth

The County population forecasts through the year 2020 reported herein are population forecasts reported by the OFM *1995 Washington State County Population Projections* (Table 7-1). These projections are developed using the "cohort-component" approach taking into consideration the age-sex specific rates for fertility, mortality, and migration. The reported "medium range" forecast are the figures that provided the framework for the 1995 County Growth Management Act (GMA) projections. The previous CWSP presented projection forecasts using a slightly modified "cohort-component" approach to forecast change for the County separate from the State as a whole. For this update, in light of the GMA, OFM figures have been used directly. The OFM forecast includes the years 1995 to 2020. An extended projection has been developed by extending OFM forecasts by 30 years to 2050. This was projected by consistently applying the annual growth rate estimated for 2020 over the additional 30-year period.

The population forecast is presented in three scenarios: high-, medium-, and low-series. This three-pronged approach to forecasting is provided to reflect the uncertainty associated with growth in population. A County-wide forecast is provided, as well as forecasts for selected cities (Table 7-2). The cities and figures reports are a compilation of data from OFM, 1993 CWSP, and Skagit County county-wide planning and policy.

**Table 7-1**
**1995 OFM Population Forecasts**
**High, Medium, and Low Population Projections for Skagit County**

| | Five-Year Intervals | | | | | Single-Year Intervals | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1990 | 1995 | 2000 | 2005 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
| High | 79,555 | 93,101 | 106,454 | 121,320 | 136,644 | 140,063 | 143,547 | 147,074 | 150,631 | 154,240 | 158,555 | 162,890 | 167,258 | 171,676 | 176,067 |
| Medium | 79,555 | 93,101 | 103,478 | 114,635 | 125,508 | 127,847 | 130,228 | 132,684 | 135,169 | 137,714 | 140,735 | 143,738 | 146,769 | 149,810 | 152,812 |
| Low | 79,555 | 93,101 | 101,617 | 110,552 | 118,853 | 120,656 | 122,496 | 124,344 | 126,201 | 128,074 | 130,376 | 132,680 | 134,983 | 137,298 | 139,560 |

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## 7.5 Forecast Results

Table 7-2 shows the breakdown of projected population by urban growth area (UGA) and unincorporated areas of the County for 1995, 2000, and 2015. During this period, population in the cities is expected to grow faster than in the unincorporated areas listed. Mount Vernon is also expected to gain an increasing share of the County population.

**Table 7-2**
**Population Growth for Select Skagit County Cities and Reservations**

| Area Designation | Population Year | | |
|---|---|---|---|
| **Urban Growth Area** | **1995[a]** | **2000[a]** | **2015[b]** |
| Anacortes | 14,252 | 16,612 | 18,300 |
| Burlington/County | -- | -- | 3,420 |
| Big Lake | -- | -- | 2,400 |
| Burlington | 4,751 | 5,101 | 7,065 |
| Concrete | 826 | 903 | 1,110 |
| Hamilton | 682 | 697 | 315 |
| La Conner | 641 | 632 | 890 |
| Lyman | 245 | 221 | 370 |
| Mount Vernon | 23,251 | 27,948 | 41,725 |
| Sedro-Woolley | 5,543 | 5,168 | 11,030 |
| Swinomish | -- | -- | 2,722 |
| **UGA subtotal** | **50,191** | **57,283** | **89,345** |
| **County - Unincorporated subtotal** | **46,720** | **54,284** | **48,355** |
| **Total County** | **96,911** | **111,567** | **137,700** |

*a. As estimated in 1993 Skagit County CWSP approved population forecast (Exhibit 7-3).*
*b. As listed in the 1996 Skagit County County-wide Planning Policies documents (Exhibit 7-2).*

Urban growth boundaries have been defined for cities within the County as part of the GMA. The goal is to direct new growth into the incorporated areas, rather than the unincorporated areas. Skagit County Planning will continue its goal for future growth to be distributed as 80 percent in incorporated areas and remaining 20 percent in unincorporated areas of the County.

From 1995-2050, natural growth rates are expected to remain the essentially constant. Growth will result from migration into the County. Therefore, the changes in growth largely reflect and change in the migration into the County.

### 7.5.1 Medium Population Forecast

Table 7-3 shows County-wide low, medium, and high population projections. The OFM medium forecast population for Skagit County shows annual growth decreasing to 2.0 percent by 2000 and fluctuating between 1.7 and 2.1 percent through 2050. Population is projected to be 103,478 by 2000 and 160,265 by the year 2050.

**Table 7-3**

**Skagit County Low, Medium, and High Population Forecasts[a]**

| Year | Low Forecast | | Medium Forecast | | High Forecast | |
|---|---|---|---|---|---|---|
| | Population | % Growth | Population | % Growth | Population | % Growth |
| 1990 | 79,555 | | 79,555 | | 79,555 | |
| 1995 | 93,101 | 14.5% | 93,100 | 14.5% | 93,101 | 14.5% |
| 2000 | 101,617 | 8.4% | 103,475 | 10.0% | 106,454 | 12.5% |
| 2005 | 110,552 | 8.1% | 114,635 | 9.7% | 121,320 | 12.3% |
| 2010 | 118,853 | 7.0% | 125,510 | 8.7% | 136,644 | 11.2% |
| 2011 | 120,656 | 1.5% | 127,847 | 1.8% | 140,063 | 2.4% |
| 2012 | 122,496 | 1.5% | 130,228 | 1.8% | 143,547 | 2.4% |
| 2013 | 124,344 | 1.5% | 132,684 | 1.9% | 147,074 | 2.4% |
| 2014 | 126,201 | 1.5% | 135,169 | 1.8% | 150,631 | 2.4% |
| 2015 | 128,074 | 1.5% | 137,700 | 1.8% | 154,240 | 2.3% |
| 2016 | 130,376 | 1.8% | 140,735 | 2.2% | 158,555 | 2.7% |
| 2017 | 132,680 | 1.7% | 143,738 | 2.1% | 162,890 | 2.7% |
| 2018 | 134,983 | 1.7% | 146,769 | 2.1% | 167,258 | 2.6% |
| 2019 | 137,298 | 1.7% | 149,810 | 2.0% | 171,676 | 2.6% |
| 2020 | 139,560 | 1.6% | 152,812 | 2.0% | 176,067 | 2.5% |
| 2030[b] | 161,890 | 16.0% | 183,374 | 20.0% | 220,083 | 25.0% |
| 2040[b] | 187,792 | 16.0% | 220,049 | 20.0% | 275,104 | 25.0% |
| 2050[b] | 217,839 | 16.0% | 264,059 | 20.0% | 343,880 | 25.0% |

[a] Source: Washington State Office of Financial Management
[b] Consultant projection based on OFM projected growth rate in 2020.

### 7.5.2 Low Population Forecast

A low forecast of population assumes that the County growth rate will drop to 1.7 by 2000 and fluctuate between 1.4 and 1.8 through 2020. This estimate lowers the population forecast significantly, with a population of 101,617 forecast for 2000 and ***146,367*** by the year 2050.

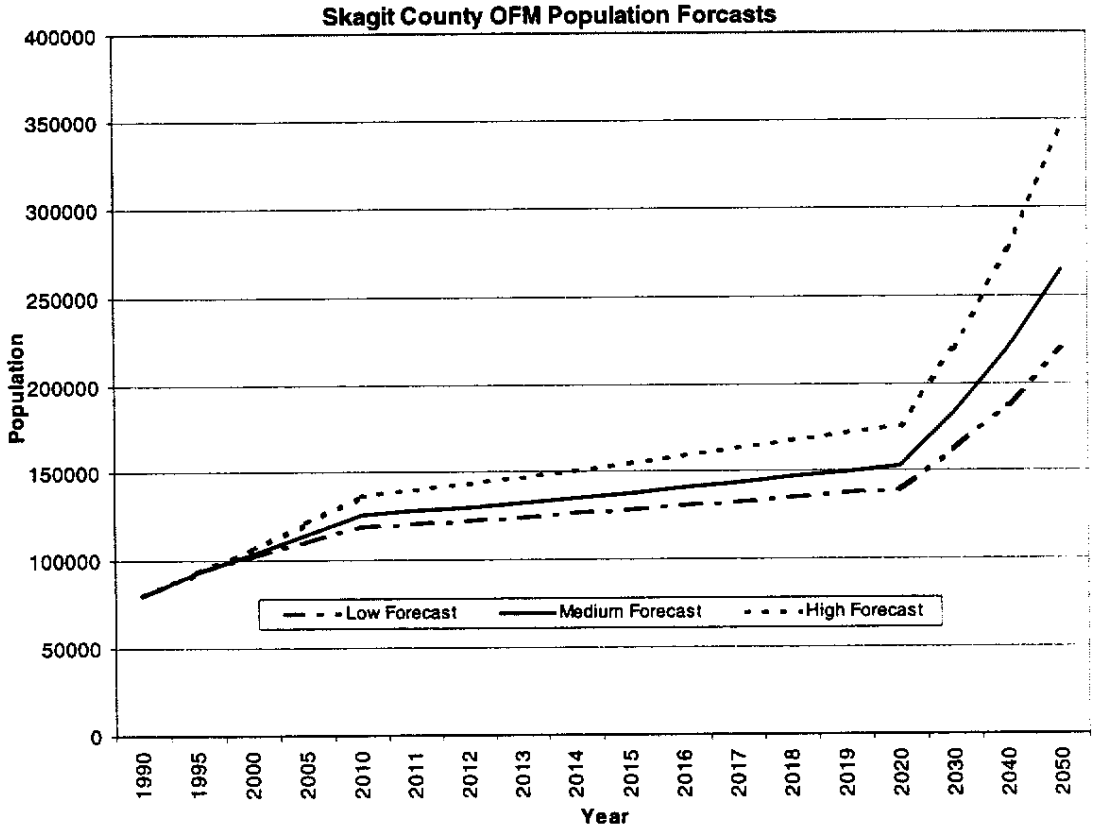
### 7.5.3 High Population Forecast

The high population forecast assumes continued high levels of migration into the County. This estimate assumes a growth rate of 2.2-2.6 percent through

2020. Under these assumptions, the County population forecast is 106,454 for 2000 and ***184,654*** for the year 2050.

Exhibit 7-1 graphically illustrates the high, medium, and low population forecast for Skagit County.

**Exhibit 7-1**
**Skagit County OFM Population Forcasts**




## 7.6 Adopted Forecast

In accordance with the GMA stipulating the use of OFM population forecasts for planning purposes, the Water Utility Coordinating Committee (WUCC) adopted the medium population forecast. Therefore, on a County-wide basis, Table 7-4 shows the population data used for CWSP study purposes.

**Table 7-4**
**WUCC Approved County-wide Population Forecast**

| Year | 1995 | 2000 | 2010 | 2020 | 2030 | 2040 | 2050 |
|---|---|---|---|---|---|---|---|
| **County Population** | 93,101 | 103,478 | 125,508 | 152,812 | 155,257 | 157,741 | 160,265 |

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## 7.7 Urban Growth Areas

In accordance with requirements of RCW 36.70A, Skagit County and cities have developed urban growth management area (UGMA) boundaries; within which growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. These areas are shown on Exhibit 7-2.

The Skagit County City/County Planning Policies Committee has set the criterion that 80 percent of future population growth in the County will occur in the UGAs. The balance, 20 percent, will take place in the remaining County area, which is assumed to be rural. To establish an estimate of future population distribution, this criteria was applied to the OFM medium population projection. Table 7-5 shows the population distribution resulting from application of the 80/20 criteria. In the 1993 CWSP, the Cities of Concrete, Hamilton, and Lyman were assumed to be rural until after 1995. All of these Cities have been designated as UGAs and are included in the UGA population counts.

**Table 7-5**
**Distribution of Skagit County Future Growth—Urban vs. Rural**

| Area Designation | 1995 Population[a] | 1995 Population Distribution | New Growth Through 2050 Distributed Per 80/20 Criteria | 2050 Population[b] | 2050 Population[b] Distribution |
|---|---|---|---|---|---|
| County Total | 96,911 | 100% | 63,354 | 160,265 | 100% |
| UGAs | 50,191 | 52% | 50,683 | 100,874 | 63% |
| Unincorporated Skagit County | 46,720 | 48% | 12,670 | 59,391 | 37% |

[a] 1993 CWSP approved estimate
[b] OFM Medium series population estimate



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## 7.8 Current Water Use

The 1993 CWSP process compiled and reviewed information on per capita water consumption from a cross-section of public water systems in Skagit County and the adjoining counties of Snohomish and Whatcom. Data of particular interest was average daily use per capita and the ratio of peak day to average daily per capita use. Upon review, the WUCC approved the continued application of the water use data for this 1999 CWSP.

The representative usages adopted in this CWSP to calculate water use were:

| | |
|---|---|
| Urban Average Day Gallons per Capita | 150 |
| Urban Peak Day Factor | 2.0 |
| Rural Average Day Gallons per Capita | 100 |
| Rural Peak Day Factor | 2.6 |

## 7.9 Water Conservation

Mandatory requirements for improving efficiency in water use have been established at the State level in the Conservation Planning Requirements (CPR) administered by DOH (Appendix A). It may be expected that Ecology approval of any application for water rights permit filed by a utility in the future will be conditioned on implementation of at least a basic water conservation program.

The CPR outlines required elements for three conservation programs identified as Basic, Moderate, and Full designed to address conservation within different size utilities.

### 7.9.1 Program Concepts

Water demand management includes the implementation of comprehensive long-term conservation programs, short-term emergency response plans, water reuse projects, and peak flow management. The recommended concept outlines the framework for a comprehensive conservation program with recognition of the other demand management elements.

The conservation program elements should be effective and reasonable for utility implementation. Short-term regulatory or mandatory measures, more associated with drought or other emergency conditions of water shortage, are not considered an element of conservation, but rather an emergency response plan. Peak flow management, such as every other day lawn watering, can also be an integral element of an emergency response plan or system design strategy. Peak withdrawal rate can also be reduced by increasing storage capacities. Careful consideration of hourly, daily, weekly, and average annual water use characteristics is required to properly assess the impact of

conservation plans versus peak flow management. Conservation should reduce average annual use and some peak period usage. Peak flow management may reduce the withdrawal rate but may not reduce the overall average annual use rate.

Since water conservation is to be considered a supply option, the policies and program to be implemented must be defined. Reduction in water use and the period over which it occurs must be estimated. The targeted reduction must be factored into the demand forecast, and regional water supply need projections should be reduced commensurate with the anticipated water savings. The program projections should be monitored against assumptions to assess their effectiveness. The final step in the process is to include the water conservation program as a base element in the program for future water supply planning.

Drawing upon existing literature and experience, specific measures have been identified as having some potential for conserving water. The measures which were selected display a history of effectiveness, address areas of known concern, and are capable of being implemented.

The conservation measures are grouped into the three categories: (1) public education, (2) technical assistance, and (3) system measures. A fourth category of "incentives" is also identified. Elements within this fourth category are recommended for inclusion in a program of further study. These measures are listed and defined in Appendix A.

### 7.9.2 Recommended Program

The recommended program has been developed with activities for accomplishment assigned to the utilities and/or a regional organization such as a group of public water systems, a regional water association or Public Utility District. The program provides a recommended framework with the understanding that the level of effort or activity is dependent on the conditions specific to the utility. Where a dual role is shown for a particular activity, the utility is lead with the regional activity being one of support.

The scope of programs vary from:

- A Base Program which is a minimum program based on specific regional needs as well as expected cost benefit. This base program will be required of all public water utilities with less than 1,000 services. Since this size utility generally does not have staff that can devote time to a conservation program, the emphasis is on the regional program. Public education and technical and administrative services

could be provided in support of the smaller utilities in the base program by appropriate State and regional programs.

- A Moderate Program would be implemented by a majority of the municipal corporations (cities and districts). This program would apply to utilities with 1,000 to 25,000 services. The emphasis in this program shifts to greater utility implementation with regional support.

- A Full Program would apply to utilities having 25,000 or more services. This program is limited to the larger cities or regions in critical water areas. The program requires a considerable staff effort and possible changes in land use or building code controls for implementation of some of the program measures.

Conservation elements recommended for each level of program, and assignment of responsibility for implementation, are shown in matrix form on Appendix A.

### 7.9.3 Program Implementation

The CPR assigns the level of conservation program requirement based upon water supply conditions in an area and the public water system size. Water supply conditions are placed in three categories as follows:

- A Critical Area - defined as a region of the State in which Ecology's water needs assessment indicates that current water supplies are not adequate to meet all future needs.

- A Growth Area - defined as an area in which population growth is expected to be 2 percent per year or more averaged over a 5-year period.

- A Non-Critical Area - defined as a public water systems service area or region in which existing supplies are adequate to meet projected water needs.

In the near-term, Skagit County falls within the growth area category. The related requirements for program implementation are:

| Number of Service Connections | Utility Program | Regional Program |
|---|---|---|
| >25,000 | Moderate | Moderate |
| 10-25,000 | Moderate | Moderate |
| 1,000 - 10,000 | Moderate | Moderate |
| <1,000 | Base | Moderate |

It should be noted that if a public water system's residential water use data indicates either: (1) per capita demand is greater than 150 percent of the regional average; or (2) unaccounted for water exceeds 20 percent of annual use, the public water system will be required to upgrade or expand its conservation program to include the next higher level program.

Implementation of the recommended conservation program will require new program development, regional coordination, and incorporation of the program within the utility's water system plan (WSP). Full implementation and a projected reduction in demand should occur in the year 2000. Conservation effectiveness should be evaluated to ensure targets are on schedule.

In general terms, conservation measures should be pursued to the level where the cost of the measure is equal to the value of the water conserved. However, for purposes of this CWSP, measurement of the benefits of a conservation program will be based on two benchmarks:

(1) Reduction in per capita average day residential demand, with 1990 being the benchmark year.

(2) Distribution of educational materials or implementation of the various conservation program sub-elements. The program objectives will be defined by the utility in their water system/conservation plan.

An organization with public water supply management responsibilities for the entire CWSP planning area does not exist at the present time. The Public Utility District No. 1 of Skagit County (PUD) is participating in Water Conservation Coalition of Puget Sound. This is a cooperative effort by cities, water districts, regional water associations, and others in the Puget Sound Basin to develop common or complementary water conservation programs. Efforts at this time focus on public education. As a starting point for the CWSP regional program, it is recommended that the City of Anacortes and other larger utilities join in the Coalition activities either directly or through a common program coordinated by the WUCC.

### 7.9.4 Water Use Reduction

Based upon experience in the City of Seattle and other areas, it is estimated that implementation of the above described program within the County will result in a 10 percent reduction by 2000, and maintained in the years thereafter. This would reduce the year 2000 average day requirement for the urban area from 150 gpcd to 135 gpcd and for the rural area from 100 gpcd to 90 gpcd.

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## 7.10 Other Related Water Requirements

In developing the water demand projections for Skagit County utilities, three special areas require consideration. These are future industrial water requirements, expansion of service to North Whidbey Island, and potential service to North Snohomish County.

### 7.10.1 Industrial Requirements

The most significant industrial water users continue to be Shell Oil Company (5.06 MGD) and Texaco Oil Refinery (5.35 MGD). Both are served by the City of Anacortes. Other industrial users of the Anacortes supply system range in current use from 0.02 MGD (Norpetro) to 0.36 MGD (plywood plant).

Based upon the identified needs, the potential for a shift in industrial development away from the south Puget Sound region due to water supply shortages, the water supply resources of Skagit County, and recognizing that the CWSP forecast extends to the year 2050, the WUCC determined that an additional demand of 15.0 MGD be factored into the demand forecast. This demand was assumed to occur incrementally at the rate of 5.0 MGD each in the year 2000, 2020, and 2040.

### 7.10.2 North Whidbey Island/Oak Harbor

The City of Oak Harbor and the Whidbey Island Naval Air Station are currently supplied by the City of Anacortes. Water delivery averaged 2.35 MGD in 1990. The City of Anacortes, accounting for the demand in its Water Plan, assumed that Island County demands on the Anacortes system would increase in the future. It is estimated that additional demands of Island County will be 1.0 MGD (3.35 MGD total demand) in the year 2000, with an additional 1.4 MGD (4.75 MGD total demand) in 2010 through 2050.

For planning purposes herein, the WUCC recommended that the City of Anacortes' projections for Island County water service is utilized.

### 7.10.3 North Snohomish County/City of Stanwood

The City of Stanwood currently obtains its public water supply (including commercial and industrial) from three wells and a spring. In the 1993 CWSP, future water requirements were determined and described in the North Snohomish County CWSP adopted in 1991. A regional supply plan was developed which relied on interties with the City of Everett system. However, regional transmission was identified only for that portion of North Snohomish County generally located south of the Stillaguamish River. The

City of Stanwood was expected to continue to rely on groundwater development.

Problems have been identified with Stanwood's wells, which raise questions as to the ability of local groundwater sources to provide water of adequate quality and quantity to meet Stanwood's future needs. A regional solution is being considered through intertie with the PUD system.

For planning purposes, the future water requirements for the City of Stanwood service area were considered the same as those reported in the 1993 CWSP. These requirements are reported in Table 7-6.

**Table 7-6**
**City of Stanwood Average and Peak Day Water Demand**

| Year | Avg. Day MGD | Peak Day MGD |
|---|---|---|
| 2000 | 0.50 | 1.00 |
| 2010 | 0.59 | 1.18 |
| 2020 | 0.74 | 1.48 |
| 2030 | 0.90 | 1.80 |
| 2040 | 1.03 | 2.06 |
| 2050 | 1.33 | 2.66 |

These requirements are based upon a water conservation plan similar to the recommended Skagit County plan being in place in the year 2000. Therefore, the demands are comparable only to the Skagit County projections that include water conservation.

### 7.10.4 Agricultural Water Use

In developing this water demand forecast, the WUCC recognized that the water requirement for present and future agricultural use was a significant factor in allocating and managing the County water resources. This demand is over and above the water supply requirements identified above. However, the statute under which the CWSP is developed limits the scope of study to public water supply and directly related needs. Agricultural use is not included except as might be served (e.g., greenhouse use) through a municipal or industrial supply.

It is intended, however, that all water users in Skagit County will be documented during the development of the Skagit River Watershed Plan.

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## 7.11 Water Demand Projections

The population and water use data described above were applied to two scenarios to provide a range of water demand forecast for Skagit County through the year 2050. The scenarios and assumptions contained therein are as follows:

### Scenario 1

- Per capita water consumption will remain constant at the current representative rates of 150 gpd for urban areas and 100 gpd for rural areas.
- Peak day to average day use ratios will remain constant at 2.0 to 1 for urban areas and 2.6 to 1 for rural areas.
- Population growth will be distributed 80 percent to urban areas and twenty percent to rural areas. Assumes approximately a 0.5% annual shift in population distribution to account for 80/20 planning criteria distribution for new growth.

### Scenario 2

- Peak day to average day use factors and population growth distribution will be the same as Scenario 1.
- Per capita water consumption will be reduced to 135 gpd for urban areas and 90 gpd for rural areas through water conservation measures in year 2000 and beyond.

Results of this analysis are presented in Tables 7-7 through 7-10.

## 7.12 Recommended Forecast

It is recommended that the WUCC adopt the Scenario 2 forecast for CWSP study purposes. Assuming that current (1995) demands are being met by County utilities, a future additional source requirement of about 23.5 MGD (average day) and 37 MGD (peak day) exists to meet demand in 2050.

**Table 7-7**
**Scenario 1 - Average Day Water Demand (MGD)**

| | 1995 | 2000 | 2010 | 2020 | 2030 | 2040 | 2050 |
|---|---|---|---|---|---|---|---|
| County Population | 93,100 | 106,454 | 136,644 | 176,067 | 220,083 | 275,104 | 343,880 |
| Residential - Urban | 7.26 | 8.62 | 11.27 | 16.37 | 21.46 | 28.47 | 37.65 |
| Residential - Rural | 4.47 | 4.90 | 6.15 | 6.69 | 7.70 | 8.53 | 9.28 |
| Industrial | 11.00 | 16.00 | 16.00 | 21.00 | 21.00 | 21.00 | 21.00 |
| Island County | 2.35 | 3.35 | 4.75 | 4.75 | 4.75 | 4.75 | 4.75 |
| City of Stanwood | 0.5 | 0.5 | 0.59 | 0.74 | 0.9 | 1.03 | 1.33 |
| Whatcom County Intertie* | | | 0.79 | 0.79 | 0.79 | 0.79 | 0.79 |
| **Total** | **25.58** | **33.37** | **39.55** | **50.34** | **56.60** | **64.57** | **74.81** |

**Table 7-8**
**Scenario 1 - Peak Day Demand (MGD)**

| | 1995 | 2000 | 2010 | 2020 | 2030 | 2040 | 2050 |
|---|---|---|---|---|---|---|---|
| County Population | 93,100 | 106,454 | 136,644 | 176,067 | 220,083 | 275,104 | 343,880 |
| Residential - Urban | 14.52 | 17.25 | 22.55 | 32.75 | 42.92 | 56.95 | 75.31 |
| Residential - Rural | 11.62 | 12.73 | 15.99 | 17.40 | 20.03 | 22.17 | 24.14 |
| Industrial | 11.00 | 16.00 | 16.00 | 21.00 | 21.00 | 21.00 | 21.00 |
| Island County | 4.7 | 6.7 | 9.5 | 9.5 | 9.5 | 9.5 | 9.5 |
| City of Stanwood | 1.00 | 1.00 | 1.18 | 1.48 | 1.80 | 2.06 | 2.66 |
| Whatcom County Intertie | | | 2.05 | 2.05 | 2.05 | 2.05 | 2.05 |
| **Total MGD** | **42.84** | **53.68** | **67.27** | **84.18** | **97.30** | **113.73** | **134.66** |

**Table 7-9**
**Scenario 2 - Average Day Demand (MGD)**

| | 1995 | 2000 | 2010 | 2020 | 2030 | 2040 | 2050 |
|---|---|---|---|---|---|---|---|
| County Population | 93,100 | 106,454 | 136,644 | 176,067 | 220,083 | 275,104 | 343,880 |
| Residential - Urban | 6.54 | 7.76 | 10.15 | 14.74 | 19.31 | 25.63 | 33.89 |
| Residential - Rural | 4.02 | 4.41 | 5.53 | 6.02 | 6.93 | 7.68 | 8.36 |
| Industrial | 11.00 | 16.00 | 16.00 | 21.00 | 21.00 | 21.00 | 21.00 |
| Island County | 2.35 | 3.35 | 4.75 | 4.75 | 4.75 | 4.75 | 4.75 |
| City of Stanwood | 0.5 | 0.5 | 0.59 | 0.74 | 0.74 | 1.03 | 1.33 |
| Whatcom County Intertie | | | 0.79 | 0.79 | 0.79 | 0.79 | 0.79 |
| **Total MGD** | **24.41** | **32.02** | **37.81** | **48.04** | **53.52** | **60.87** | **70.12** |

**Table 7-10**
**Scenario 2 - Peak Day Demand (MGD)**

| | 1995 | 2000 | 2010 | 2020 | 2030 | 2040 | 2050 |
|---|---|---|---|---|---|---|---|
| County Population | 93,100 | 106,454 | 136,644 | 176,067 | 220,083 | 275,104 | 343,880 |
| Residential - Urban | 13.07 | 15.52 | 20.29 | 29.47 | 38.62 | 51.25 | 67.78 |
| Residential - Rural | 10.46 | 11.46 | 14.39 | 15.66 | 18.02 | 19.96 | 21.73 |
| Industrial | 11.00 | 16.00 | 16.00 | 21.00 | 21.00 | 21.00 | 21.00 |
| Island County | 4.70 | 6.70 | 9.50 | 9.50 | 9.50 | 9.50 | 9.50 |
| City of Stanwood | 1.00 | 1.00 | 1.18 | 1.48 | 1.48 | 2.06 | 2.66 |
| Whatcom County Intertie | | | 2.05 | 2.05 | 2.05 | 2.05 | 2.05 |
| **Total MGD** | **40.23** | **50.68** | **63.41** | **79.16** | **90.68** | **105.82** | **124.72** |

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# Section 8 Assessment of Existing Water Supply Systems

## 8.1 Water System Inventory

Tables 3-1 through 3-3 provide the current inventory of public water systems in Skagit County (County). The Skagit County Health Department (SCHD) and Skagit County Planning and Permit Center (SCPPC) continue to maintain and update the inventory as needed. Following Department of Health (DOH) approval of this Coordinated Water System Plan (CWSP), all water purveyors will be required to review their Water System Plans (WSP) for accordance with the CWSP and submit to an updated WSP or indicate to SCHD that the existing WSP remains current. This process will aid SCHD in updating the Water System Inventory.

Concurrent with the compilation and analysis of water system data, service area boundaries have been revised based on the intent to expand, reduce, or restructure the service area. Through these activities, public water systems have been identified with 100 permanent connections or more, or with intentions to expand their service area. Smaller, non-expanding systems are also inventoried.

For purposes of this study, it is assumed the non-expanding systems are adequately serving the current customers. An assessment of the utility/system capability to serve expanding needs may then be limited to the expanding systems. Recognizing the large percentage of population served by the City of Anacortes and the Skagit County PUD No. 1 (PUD), and that this proportion will increase in the future due to the State Growth Management Act (GMA), a more detailed evaluation of these two larger systems is appropriate.

## 8.2 Future Distribution of Growth

The GMA, as reflected in the County's Comprehensive Plan, sets forth a broad strategy for addressing problems of rapid growth. High growth rate counties (such as Skagit) are required to enact comprehensive land use plans and update those plans every five years. The Comprehensive Plan contains a land use element that designates urban growth areas (UGAs). Within these areas, growth is to be encouraged. In the remaining area, growth can occur only if it is not urban in nature.

The GMA and Skagit County Comprehensive Plan requires that urban growth first occur in areas already characterized by urban growth having existing public

facilities and service capacities to serve such development. The second priority is to areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in non-urban areas.

Utilizing the same methodology, the population forecast for the UGAs and the balance of County (non-UGA), is shown in Table 8-1 (unconstrained by land supply). A key assumption of this forecast is that 80 percent of future population growth, as established by County-wide Planning Policies, will be directed to the UGAs.

**Table 8-1**
**Skagit County UGA and Non-UGA High Population Projection Breakdown**

| | Year | | | | | |
|---|---|---|---|---|---|---|
| | **2000** | **2010** | **2020** | **2030** | **2040** | **2050** |
| Total Population | 106,454 | 136,644 | 176,067 | 220,083 | 275,104 | 343,880 |
| Total Increase | 13,354* | 30,190 | 39,423 | 44,016 | 55,021 | 68,776 |
| UGA Growth (80% of total increase) | 10,683 | 24,152 | 31,538 | 35,213 | 44,017 | 55,021 |
| Non-UGA Growth (20% of total increase | 2,671 | 6,038 | 7,885 | 9,803 | 11,004 | 13,755 |
| UGA Population Distribution(Total Increase) | | | | | | |
| Anacortes | 15,203 | 20,275 | 26,899 | 34,293 | 43,536 | 55,090 |
| Bayview Ridge | 2,300 | 3,024 | 3,970 | 5,026 | 6,346 | 7,996 |
| Big Lake | 1,170 | 1,556 | 2,060 | 2,623 | 3,327 | 4,207 |
| Burlington | 8,170 | 10,826 | 14,295 | 18,168 | 23,009 | 29,061 |
| Concrete | 1,052 | 1,438 | 1,942 | 2,505 | 3,209 | 4,089 |
| Hamilton | 314 | 386 | 480 | 585 | 717 | 882 |
| La Connor | 845 | 1,086 | 1,401 | 1,753 | 2,193 | 2,743 |
| Lyman | 354 | 450 | 576 | 716 | 892 | 1,112 |
| Mount Vernon | 28,116 | 38,742 | 52,618 | 68,111 | 87,478 | 111,687 |
| Sedro-Woolley | 9,729 | 12,868 | 16,967 | 21,544 | 27,266 | 34,418 |
| Swinomish | 1,820 | 2,544 | 3,490 | 4,546 | 5,866 | 7,516 |
| UGA Total | 69,073 | 93,195 | 124,698 | 159,870 | 203,839 | 258,801 |
| Non-UGA Total | 37,380 | 43,448 | 51,367 | 60,212 | 71,264 | 85,078 |

* Increase over 1995 population (Table 7-1).

## 8.3 Urban Water Supply Systems

Referring to Section 3 (Water Utility Service Areas), it will be noted that public water service to the 11 UGAs will be provided by utilities as shown in Table 8-2.

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**Table 8-2**
**UGA Water Service Providers**

| UGA | Service Area of City of Anacortes | Service Area of Skagit PUD | Other |
|---|---|---|---|
| Anacortes | X | | |
| Bay View Ridge | | X | |
| Big Lake | | X | |
| Burlington | | X | |
| Concrete | | | X (Concrete) |
| Hamilton | | | X (Hamilton) |
| La Conner | X | | |
| Lyman | | | X (Lyman) |
| Mount Vernon | | X | |
| Sedro Woolley | | X | |
| Swinomish | | X | |
| Whidbey Island | X | | |

Utilizing 1995 Office of Financial Management (OFM) data, the population and water demand forecasts developed in Section 7, and the distribution of population growth between urban and rural areas shown in Table 8-1; water demand forecasts for the City of Anacortes, the PUD, Hamilton, Lyman, and Concrete systems were determined. Derivation of these forecasts is shown in Tables 8-3 through 8-8.

Average day and peak day demands are broken out for ten-year periods between 2000–2050 for Anacortes, Skagit PUD, Hamilton, Lyman, and Concrete in Tables 8-7 through 8-10.

**Table 8-3**
**Anacortes Service Area High Population Forecast[3]**

| | Year | | | | | |
|---|---|---|---|---|---|---|
| | **2000** | **2010** | **2020** | **2030** | **2040** | **2050** |
| UGAs[1] | | | | | | |
| Anacortes | 15,203 | 20,275 | 26,899 | 34,293 | 43,536 | 55,090 |
| La Conner | 845 | 1,086 | 1,401 | 1,753 | 2,193 | 2,743 |
| Swinomish | 1,820 | 2,544 | 3,490 | 4,546 | 5,866 | 7,516 |
| Non-UGA[2] | 3,738 | 4,344 | 5,136 | 6,021 | 7,126 | 8,507 |
| **Total** | **21,606** | **28,249** | **36,926** | **46,613** | **58,721** | **73,856** |

Footnotes:
(1) Whidbey Island demand not included as population dependent for purposes of CWSP.
(2) Assumes 80 percent of County growth occurs in UGAs.
(3) Assumes 10 percent of total non-UGA service is provided by Anacortes, 50 percent by PUD, and 40 percent other.

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**Table 8-4**
**Anacortes Service Area Water Demand Forecast (excluding industrial)**

| Year | Population | | Water Demand (MGD) [1] | | | | Whidbey Island Demand [2] | | Total Avg. | Total Peak |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Average Day | | Peak Day | | | | | |
| | UGA | Non-UGA | UGA | Non-UGA | UGA | Non-UGA | Avg. Day | Peak Day | | |
| 2000 | 17,868 | 3,738 | 2.4 | 0.3 | 4.8 | 0.8 | 3.4 | 6.7 | 6.1 | 12.3 |
| 2010 | 23,905 | 4,344 | 3.2 | 0.4 | 6.4 | 1.0 | 4.8 | 9.5 | 8.4 | 16.9 |
| 2020 | 31,790 | 5,136 | 4.3 | 0.5 | 8.6 | 1.3 | 4.8 | 9.5 | 9.6 | 20.2 |
| 2030 | 40,592 | 6,021 | 5.5 | 0.5 | 11.0 | 1.3 | 4.8 | 9.5 | 10.8 | 21.8 |
| 2040 | 51,595 | 7,126 | 7.0 | 0.6 | 14.0 | 1.6 | 4.8 | 9.5 | 12.4 | 25.1 |
| 2050 | 73,856 | 8,507 | 10.0 | 0.8 | 20.0 | 2.1 | 4.8 | 9.5 | 15.6 | 31.6 |

Footnotes:
[1] Assumes 135 gpc demand for urban use and 2.0 peak factor; 90 gpc rural use and 2.6 peak factor.
[2] Table 7-8 and 7-9 total Island County demand, and 2.0 peak factor.

**Table 8-5**
**PUD Service Area High Population Forecast**

| | Year | | | | | |
|---|---|---|---|---|---|---|
| | 2000 | 2010 | 2020 | 2030 | 2040 | 2050 |
| UGAs [1] | | | | | | |
| Bayview Ridge | 2,300 | 3,024 | 3,970 | 5,026 | 6,346 | 7,996 |
| Big Lake | 1,170 | 1,556 | 2,060 | 2,623 | 3,327 | 4,207 |
| Burlington | 8,170 | 10,826 | 14,295 | 18,168 | 23,009 | 29,061 |
| Mount Vernon | 28,116 | 38,742 | 52,618 | 68,111 | 87,478 | 111,687 |
| Sedro-Woolley | 9,729 | 12,868 | 16,967 | 21,544 | 27,266 | 34,418 |
| Sub-Total | 49,485 | 67,016 | 89,910 | 115,472 | 147,426 | 187,369 |
| Non-UGA [2] | 18,690 | 21,724 | 25,683 | 30,106 | 35,632 | 42,539 |
| **Total** | **68,175** | **88,740** | **115,593** | **145,578** | **183,058** | **229,908** |

Footnotes:
[1] Assumes 80 percent of County growth occurs in UGAs.
[2] Assumes 10 percent of total non-UGA service is provided by Anacortes 50 percent by PUD, and 40 percent other.

**Table 8-6**
**PUD Service Area Water Demand Forecast (excluding industrial)**

| Year | Population | | Water Demand (MGD) [1] | | | | Water Demand (MGD) | | Total Water Demand (MGD) | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Average Day | | Peak Day | | Whatcom County and Stanwood [2] | | Total | Total |
| | UGA | Non-UGA | UGA | Non-UGA | UGA | Non-UGA | Avg. | Peak | Avg. | Peak |
| 2000 | 49,485 | 18,690 | 6.7 | 1.7 | 13.4 | 4.4 | 0.5 | 1.0 | 8.9 | 18.8 |
| 2010 | 67,016 | 21,724 | 9.0 | 1.9 | 18.0 | 4.9 | 1.4 | 3.2 | 12.3 | 26.1 |
| 2020 | 89,910 | 25,683 | 12.1 | 2.3 | 24.2 | 6.0 | 1.5 | 3.5 | 15.9 | 33.7 |
| 2030 | 15,472 | 30,106 | 15.6 | 2.7 | 31.2 | 7.0 | 1.5 | 3.5 | 19.8 | 41.7 |
| 2040 | 147,426 | 35,632 | 19.9 | 3.2 | 39.8 | 8.3 | 1.8 | 4.1 | 24.9 | 52.2 |
| 2050 | 187,369 | 42,539 | 25.3 | 3.8 | 50.6 | 9.9 | 2.1 | 4.7 | 31.2 | 65.2 |

Footnotes:
[1] Assumes 135 gpc demand for urban use and 2.0 peak factor; 90 gpc rural use and 2.6 peak factor.
[2] Table 7-8 and 7-9, Whatcom County and Stanwood combined demand and 2.0 peak factor.

**Table 8-7**
**Concrete, Hamilton, and Lyman Service Area High Population Forecast**

| | Year | | | | | |
|---|---|---|---|---|---|---|
| | 2000 | 2010 | 2020 | 2030 | 2040 | 2050 |
| Concrete [1] | 1,052 | 1,438 | 1,942 | 2,505 | 3,209 | 4,089 |
| Hamilton [1] | 314 | 386 | 480 | 585 | 717 | 882 |
| Lyman [1] | 354 | 450 | 576 | 716 | 892 | 1,112 |
| **Total** | **1,720** | **2,274** | **2,998** | **3,806** | **4,818** | **6,083** |

Footnotes:
[1] For County-wide demand purposes all water usage is considered to be at an urban level of 135 gpc.

**Table 8-8**
**PUD Service Area Average and Peak Day Projected Water Demands (including industrial)**

| Use | Year | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2000 | | 2010 | | 2020 | | 2030 | | 2040 | | 2050 | |
| | Avg. Day | Peak Day | Avg. Day | Peak Day | Avg. Day | Peak Day | Avg. Day | Peak Day | Avg. Day | Peak Day | Avg. Day | Peak Day |
| UGAs | 6.7 | 13.4 | 9.0 | 18.0 | 12.1 | 24.2 | 15.6 | 31.2 | 19.9 | 39.8 | 25.3 | 50.6 |
| Industrial Supply [1] | 4.0 | 4.0 | 4.0 | 4.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| City of Stanwood and Whatcom County Intertie | 0.5 | 1.0 | 1.4 | 3.2 | 1.5 | 3.5 | 1.5 | 3.5 | 1.8 | 4.1 | 2.1 | 4.7 |
| Non-UGA | 1.7 | 4.4 | 1.9 | 4.9 | 2.3 | 1.0 | 2.7 | 7.0 | 3.2 | 8.3 | 3.8 | 9.9 |
| **Total** | **12.9** | **22.8** | **16.3** | **30.1** | **20.9** | **38.7** | **24.8** | **46.7** | **29.9** | **57.2** | **36.2** | **70.2** |

Footnotes:
[1] Approximately 25 percent of County industrial demand served by PUD.

**Table 8-9**
**Anacortes Service Area Average and Peak Day Projected Water Demands (including industrial)**

| Use | Year | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2000 | | 2010 | | 2020 | | 2030 | | 2040 | | 2050 | |
| | Avg. Day | Peak Day | Avg. Day | Peak Day | Avg. Day | Peak Day | Avg. Day | Peak Day | Avg. Day | Peak Day | Avg. Day | Peak Day |
| UGAs | 2.4 | 4.8 | 3.2 | 6.4 | 4.3 | 8.6 | 5.5 | 11.0 | 7.0 | 14.0 | 10.0 | 20.0 |
| Non-UGA | 0.3 | 0.8 | 0.4 | 1.0 | 0.5 | 1.3 | 0.5 | 1.3 | 0.6 | 1.6 | 0.8 | 2.1 |
| Whidbey Island | 3.4 | 6.7 | 4.8 | 9.5 | 4.8 | 9.5 | 4.8 | 9.3 | 4.8 | 9.3 | 4.8 | 9.5 |
| Industrial Supply [1] | 9.0 | 9.0 | 12.0 | 12.0 | 16.0 | 16.0 | 16.0 | 16.0 | 16.0 | 16.0 | 16.0 | 16.0 |
| **Total** | **15.1** | **21.3** | **20.4** | **28.9** | **25.6** | **35.4** | **26.8** | **37.8** | **28.4** | **41.1** | **31.6** | **47.6** |

Footnotes:
[1] Approximately 75 percent of County industrial demand served by Anacortes.

**Table 8-10**
**Concrete, Lyman and Hamilton Service Areas Demand Forecast [1]**

| Year | Year | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2000 | | 2010 | | 2020 | | 2030 | | 2040 | | 2050 | |
| | Avg. Day | Peak Day | Avg. Day | Peak Day | Avg. Day | Peak Day | Avg. Day | Peak Day | Avg. Day | Peak Day | Avg. Day | Peak Day |
| Hamilton | 0.14 | 0.28 | 0.19 | 0.38 | 0.26 | 0.52 | 0.34 | 0.68 | 0.43 | 0.83 | 0.55 | 1.10 |
| 0.04 | 0.04 | 0.08 | 0.05 | 1.10 | 0.06 | 0.12 | 0.08 | 0.16 | 0.10 | 0.20 | 0.12 | 0.24 |
| Concrete | 0.05 | 0.10 | 0.06 | 0.12 | 0.07 | 0.14 | 0.09 | 0.18 | 0.12 | 0.24 | 0.15 | 0.15 |

Footnotes:
[1] For purposes of CWSP all flow considered at an urban level of 135 gpc and a peaking factor of 2.0.

## 8.4 Rural Water Supply Systems

Of the larger and/or expanding public water systems identified, the remaining 17 are located within areas of the County currently targeted for a rural area designation. Based upon data obtained from the utilities and other sources during preparation of the CWSP, the water supply requirements are projected to be as shown in Table 8-11. These requirements are derived from the number of potential services/connections proposed by the utility and in most cases represent a foreseeable "build-out" condition. Totals include an estimate of private wells not accounted for in other utility service. Data are not available to allow a forecast of time over which the build-out will take place.

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Table 8-11
Non-UGA Utilities
Water Supply Demand

| Utility | Potential | | Water Demand [2] (MGD) | |
|---|---|---|---|---|
| | Services | Population | Avg. Day | Peak Day |
| Blanchard Edison Water Association | 384 | 899 | 0.081 | 0.210 |
| Cape Horn Maintenance Co. | 590 | 1,381 | 0.124 | 0.323 |
| Cedargrove on the Skagit | 292 | 683 | 0.061 | 0.160 |
| Del Mar Community Service | 346 | 725 | 0.065 | 0.170 |
| Guemes Island Water Company | 150 | 351 | 0.032 | 0.082 |
| Lakeside Estates | 27 | 405 | 0.006 | 0.016 |
| Leif Erickson Recreation Assn. | 180 | 421 | 0.038 | 0.099 |
| Rockport Water System | 60 | 140 | 0.013 | 0.330 |
| Samish Farms Water Assn. | 465 | 1,088 | 0.098 | 0.255 |
| Shelter Bay Community | 935 | 2,188 | 0.197 | 0.512 |
| Skagit County Water District No. 1 | 90 | 211 | 0.019 | 0.049 |
| Upper Skagit Indian Tribe | 70 | 164 | 0.015 | 0.038 |
| Wilderness Village | 110 | 257 | 0.023 | 0.060 |
| Other (private wells) | 4,268 | 9,989 | 0.899 | 2.300 |
| Total | 9,231 | 18,902 | 1.7 | 4.400 |

Assumptions:

(1) Based upon 1990 Census report of an average of 2.34 persons per housing unit in rural Skagit

(2) Assumes and average per capita demand of 90 gallons per day and a peaking factor of 2.6.

(3) Based on estimate of non-UGA population not accounted for by PUD, Anacortes or above non-UGA

## 8.5 Existing Facilities

Information related to 20 of the 23 systems under review is presented in Table 8-12. Sources of this data are water system comprehensive plans, DOH files, and personal contacts. Data reported includes utilities' supply sources, installed supply capacity, water treatment, fire flow, storage, and present and/or planned interties.

Data regarding the installed capacity for each source was developed in the following manner, relying on the information sources indicated above:

- The reported capacity of the pumping facilities installed at a well or other source was assumed to be the peak supply rate.
- This rate was usually provided in gallons per minute and was converted to million gallons per day (MGD).
- In instances where source development includes a water filtration plant and the capacity of the plant is the limitation on water delivery, the peak day production of the plant was assumed to be the peak installed capacity.

Although the overall data reported in Table 8-11 are a measurement of the ability of a utility to provide adequate and reliable water service, the key data element to the system assessment is the source installed capacity. This data element is used to evaluate the ability of utilities to serve expanded service areas from existing sources.

**Table 8-12**
**Public Water System Inventory**

| Water System Name | Date of Comp Plan | Supply Sources | Source Installed Capacity (Peak MGD) | Water Treatment* | Fire Flow | Storage (MG) | Certified Operator | Interties | Future Expansion | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Anacortes, City of | 2/25/92 | Skagit River | 33.0<br>33.0 | Dis., Sed., Filt., PAC, pH, FL | Yes (750-4,500 gpm) | 7.00 | Yes | Yes - Skagit PUD | Yes | Wholesales water to Oak Harbor, LaConner, and Skagit PUD. Water rights established on Lakes Campbell and Erie, but presently not used. Indicated source installed capacity of 33 MGD is present peak day production of pumping station on Skagit River. |
| Blanchard Edison Water Assn. | None | Well No. 1<br>Well No. 3<br>Well No. 4<br>White Wheel Creek | 0.144<br>0.432<br>0.187 | None | No | 0.20 | Yes | Yes - Skagit PUD | No | Additional services would be a result of infilling only. Skagit PUD - emergency use only. |
| Cape Horn Maintenance Co. | 8/16/95 | Well No. 2<br>Well No. 3 | 0.216<br>0.216<br>0.432 | None | No | 0.119 | Yes | None | Yes | Future increases due to infilling of existing lots and some new areas to the southwest. |
| Skagit PUD - Cedar Grove | 10/5/95 | Well No. 1 | 0.432<br>0.432 | Dis. | Yes | 0.27 | Yes | None | Yes | System owned and operated by Skagit PUD. |
| Colony Mountain Community Club | 1998 | Well #1 | 0.01 | None | Pending | 0.06 | No | None | No | |
| Concrete Utilities | 8/16/95 | Spring | 1.080<br>1.080 | None | Yes (2.5" -70PSI) | 0.10 | Yes | None | Yes | Any future increase would be west of City limits. Considering adding new spring source estimated at 200 gpm. |
| Del Mar Community Service | 1/1/95 | Well<br>Spring (Jones Canyon)<br>Spring (Dodson Canyon) | 0.036<br>0.016<br>0.027<br>0.079 | CL<br>CL<br>CL | Yes | 0.20 | Yes | Yes - Anacortes | No | Approved for 346 services, but utility does not propose to expand. |



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**Table 8-12 (continued)**
**Public Water System Inventory**

| Water System Name | Date of Comp Plan | Supply Sources | Source Installed Capacity (Peak MGD) | Water Treatment* | Fire Flow | Storage (MG) | Certified Operator | Interties | Future Expansion | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Guemes Island Water Company | 1/1/94 | Well No. 1<br>Well No. 2<br>Well No. 3 | 0.034<br>0.026<br>0.034<br>0.094 | None | No | 0.08 | No | None | Yes | Will expand service if water rights are granted by DOE. |
| Hamilton Water Department | 8/4/95 | Well No. 1 | 0.100<br>0.100 | None | No | 0.065 | No | None | Yes | Potential 130 new services in development north of town, additional 50 by infilling. New well and storage are being designed. |
| La Connor Water Department | 4/14/86 | Anacortes | 5.040<br>5.040 | Yes (by Anacortes) | Yes | 1.50 | Yes | Yes - Swinomish | Yes | Additional services will be infilling within existing service area boundary, with some extension to the northeast. |
| Leif Erickson Rec. Assn. | None | Well No. 1 | 0.114<br>0.114 | None | No | 0.011 | No | None | No | No plans or desire to expand service area. Additional 100,000 gallons storage proposed. About 20 connections are full time residents. |
| Lyman Water Department | None | Well No. 1<br>Well No. 2 | 1.008<br>1.008<br>2.016 | None | Yes (250 - 1,450 gpm) | 0.15 | Yes | None | Yes | Would be willing to expand service to the south and surrounding city limits but no development plans are known. |
| Skagit PUD - Rockport | 10/5/95 | Well No. 1 | 0.144<br>0.144 | Dis. (available) | Yes | 0.060 | Yes | None | Yes | System owned and operated by Skagit PUD. |
| Samish Farms Water Assn. | None | Skagit PUD | 0.216<br>0.216 | | No | 0.45 | Yes | None | Yes | Would be willing to expand service, but no development plans are known. |
| Shelter Bay Community | 1969 | La Connor/ Anacortes | 0.778<br>0.778 | Yes (by Anacortes) | Yes | 0.147 | Yes | Yes - Swinomish | Yes | Would be willing to expand service, but no development plans are known. |
| Skagit PUD (Fidalgo Island) | 10/5/95 | Anacortes | | Dis., Sed., Filt., Pac., pH, FL | Yes | 0.3 | Yes | Yes - Anacortes | Yes | 4 interties with City of Anacortes. Transmission lines at Reservation Road, Shapiro Corners, Dewey and Deception Road. |

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**Table 8-12 (continued)**
**Public Water System Inventory**

| Water System Name | Date of Comp Plan | Supply Sources | Source Installed Capacity (Peak MGD) | Water Treatment* | Fire Flow | Storage (MG) | Certified Operator | Interties | Future Expansion | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Skagit PUD (Judy) | 10/5/95 | Gilligan Creek<br>Mundt Creek<br>Turner Creek<br>Salmon Creek<br>Anacortes | 14.24<br>17.17<br>11.05<br>3.75<br><br>36.145 | Disinfection<br>Filtration<br>pH | Yes | 24.12 | Yes | Yes - Anacortes, Samish Farms, Fir Island, Blanchard Edison | Yes | Installed capacities of the creek sources are diverted to Judy Reservoir. Water delivery to the transmission mains is limited by the water treatment plant which has a design capacity of 12 MGD and peak day flow capacity of 18 MGD. |
| Skagit County W. D. No. 1 | 1/27/96 | Well No. 1<br>Well No. 2 | 0.108<br>0.181<br>0.289 | None | Yes | 0.08 | No | None | Yes | Plans to expand by 20 services. |
| Swinomish Utility and Env. Serv. Auth. | 1986 | Well No. 1<br>Well No. 2<br>Well No. 3<br>Anacortes | 0.130<br>0.065<br>0.065<br>0.0288<br>0.548 | CL, FL | Yes (500 - 1,000 gpm) | 0.218 | Yes | Yes - Anacortes, La Connor, Shelter Bay | Yes | Projected future services estimated based on an expected increase of 235 residential equivalents. Assumed 3 residents per service. Growth along Western Coast North of Highway 20. Well No. 1 not used - high iron problem. |
| Upper Skagit Indian Tribe | None | Well No. 1<br>Well No. 2 | 0.065<br>0.079<br>0.144 | CL, FL | Yes | 0.088 | No | None | Yes | |
| Wild Village | 1/29/98 | Well No. 1 | 0.122<br>0.122 | None | No | 0 | No | None | Yes | |

*Water Treatment:
CL = Chlorine
FL = Fluoride
DIS = Disinfection
SED = Sedimentation
FILT = Filtration
PAC = Powdered Activated Carbon

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## 8.6 Water Rights

### 8.6.1 Analysis for Existing and Expanding Systems

Having adequate water rights is a requisite for water supply development and planning. Being able to acquire new water rights is a necessary component of new source selection and development.

Current water right information is on file with the Department of Ecology (Ecology) for the larger Group A and expanding systems. A search of individual records was not conducted for the CWSP.

The water rights as they apply to the PUD and the City of Anacortes are being documented through a 50-year Memorandum of Agreement (MOA) (Appendix G). The MOA is signed by the PUD, City of Anacortes, the County, Upper Skagit, Swinomish, and Sauk-Suiattle Tribes, Ecology, and Department of Fish and Wildlife. It sets forth the process of determining Lower Skagit River and Cultus Mountain in-stream flows in exchange for water rights in accordance with the agreed upon in-stream flow levels.

Through this Agreement, the PUD and the City of Anacortes will confirm water rights to resources to meet projected future demand. The MOA is binding. No challenge to water right will be made for a 50-year period from the date of signing and agreement to in-stream flow levels. Beyond the 50-year period, existing water rights will be protected.

### 8.6.2 Future Requirements

WAC 246-290-130 requires that no new, previously unapproved sources, or modification of existing sources, be approved by DOH for use as a public water supply without a water right permit, if required, issued by Ecology (a water right permit is not required for withdrawals of groundwater of 5,000 gallons per day or less, for use for single or group domestic purposes). The purpose of this requirement is to ensure that public water systems are not created or expanded without having an adequate and reliable source of supply. In the past, DOH has given approval to water system projects conditional upon obtaining a water right permit from Ecology. However, in many cases projects that had received conditional approval proceeded to construction without obtaining the water right. This has resulted in a number of existing systems potentially being without an adequate and reliable source of supply should there be problems in ultimately obtaining the water right.

DOH now places greater emphasis on assuring that a utility has adequate and proper water rights before approving plans for new and expansion of existing public water systems. Pursuant to an agreement entered between DOH and Ecology in June 1991, it is required that, prior to submittal of

drinking water supply projects to DOH for approval, the applicant must determine from Ecology whether a water right permit or change to an existing water right is required. If required, the applicant must obtain the water right permit from Ecology prior to submittal of the proposal to DOH for approval. Since current processing time for water right permits is measured by years, utilities must include water right considerations in their short- and long-term improvement plans.

## 8.7 Demand Analysis

### 8.7.1 Special Considerations

The dominant future water demands within this evaluation are obviously on the City of Anacortes and the PUD systems. For this reason, the following circumstances of the existing systems are set forth.

(1) City of Anacortes - The raw water intake/pumping station on the Skagit River is designed and constructed to provide for a maximum diversion of 55 MGD. Four low head pumps are currently installed (two constant and two variable volume) having a combined capacity of 33 MGD. Pumping bays exist for installation of two additional pumps to increase the capacity to 55 MGD.

Raw water is delivered to the filtration plant which is designed for a nominal capacity of 20 MGD and a peak capacity of 30 MGD. Critical hydraulic features of the treatment plant are designed to permit future expansion to 60 MGD.

Treated water is delivered to a 760,000 gallon clearwell where chlorination takes place. Eight, five-stage, vertical turbine pumps with a rated capacity of 3,000 gallons per minute (4.32 MGD) each, and two, twelve-stage vertical variable output turbine pumps rated at a maximum of 1,200 gallons per minute (1.728 MGD) each, pump water to the transmission lines. The two variable output pumps are "balancing" or "trim" pumps to provide flow for final filling of reservoirs. Total maximum pumping capacity of the pump header is about 38 MGD. However, based upon pipeline conditions, the peak pumping capacity is 33 MGD and the normal maximum is approximately 30 MGD.

(2) PUD - The District obtains its primary water supply from the Cultus Mountain watershed. A portion of the waters of Gilligan, Salmon, Mundt, and Turner Creeks are diverted to Judy Reservoir. This reservoir is created by two dams and currently stores 1,010 million gallons at water surface elevation 451 feet. Design and construction is currently underway to expand the impounding dams to raise water

surface elevation to 461.2 feet. Storage at this elevation would be 1,460 million gallons.

Currently, water is pumped from Judy Reservoir to the water treatment plant, which has a nominal design capacity of 12 MGD and a hydraulic peak capacity of 18 MGD. The treatment plant is designed for future expansion to 30 MGD peak flow and oversizing of pumps and piping took place during construction. Treated water flows from the treatment plants to two, 1.2 million gallon storage tanks which supply the transmission system by gravity.

### 8.7.2 Summary

A comparison of (1) current installed system capacity, (2) forecasted system demand for the year 2050, and (3) recorded water rights is shown in Table 8-13. All data represents peak day conditions since regional planning for future water supplies must address this need. The peak day requirement for the urban systems is the year 2050 forecasted demand. For the rural systems, the data represents full development of the potential services/connections shown in Table 8-10, plus estimated private wells. The systems have been grouped in the categories of UGA and non-UGA based upon the UGAs established by Skagit County and the cities. The data represents a summary of the analysis described in this section of the CWSP.

**Table 8-13**
**Future Regional Demand Summary**

| Purveyor | Peak Day Existing Installed Capacity [1] (MGD) | Projected Peak Day Capacity | Year 2050 Peak Day Requirement[3] (MGD) | Existing Water Rights (MGD) | Water Rights per MOA [2] | Short Falls | |
|---|---|---|---|---|---|---|---|
| | | | | | | Capacity | Water Rights |
| ***UGA Systems*** | | | | | | | |
| City of Anacortes | 30.0 | 55.0 | 47.6 | 75.8 | 75.8 | - | - |
| PUD No. 1 (Judy) | 18.0 | 30.0 | 70.2 | 27.5 | 35.8 | 40.2 | 34.4 |
| Hamilton, Lyman, and Concrete | 3.2 | 3.2 | 1.5 | - | - | - | - |
| Subtotal | 51.2 | 88.2 | 119.3 | 103.3 | 111.6 | - | 6.2 |
| ***Non-UGA Systems*** | 6.0 | 6.0 | 4.4 | 4.0 | 4.0 | 0 | 0.4 |
| Total | 57.2 | 94.2 | 122.7 | 107.3 | 115.2 | 30.2 | 6.0 |

Footnotes:
[1] Installed capacity is the peak day production of the filtration plant.
[2] Of this total, 54.94 MGD (City) and 27.5 MGD (PUD) are not subject to in-stream flows.
[3] Includes industrial demands.

Although numerous assumptions have been made as to the future distribution of County population and related water demand, the system

assessment results for a total County peak day demand is consistent with the County-wide forecast developed in Section 7 (i.e., 122.5 MGD by the system assessment compared to 122.7 MGD for year 2050 population based estimate).

## 8.8 Conclusions

Viewing the above analysis from a regional perspective, the following conclusions are reached:

- In the aggregate, the current installed capacity of the rural systems (6 MGD) is sufficient to meet the forecasted peak day requirement at full connection development (4.4 MGD). Documented water rights (4 MGD) fall short of the projected requirements. However, each rural utility's situation is unique and must be viewed separately. Due to the distance between utilities, there is little opportunity for sharing of supply sources through system interties.

- Additional system capacity must be installed by the City of Anacortes to meet projected year 2050 peak demand of 47.6 MGD. The City has planned for this need in the design and construction of its water intake structure on the Skagit River and at the water treatment plant. Both can accommodate an expansion to 55 to 60 MGD (peak day flow) and water rights currently exist for benefit of a 55 MGD diversion.

- The PUD must also provide for additional system capacity to meet the forecasted demand upon its regional system. Here again, advanced planning has taken place. Provision has been made, and work is in progress to raise Judy Reservoir dams, water right applications have been advertised and are pending for appropriation of additional water from Cultus Mountain streams, based on the 50-Year MOA. The water treatment plant is designed and constructed to accommodate an increase in capacity to 30 MGD.

- Including the projected installed capacity of 30 MGD scheduled for 2005, the PUD shortfall by the year 2050 will be approximately 40.2 MGD on a peak day basis.

- On a regional basis, assuming the MOA agreement is implemented, water rights will be insufficient to meet year 2050 forecasted peak day needs by 6.0 MGD.

- It is the position of at least the Swinomish Tribe that nothing in the CWSP should be construed as acknowledging or constituting quantification of Tribal reserved water rights or future Tribal water needs.

- Agricultural demands are not addressed here, but should be included in the basin-wide planning performed with the Skagit-Samish Rivers Watershed Plan.

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# Section 9
# Regional Water Supply Strategy

## 9.1 Introduction

Public water supply needs within Skagit County (County) are currently met from a combination of surface and groundwater sources. As described in Section 8 (Assessment of Existing Water Supply Systems), the two largest systems (City of Anacortes and Public Utility District No. 1 of Skagit County (PUD)) will serve approximately 94 percent of the County population in 2000 and an estimated 96 percent in 2050. Both utilities have developed surface water sources. The other systems rely primarily upon groundwater development.

Only a few systems currently experience problems in developing adequate water supply. The most predominant of these problems is on Guemes Island. These shortages are primarily related to limited groundwater yields, potential for seawater intrusion into the aquifers near the perimeter of the island, and uncertainties in State groundwater policies.

On a regional basis, additional demands (over current 1995 use) of 45.7 MGD average day and 84.5 MGD peak day are forecast for the year 2050 (See Section 7, Tables 7-9 and 7-10). Expansion of treatment plant capacity to meet forecast peak day requirements will be needed for the PUD system by the year 2005 and for the City of Anacortes by the year 2010. An increase in water source capacities and related water right considerations for these systems is currently addressed through the 50-Year Memorandum of Agreement (MOA).

For areas in the eastern portion of the County which depend primarily on local groundwater supplies, water of adequate quantity and quality appears to exist, particularly in the Skagit River Valley trough. However, the groundwaters are believed to be in hydraulic continuity with the Skagit River, and future State policies for issuance of new water rights may limit future development.

This Coordinated Water System Plan (CWSP) study has shown that additional public water supplies are required to meet future County needs. This section examines the alternatives for meeting those needs and recommends a regional supply strategy.

## 9.2 Planning Criteria

### 9.2.1 Regional Water Supply Requirements

The water demand forecast developed in Section 7 examined Skagit County and adjoining area future needs under two scenarios. One scenario assumed

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current levels of per capita water consumption would continue into the future. The second relied on a basic water conservation program being implemented by the year 2000, achieving a 10 percent reduction in per capita water use.

The forecast including conservation savings was adopted for purposes of this plan. This forecast identifies a regional requirement for an additional 45.7 MGD (average day) and 84.5 MGD (peak day) over current use (Tables 7-9 and 7-10). These quantities are used for regional planning purposes.

### 9.2.2 Source Selection

Guidance for identifying sources of supply for study purposes was provided by the Water Utility Coordinating Committee (WUCC). The selection/screening criteria adopted are as follows:

***Water Quantity***

- ❑ Supply should be sufficient to meet year 2050 average day needs.
- ❑ Source(s) must be developable from technical and political standpoints.
- ❑ From a geographic perspective, examine only those sources that are internal to the CWSP study area.
- ❑ Consider the conjunctive use of surface and groundwater.
- ❑ Groundwater availability in a regionally significant quantity must be on a sustained basis without producing long-term water level declines. A regionally significant quantity is defined as 2.0 MGD or more (about 1,400 gallons per minute) from one well or group of wells (well field) in close proximity.

***Water Quality***

- ❑ Supply sources must meet State and federal quality standards. Treatment to meet standards is to be considered, subject to economic constraints.
- ❑ New sources of supply should not degrade existing system water quality.

***Efficiency***

- ❑ Priority should be given to full utilization of existing systems.
- ❑ Development of existing sources should be enhanced.



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***Reliability***

- Sources must be capable of supplying the design flow 98 percent of the time during which water is required. This equates to a supply which falls below the prescribed value only once every 50 years.
- Source augmentation (e.g., artificial recharge, and storage) may be used to achieve supply reliability.

***Environmental***

- Preference should be given to supply development options having the least environmental consequences.
- Mitigation of environmental consequences shall be consistent with the State Environmental Policy Act (SEPA) and Skagit County Comprehensive Plan requirements.

## 9.3 Supply Sources

### 9.3.1 Groundwater

Recognizing in 1993 that there may be significant potential for groundwater development within the County, the firm of Pacific Groundwater Group was retained during development of 1993 CWSP, to conduct an assessment of the groundwater resources. The specific goals of this study were to:

- Estimate amounts of groundwater potentially available in the County;
- Identify preferred locations for additional development;
- Assess existing water quality and its potential effects on development; and,
- Quantify the cost and general number of wells needed for the additional development.

The final text of the report prepared at that time is included as Appendix H. A summary of the report, still considered valid for purposes of this CWSP update, follows.

***Geology and Aquifers***

Aquifers were defined through the review of key geologic reports and over 2,000 well logs contained in the files of the Department of Ecology (Ecology). About 250 representative logs were selected that indicated both hydrologic and geologic information. Where available, at least one representative log per

square mile was obtained. Using this information, geologic cross sections were prepared and geologic units identified.

This work disclosed that most of the County's high yield aquifers are associated with the Skagit River. They typically consist of coarse deposits of sand and gravel within the upper 200 feet of the alluvium that defines the Skagit Valley.

### *Potential Well Yield*

Potential well yield was defined as the short-term yield that is likely available from a properly designed and constructed well, finished in the best aquifer (when more than one aquifer lies at depth) from some location within the area. This yield may not be possible with the existing wells installed in the area.

All areas are likely to contain anomalous wells that produce substantially different yields. These anomalous wells are not considered to be representative of yields that may be used in planning for regional water supply.

The highest yields are generally associated with the Skagit River Valley alluvial areas. Yields of 500 or more gpm are possible throughout much of the Valley, with yields of more than 800 gpm possible near the Marblemount area. High yields are also possible in the eastern part of the Skagit Delta area. These yields are also in the 500 gpm or more range.

A small high-yield area was also identified near Lake McMurray. Potential well yields of 500 gpm or more are possible in this area from sand and gravel probably associated with glacial outwash deposits.

Other areas in the County have estimated potential yields of 100 gpm or less. Since 100 gpm is not considered practical for a regional water supply, they are not considered further in this report.

### *Groundwater Quality*

Groundwater quality was assessed to identify the likely water quality from locations that may be considered for regional water supply. Areas were identified where local groundwater quality was known to meet drinking water standards. Areas with wells known not to produce water meeting the standards were also identified.

Three major categories of water quality problems were considered:

- ❑ Saline water;
- ❑ Natural water contaminants, such as iron and manganese; and,
- ❑ Industrial contamination.

More recently, in 1997, the Department of Health (DOH) began full implementation of the Groundwater Under the Influence of Surface Water (GWI) aspects of the Surface Water Treatment Rule. Groundwater sources that are found to be directly influenced by surface water must meet the same treatment requirements as surface water sources. This issue was not a consideration in the 1993 Pacific Groundwater Group study, and could further limit the potential areas for groundwater development. This issue is not included in the following discussions. It would need to be evaluated for new wells in proximity to the Skagit River or other surface water bodies.

Wells with historical occurrences of excess levels of iron, manganese, and salinity (indicated by chloride concentrations) were identified based on published records and DOH water system records. Additional information on saline water was obtained from well logs from Ecology, discussion with well drillers Dean Hayes (1991) and Ken Fowler (1991), and data contained in the files of Ecology (Garland, 1991). Information on potential industrial contamination was obtained from the County Health Department (Haycox, 1991) and Ecology listings of remediation sites in the County.

Criteria were established to designate water quality problem areas. Any report of iron or manganese exceeding the secondary standards of 0.30 mg/l (iron) or 0.05 (manganese) was taken as an indication that future problems in the area were possible. Chloride concentrations of 100 mg/l were taken as an indication that saltwater intrusion (or relic seawater) was present in the area and that future development in the area may have similar problems.

Industrial contamination was considered as a potential problem. The presence of an abandoned landfill, a gas station with a leaking tank, an industrial site such as a refinery or waste transfer/processor, or an agricultural area with known problems such as EDB were all noted, even if actual groundwater contamination had not been reported.

Review of the compiled data indicated that the area east of Concrete has the preferred water quality conditions for a regional water supply. The area between Concrete and Sedro Woolley may also be acceptable. This area has fewer reported and potential water quality problems than areas further to the west.

A regional groundwater supply source developed in the area east of Concrete would be less likely to have excess iron or manganese than a source further down the Valley or in the delta. Areas with wells reporting excess levels of iron and/or manganese lie in the Skagit Delta. Some problem areas can also be found in glacial deposits in the western part of the County and on Guemes Island. Areas up-valley, east of Concrete, do not report excess iron or manganese.

A regional groundwater supply source developed in the area east of Mount Vernon would be less likely to have saltwater intrusion than other areas closer to the delta front. Most areas more than a few miles inland, away from the river, are also acceptable. Areas with wells reporting saline water are listed in the original report. As would be expected, most saltwater intrusion problems occur near the sea, either on islands or near the coast in the delta. Guemes Island indicates many wells reporting saltwater intrusion (unpublished Ecology study, Garland, 1991). Other islands (Fidalgo and Samish) also indicate some intrusion. Non-island intrusion areas are generally confined to the delta area.

Areas with potential for industrial contamination in the groundwater are generally located near population centers, which are located west of Sedro Woolley. A few abandoned landfills can be found further inland. Since these inland landfills are near small, non-industrial centers, they are unlikely to have received a significant volume of hazardous materials. These small landfills are probably not a major concern for development of a regional groundwater supply. Based on these assumptions, the preferred location to minimize potential industrial contamination is inland, east of Concrete away from the few potential problem areas.

### *Aquifer Recharge and Water Budget*

A water budget was developed (see Appendix H) which is a first-cut estimate of the major components of the hydrologic cycle. This estimate indicates the approximate volumes of water that are flowing in and out of the County's hydrologic system through precipitation, evapotranspiration, runoff, groundwater recharge, human consumption, and natural discharge.

The water budget serves as the basis for initial planning of groundwater use. It provides a general understanding of the components of recharge, groundwater use, and natural discharge. This general understanding helps in the management of groundwater resources by indicating the relative magnitude (importance) of each component of the flow system. It cannot be used by itself as a tool for accurate long-term management of groundwater resources. The variability of the natural earth system is too great to allow for precise knowledge of the individual components of the budget to the degree required for management of the resource by water budget analysis alone.

The mass-balance principle was used in determining the water budget; i.e., water going into the system is equal to the water flowing out of the system plus or minus the change in storage of the water within the system. This situation is true at all points of the system at all times based on the principle of the conservation of mass. In the natural system, groundwater storage changes seasonally and with dry/wet year cycles. Pumping of groundwater also changes the amount of storage in the system. In this analysis, it was assumed that

long-term (multi-year) changes in the system are zero. The water budget represents an "average" year.

With the assumption that change in storage is zero (equilibrium conditions) the mass balance was calculated by assessing:

- Precipitation (a significant water input);
- Evapotranspiration (a relatively large component);
- Runoff (a relatively large component);
- Groundwater recharge (relatively small compared to precipitation); consumption via wells and springs (relatively small compared to total recharge); and,
- Unaccounted natural discharge (a major component).

The analysis indicates the total recharge to aquifers in the County is on the order of 600,000 acre-feet per year (530 MGD). This amount represents the recharge to all the aquifers in the County. The specific amounts to each zone cannot be accurately estimated from the existing data. The total water balance analysis provides an estimate of additional groundwater development that would be possible based on a 20 percent capture ratio. On a County-wide basis, an additional 100,000 acre-feet per year (about 90 MGD) may be available.

### *Regional Groundwater Supply Development*

The existing data indicate additional groundwater supplies can best be developed in the alluvial deposits in the Skagit River Valley. High-yield aquifers are present beneath the Valley at many locations. High-yield wells appear feasible at most locations from the vicinity near Marblemount to the Skagit Delta west of Mount Vernon. The available data indicate water quality is better and well yields possibly higher in the area just east of Marblemount. Other areas between Marblemount and Concrete also appear to have good water quality but slightly lower well yields. The Valley areas further downstream near Sedro Woolley and Mount Vernon also appear to have the potential for relatively high well yields, but water quality may not be as good with more wells reporting excessive concentrations of iron, manganese, and in some areas near the coast, saline water.

A few areas outside the Skagit Valley indicated relatively large well yields such as near Lake McMurray. The limited extent of the aquifer in these areas make major development of a regional source less feasible, however. Other areas show moderate well yields, such as north of the Skagit River Valley. In these areas, a large number of wells could be installed to produce a regional supply. The costs would likely be prohibitive, making other supply areas more desirable.

Yields from properly constructed wells, finished in the more productive aquifer(s) in the Skagit Valley area, are likely to be in the 500 gpm to 800+ gpm range. Deposits of gravel and sand lying within 200 feet of ground surface allow these high individual well yields. The highest well yields appear feasible in the Marblemount area where the high-energy environment of the Skagit and Cascade Rivers allowed the deposition of the coarser grained materials. Localized high yields are also feasible further downstream, where aquifers also comprise gravel and sand deposits. Areas of silts and fine sands are also present, however, making consistent very high yields (800+ gpm) less likely.

Upland areas surrounding the Valley do not have regional water supply capability because well yields are generally low. These areas contain bedrock aquifers and only very localized and limited sand and gravel deposits. The bedrock areas typically have well yields of under 10 gpm and often much less. The sand and gravel areas may have yields that are higher, sometimes greater than 100 gpm. These yields are still below those needed for an economic regional water supply. They could be used for local supply, however.

The water budget analysis indicates 90 MGD of additional groundwater may be available for development within the County. This estimate is a "first cut" planning value. It is based on an assumed capture ratio of 20 percent. More (or less) than 20 percent of total recharge may be potentially available, depending on the economic, environmental, and social costs that society is willing to pay.

Development of the 90 MGD would require a series of wells along the Skagit River Valley. Full development would likely require 70 to 100 wells from Mount Vernon to beyond Marblemount. Such a series of wells would be needed to intercept groundwater before it discharged to the river. Some areas would require more wells than others, as yield from individual aquifers will vary, locally.

Full development of the estimated 70 to 100 wells needed to develop 90 MGD would cost about $7 million (1993 dollars). The estimated cost for these wells ranges from about $71,000 to $83,000 (1993 dollars). These costs include drilling, testing, production pump installation, engineering and construction of a small well house. They are based on a compilation of estimates provided by several well drilling firms. The estimated average well depth is 150 feet. Diameters would likely range from 12 to 16 inches, based on anticipated peak yields of 600 to 1,000 gpm. The costs for transmission lines, plumbing, and other appurtenances are not included.

Other issues that may impact well development are the Endangered Species Act (ESA), DOH wellhead protection areas, and Tribal/County coordinated management of stream flows.

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### *Water Right Policies*

Ecology has given considerable attention to the relationship of surface and groundwater in water right activities. The term "hydraulic continuity" is used to identify the relationship and is currently defined by Ecology as:

> "The interconnection between groundwater (aquifers) and surface water sources. An aquifer is in hydraulic continuity with lakes, streams, rivers, or other surface water bodies whenever it is discharging to these water bodies. It is also in continuity if it is being recharged by the surface water. Where hydraulic continuity exists, groundwater and surface water can not be considered as independent resources. A withdrawal from one will have some effect on the other." (Ecology Draft Hydraulic Continuity Policy, May 7, 1992)

When hydraulic continuity is determined to exist, Ecology's position is that permit decisions for groundwater withdrawals must be consistent with resource management plans and protection levels established for surface waters. Therefore, since the Skagit River is the discharge point for most groundwater in the County, it is reasonable to assume that requests for appropriation of regionally significant amounts of groundwater would be evaluated as to potential effects on the aquifer and the Skagit River. Quantitatively, the continuous withdrawal of 29 MGD from an aquifer would equate to a flow of 45 cubic feet per second (cfs). Flow of the Skagit River at Mount Vernon (51-year record) averaged 16,710 cfs. The minimum discharge of 2,740 cfs occurred October 26, 1942. Assuming a direct relationship, a 29 MGD withdrawal would represent about three-tenths of one percent of the average discharge and two percent of the extreme low flow of the Skagit River. It is not known whether Ecology would consider this a significant and adverse effect that would prevent groundwater development and use.

A further (and possibly controlling) water right consideration would be the protection of instream flows in the Skagit River. State law requires that certain instream resources be protected and establishes a rule making procedure for setting instream flows. Once established, the protected flows enjoy a priority as of the date the State rule/regulation is adopted. Water rights issued after that date are then inferior to the instream flows and subject to closure to protect the flows. The 50-year MOA defines the process by which the instream flow conditions will be determined and set.

It is the position of the Swinomish Tribe that nothing in the CWSP should be construed as acknowledgments by the Tribe of any determinations which may affect future allocations of instream flows.

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### 9.3.2 Surface Water

Based upon the adopted planning criteria, only sources internal to the planning area (Skagit County) are to be considered for future water supply. The predominant source is obviously the Skagit River and its tributaries. Secondary sources are the Samish River and smaller systems such as the Lake Cavanaugh drainage which is tributary to the Stillaguamish River.

From a practical standpoint, the Skagit River is the surface water source of choice. The next largest stream, the Samish River, has recorded flows as low as 11 cfs, or about 7 MGD, (July 10, 1951) at the bridge crossing on old U.S. Highway 99. The Samish River and smaller streams would not have a flow reliability to support development for regional water supply.

Based upon U.S. Geological Survey published records for the period of 1940 through 1991, the flow of the Skagit River at Mount Vernon may be summarized as Table 9-1.

**Table 9-1**
**Historical 1940–1991 Skagit River Flow at Mount Vernon**

| | Cubic Feet Per Second (cfs) | Million Gallons Per Day (MGD) |
|---|---|---|
| Mean annual discharge | 16,710 | 10,795 |
| Highest mean daily flow | 142,000 | 91,732 |
| Lowest mean daily flow | 3,050 | 1,970 |
| Minimum day discharge | 2,740 | 1,770 |

From the standpoint of stream flow records, it appears there should be no problem in meeting the year 2050 forecasted deficit peak day flow of 37 MGD from the Skagit River. This represents two percent of the minimum flow of record. However, as noted in the preceding groundwater discussion, the State has not established instream flows on the River through its rule making process. It is through this process that a priority and quantity of right would be determined for instream resource needs. Prior to granting a reservation or appropriation of a regionally significant amount of water for public water supply use, it is assumed that the State would first establish the instream flows. Instream flow determination is currently in progress as agreed to under the 50-year MOA (Appendix G). Under the agreement the PUD and City of Anacortes will conduct in-stream flow studies in return for water rights. To a portion of the flow in excess of the agreed upon minimum in-stream levels. The reservation or appropriation will carry an inferior priority to the instream resources right. The level at which the instream right is fixed will determine the availability of water for other uses.


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### 9.3.3 Water Conservation

The reduction in water use through water conservation is considered a supply option. For purposes of this CWSP, implementation of utility-specific and a regional conservation plan were factored into the water demand forecast. This conservation plan is described in Section 7 and is a surrogate to a new source of supply through a reduction in future demand.

## 9.4 Future Supply Options

### 9.4.1 Non-Urban Growth Areas

The process of identifying and establishing utility service areas, as described in Section 3, resulted in the recognition of many existing, noncontiguous utilities in the non-Urban Growth Areas (UGAs), which rely upon groundwater sources. New systems proposed in the non-UGA will primarily be developed by the PUD consistent with provisions of the Satellite System Program (SSP).

Based upon the results of the previously discussed 1993 CWSP groundwater assessment conducted by Pacific Groundwater Group, it is concluded that groundwater of acceptable quality and quantity is generally available for public water supply in the rural area. Problems do exist in localized areas such as Guemes Island where more detailed groundwater studies may be required.

Given these circumstances, continued groundwater development by utilities appears to be the preferred option in the non-UGA. In that portion of Skagit County west of Sedro Woolley, intertie with or service by the urban systems (City of Anacortes and PUD) should be encouraged when service is available.

### 9.4.2 City of Anacortes System

The current status of development and future water demand requirements for the City of Anacortes service area are described in Section 8 and summarized as Table 9-2.

**Table 9-2**
**City of Anacortes Service Area Water Demand**

| | Average Day (MGD) | Peak Day (MGD) |
|---|---|---|
| Year 2050 Requirements | 28.0 | 40.5 |
| Current Installed Capacity at Treatment Plant | 20.0 | 30.0 |
| Scheduled Capacity Upgrade | [a] | [a] |
| Year 2050 (Deficit)/Surplus | (see Appendix G) | |

[a] The City of Anacortes plans to upgrade production as needed to maximize water rights.

The existing raw water pumping plant on the Skagit River is designed and constructed to accommodate a peak pumping rate of about 55 MGD. Additional pumps must be installed to develop this capacity. In addition, the existing water filtration plant is designed for expansion to a peak capacity of 60 MGD.

Two State certificates of water right are issued for benefit of the raw water pumping station. The combined appropriation is approximately 55 MGD. In addition, a groundwater certificate of water right exists for the appropriation of about 21 MGD from Ranney wells no longer used by the City of Anacortes. The City has filed application with Ecology to transfer this right to the existing raw water intake on the Skagit River. The 50-year MOA will transfer the Ranney Well right to provide for diversion at existing intake addressed in Certificate No. C-709.

Based upon the above, it appears City of Anacortes water supply demands within the scope of this study can be met from the Skagit River.

### 9.4.3 Public Utility District No. 1 of Skagit County (PUD) System

#### *Supply Status*

The current status of supply development and the future water requirements for the non-satellite service area of the PUD system are generally described in Section 8. This examination relies upon the results of past hydrologic analysis of the watershed streams by PUD consultants using data for the years 1927 through 1962. These data indicate that a low flow critical period existed between May 1928 through November 1929 and that there have been times within this recorded period when no flow was available for diversion to Judy Reservoir from May 1 through September 30.

The relationship of the critical period flow of the source streams (Gilligan, Salmon, Turner, and Mundt Creeks), mainline collector/transmission pipeline capacity from the source streams to Judy Reservoir, and water right status pending MOA required in-stream flow levels are as follows:

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- The 42.59 CFS (27.52 MGD) appropriation from Sedro-Woolley and Ranney Wells (Certificate 1904 and 2107) and Cultus Mountain water rights are not subject to Lower Skagit in-stream flows.

- The 31.69 CFS (20.48 MGD) appropriation from Salmon, Gilligan, Turner, and Mundt Creeks are subject to Cultus Mountain in-stream flows. These flows have been established and are included as Appendix I.

- The 39.81 CFS (23.4 MGD) of pending and new water rights on Salmon, Gilligan, Turner, and Mundt Creeks. The purpose of these applications is to make full use of the hydraulic capacity of collector lines.

- All Cultus Mountain diversion will not exceed 35.8 MGD.

- Cultus Mountain instream flows included as (Appendix I) will be recognized as higher priority than: 1) existing claims and certifications; 2) pending and new water rights; and, 3) future claims and adjustments.

Based on the MOA, the PUD:

- May divert up to 35.8 MGD to Judy Reservoir from Cultus Mountain streams subject to in-streamflows.

- May transfer Ranney & Sedro-Woolley well water rights to diversion at new PUD Skagit River pumping station.

- May provide additional diversion at PUD Skagit River Pumping Station on each of the MOA listed water rights.

- May periodically divert up to 35.8 MGD from the Skagit River to Judy Reservoir as an alternate source of supply to the Cultus Mountain streams with only 8.28 subject to in-stream flows.

### *Future Requirements*

Additional water supply will be required to meet projected PUD system needs. These needs are summarized Table 9-3.

**Table 9-3**
**PUD No. 1 Service Area Water Demand**

| | Average Day (MGD) | Peak Day (MGD) |
|---|---|---|
| Year 2050 Requirement | 39.3 | 79.7 |
| Current Installed Capacity at Filtration Plant | 12.0 | 18.0 |
| Year 2005 Scheduled Capacity Upgrade | 24 | 30 |
| Year 2050 (Deficit)/Surplus | (15.3) | (49.7) |

### *Supply Augmentation Options*

Work is currently underway to enlarge the storage capacity of Judy Reservoir from the current 451 elevation to 461.2 by raising the existing dams. The increase in storage will provide an additional 3.0 MGD during the months of May through September. The work is scheduled for completion in 1999.

Several other alternatives exist for augmenting existing sources or developing new sources to meet the forecasted growth within the PUD service area as needed. These alternatives are briefly described below.

- Expansion of City of Anacortes Filtration Plant - The present river bend intertie with the City of Anacortes provides a flow of 4.5 MGD to the PUD system. The Anacortes filtration plant has a current peak day capacity of 30 MGD and is designed for expansion to 60 MGD. With this expansion, the Anacortes system could serve the growth-related needs of the PUD service area. Booster pumping may be required to serve all but two of the PUD pressure zone areas. Alternatives to pumping to the PUD system should be investigated.

- Groundwater Development – Groundwater options are addressed by the "water resources plan" prepared for the PUD by Kennedy/Jenks, 1997. This report is on file at the PUD

### *Comparison of Supply Options*

The relative merits of the additional supply options are summarized in Table 9-4. A comparison of capital or net worth costs is outside the scope of this evaluation.

**Table 9-4**
**PUD Resource Options**

| Option | Advantages | Disadvantages |
|---|---|---|
| 1. **Joint Use of Anacortes Facilities** | Supply potentially available for total future needs | Complementary only to the lower (214) PUD pressure zone |
| | Minimum near-term capital costs | Pumping/energy cost |
| | Puts regional water supply program in place | Intertie water right considerations |
| | Maximizes use of both the Anacortes and PUD systems | |
| 2. **Groundwater Development** | Supply potentially available for total future needs | Potential water quality (iron and manganese) problems |
| | Supply can be incrementally developed | Water right complications associated with hydraulic continuity issue |
| | New sources/wells can be sited in growth areas | Pumping/energy cost |
| | Maximizes phasing of capital costs | |

## 9.5 Recommended Regional Water Supply Strategy

Based upon the review of supply sources described above, the following supply strategy is recommended for the rural and urban areas of the County. This strategy assumes the land use policies adopted by the County in 1996 under the Growth Management Act (GMA) will generally distribute new population growth in the 80 percent urban/20 percent rural manner described in this CWSP.

### 9.5.1 Supply Strategy

#### Non-UGA

A. Within the parameters of the 50-year MOA individual utilities and the Satellite Management Agency (SMA) should rely on groundwater or surface water development for future needs, depending on environmental and cost/benefit analyses.

B. Within the limitations of physical circumstances, utilities should seek interties for both emergency and normal operations.

C. Population growth should be served by those utilities indicating the intent to expand their service areas, and by the PUD (as the Satellite Management Agency), according to the program and policy outlined in Section 6.

**UGA**

A. The City of Anacortes and the PUD should be the responsible entities for serving growth in the urban areas.

B. Anacortes and the PUD should continue their Joint Operating Agreement for development of shared regional water supply facilities.

C. The PUD should continue under the 50-Year MOA to obtain approval of water right applications on the Cultus Mountain streams in an amount that allows use of the collector pipelines to full hydraulic capacity, when water is available.

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# Section 10
# Joint Use Facilities

## 10.1 Introduction

The 1977 Public Water System Coordination Act and the Water Resources Act of 1971 both recognize and encourage the joint use of public water facilities to promote regional water use efficiency and resource management. In addition, the intertie legislation of 1991 (RCW 90.03.383) reinforces this legislative policy and adds the objective of encouraging interties for the purpose of improving the reliability of public water systems.

Joint use of facilities through intergovernmental agreements is an essential component of an effective implementation program. The Coordinated Water System Plan (CWSP) is designed to further expand the joint use concept and seeks to establish a phased program to construct new transmission facilities that intertie major utilities and sources of supply within the urban area of Skagit County (County). Interties with utilities in Island County and between the Public Utility District No. 1 of Skagit County (PUD) and City of Anacortes (City) now exist, and future interties with utilities in Snohomish County are anticipated.

## 10.2 Joint Use Facilities

The City and the PUD now operate a number of interties between their public water supply systems.

The City and the PUD continue to operate under agreement developed under the 1993 CWSP (Appendix B) to develop a Skagit Regional Water Supply System.

The Agreement recognized the past cooperative programs of the two parties in operating reliable public water systems in Skagit County. The Agreement further established the following intent as set forth in Section 2:

- It is the intent of the parties to cooperate in the development of additional waterworks and facilities that would form a Skagit Regional Water Supply System. The City and PUD will work cooperatively in the development of additional of expanded water resources and systems for distribution within Skagit County. Absent further agreement, the City and PUD will maintain present service areas, and their customers will continue to enjoy the present level of supply and service.

- This Agreement provides a framework for development of each new joint facility. Each joint facility not specifically addressed by this

Agreement shall be addressed by amendment to this Agreement. The specific intent of this Agreement is to make provisions for a standardized method to expand the Skagit Regional Water Supply System to meet the public water supply needs, and to establish a basis for agreement between the City and PUD for financing, ownership, construction, and operation of new joint facilities required for the Skagit Regional Water Supply System.

- It is the further intent of the parties that this agreement be incorporated into the Skagit County CWSP.

  This CWSP does establish the current framework for additional projects, projection of need and schedule, and the general guidelines for the regionally coordinated program.

  Joint use facilities may require changes in source of supply water rights. Any source of supply proposed for use as a joint facility should be carefully evaluated to determine water right implications. The existing City and PUD water rights provide for water use within their respective service areas. Extension of this use under the regional concept embodied in the Agreement will require modification of the rights as to the authorized place of use of water. The 1991 intertie legislation (see discussion in Sub-Section 11.5) provides the framework for addressing water right requirements.

Section 9 presents the recommended supply plan for the study area to the year 2050. The evaluation of all supply strategies should be undertaken with the Agreement conditions as a reference. All significant projects will require use and development of joint facilities.

The State, Tribes, and local governments entered into a 50-Year Memorandum of Agreement (MOA) regarding cooperative water resource management of the Lower Skagit River and Cultus Mountain Streams. This updated CWSP and the MOA will continue to be an integral part of the water resource planning for Skagit County.

Collectively, the CWSP, the Water Resources Act of 1971, the MOA, and the Growth Management Act (GMA) establish a program of joint study, resource management, and facility development. The City of Anacortes-PUD Agreement is consistent with the envisioned intent and all of the referenced programs.

During the life of the 1999 CWSP Skagit County will address watershed planning and coordination of all water policies with the Environmentally Sensitive Area (ESA). It is the intent of the CWSP to provide a functional plan that links all water resource planning documents. To achieve that coordination with the CWSP will be periodically reviewed for consistency with the intent of all referenced programs.

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# Section 11
# Plan Implementation

## 11.1 Introduction

The intent of the Skagit County Coordinated Water System Plan (CWSP) is to implement the various provisions of the Public Water System Coordination Act, Chapter 70.116 RCW and the County Comprehensive Plan. This Section briefly outlines the approval process for the CWSP and regional administrative actions for implementation, describes how the CWSP is routinely updated, and provides the environmental review.

## 11.2 Plan Approval Process

It is the responsibility of each utility to fulfill its water system planning requirements. The level of effort required is based upon the system size, the expansion plans of the utility, and the type of system ownership. Guidelines for preparing water system plans (WSP) are available from Department of Health (DOH). Completed WSPs are kept on file with DOH, Skagit County Planning and Permit Center (SCPPC), and Skagit County Health Department (SCHD) and considered to be a part of the CWSP

Preparation of the Supplemental Provisions is the responsibility of the County and the local utilities, acting through the Water Utility Coordinating Committee (WUCC). The WUCC identified local needs and gave direction to the development of the CWSP as it related to area-wide issues. Through the efforts of the WUCC and the County, the procedures, regional policies, and minimum standards have been completed for the Critical Water Supply Service Area (CWSSA).

The completed CWSP is submitted by the WUCC to the Skagit County Board of County Commissioners appointed Citizens Advisory Committee (CAC) for review and comment. After addressing CAC comments, the CWSP is submitted to Skagit County for review and to ensure there are no inconsistencies with the County's County-wide Planning Policies and the Comprehensive Plan. (See Exhibit 11-1.)

Any changes to procedures or other CWSP elements, proposed prior to the update of the CWSP, need to follow the same process for amendment as that outlined above for CWSP approval.

## 11.3 Water System Plan Review and Approval

The Public Water System Coordination Act and DOH implementing regulations (Chapter 246-293 WAC) require that each purveyor within the critical water supply service area prepare a WSP identifying the proposed program for compliance with and implementation of responsibilities defined in the CWSP (certain exemptions exist for non-municipally owned systems in existence as of September 21, 1977, see WAC 246-293-230). Water system plans are to be completed and submitted for review and approval by all expanding systems in Skagit County.

By statute, DOH is responsible for WSP approval. This approval authority may be delegated to the SCHD for smaller systems. The conditions of such delegation would be set forth in a formal agreement between the agencies.

The County's review must include all plans involving facilities in the unincorporated area, including municipal activities outside corporate boundaries. This review should be coordinated by the SCPPC to determine consistency of proposed actions with county land use policies and plans. When the activities and facilities of a public water purveyor are located entirely within the corporate limits of a city, the review for consistency is to be made by the city. Appropriate recommendations should then be provided to DOH or SCPPC regarding conditions of approval.

Exhibit 11-2 illustrates the procedure described above for review and approval of WSPs. Exhibit 11-3 identifies approved interties between the water systems to provide for sharing of water supplies.

In this Section of the plan, the Swinomish Tribal Planning Department will be substituted for all references to the Skagit County or DOH for purposes of review of proposed new or expanded water systems within the exterior boundaries of the Swinomish Indian Reservation. This will not preclude the Tribe, County, or State from coordinating technical review of proposed systems on the Reservation as is currently practiced.

## 11.4 Coordinated Water System Plan Update

In accordance with the provisions of the Public Water System Coordination Act, the CWSP shall be reviewed and updated by the WUCC, if necessary. It is recommended that all individual WSPs included within the CWSP updates and submitted for review and approval at the same time as the CWSP. A uniform approval date will allow the Regional Supplement for the CWSP and the individual WSPs to be updated on the same schedule, ensuring the use of current information among all the utilities.

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## 11.5 Environmental Document

The State Environmental Policy Act of 1971, Chapter 43.21C RCW, requires that all water system plans be accompanied by an appropriate environmental document. An Environmental Checklist has been prepared for the Skagit County CWSP and its recommended activities. This Checklist is included in Appendix J.

The CWSP has been prepared to establish administrative, management, and policy procedures to respond to the needs of existing and future customers in Skagit County. It is intended to address regional concerns within the County, which are not ordinarily included in each utility's WSP. Examples of those regional issues are: potentially shared facilities, regional sources of supply, procedures for reviewing and approving future water use activities, minimum design standards, designated water utility service areas, and water utility management policies.

The CWSP contents are referenced in the Checklist. It is anticipated that implementation of the individual WSPs will have both negative and positive impacts. The CWSP has been developed in accordance with Skagit County and city land use documents to reflect local land use policies and requirements. Therefore, implementation of this CWSP and the employment of sound engineering and construction practices during the implementation of each utility's WSP will minimize any adverse impacts.

A final environmental determination must be made by Skagit County prior to the submittal of the CWSP to DOH. This final determination is to be attached to or incorporated within the CWSP at the time of submittal.

# Exhibit 11-1

## State Regulation Relating to Local Review of Plan

**WAC 246-293-290 Coordinated Water System Plan – Local Review**

(1) Prior to submission of a coordinated water system plan to the department for approval, the plan shall be reviewed by the county legislative authority(ies) in the county(ies) in which the critical water supply service area is located. County review of the coordinated water system plan shall include at least one public hearing.

(2) If no comments have been received from the county legislative authority(ies) within 60 days of receipt of the coordinated water system plan, the department may consider the plan for approval.

(3) If within 60 days of receipt of the coordinated water system plan, the county legislative authority(ies) find any segment of the plan to be inconsistent with adopted land use plans, shorelines master programs, the following shall occur:

(a) The county legislative authority(ies) shall submit written description of their determination and justification supporting their determination prior to the end of the 60 day period to the department and all affected parties.

(b) The county legislative authority(ies) shall make every effort to resolve any inconsistencies within 60 days of submittal of written justification.

(c) The department may approve those portions of the coordinated water system plan found not to be inconsistent with adopted plans and policies at any time after the initial determination by the county legislative authority(ies).

(d) If after the 60 day period established for resolution of inconsistencies an inconsistency still exists, the affected parties shall each present their final recommended alternative solution to the department. The department shall then review all alternative solutions and discuss its recommendations with the county(ies) and the water utility coordinating committee. If after two years of the declaration of the critical water supply service area the inconsistencies persist, the department may deny proposals to establish or to expand any public water system facilities which affect that portion of the critical water supply service area being contested.

[Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-293-290, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.116 RCW. 78-07-048 (Order 1309), § 248-56-800, filed 6/28/78.]

# Exhibit 11-2
# Skagit County CWSP
# Water System Plan Review

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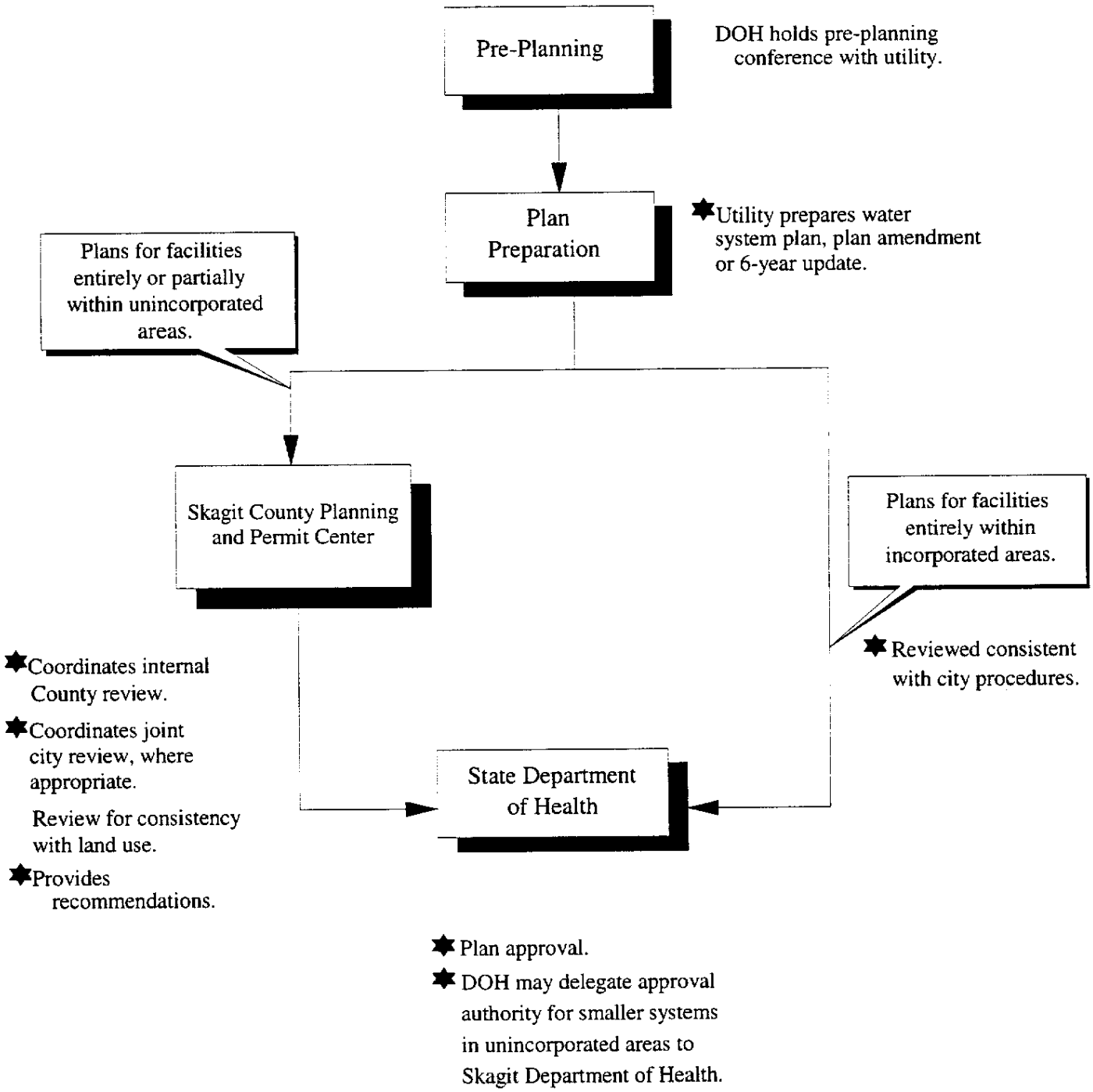




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# Exhibit 11-3

## Existing and Proposed Interties

| Intertie | Existing[1] | Proposed | Function[2] |
|---|---|---|---|
| 1. Anacortes – Oak Harbor and US Navy | X | | Base |
| 2. Anacortes – LaConner/ Shelter Bay/ Swinomish Reservation | X | | Base and Emergency (Swinomish) |
| 3. Anacortes – Skagit PUD | | | |
| a) Fidalgo Island (4 each) | X | | Base |
| b) Fredonia | X | | Base |
| c) Memorial Highway | X | | Base |
| d) Avon | X | | Base |
| e) Riverbend | X | | Seasonal/Peak |
| 4. Anacortes – Del Mar Community | X | | Seasonal/Peak |
| 5. Skagit PUD – Blanchard Edison | X | | Emergency |
| 6. Skagit PUD – Samish Farms | X | | Base |

Footnotes:

[1] Except for the Anacortes – Skagit PUD Riverbend facility, all interties were in existence on January 1, 1991.

[2] The function of the interties are categorized as follows for the purposes of this CWSP:

- ❑ Emergency – The connecting valve is closed except during short-term periods when water shortages exist due to emergency conditions.
- ❑ Seasonal/peak – The intertie is routinely used on an annual basis, normally during the summer, peak use period.
- ❑ Base – The intertie provides the base supply to a utility as a wholesale customer.
- ❑ Conjunctive – Two or more sources of water are utilized by the intertied utilities to improve overall system reliability, optimize system operations, and/or achieve the most efficient use of the combined resources.

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# Appendix A
# Conservation Planning Requirements

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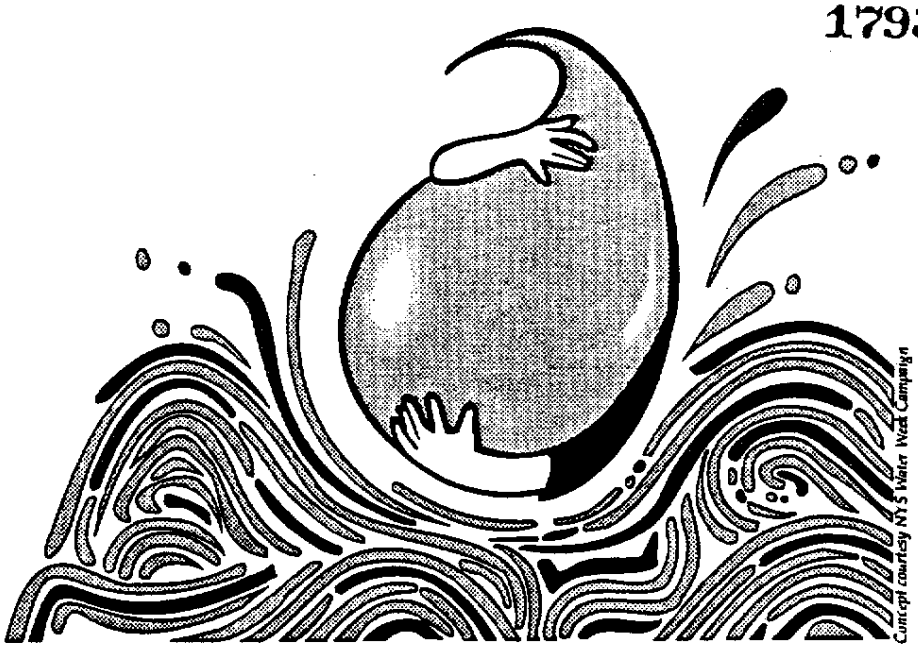


# Conservation Planning Requirements

## Guidelines and Requirements for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs

WASHINGTON STATE DEPARTMENT OF ECOLOGY

Ecology Publication #94-24

Washington State Department of Health

Health PUB 331-008

BK0094PG4190

March 1994

printed on recycled paper

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WASHINGTON STATE DEPARTMENT OF ECOLOGY

Washington State Department of Health

# Conservation Planning Requirements

## Guidelines and Requirements for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs


**Written Jointly by:**

*Washington Water Utilities Council*

*Washington State Department of Health*

*Washington State Department of Ecology*


For more information please contact the regional office of the Department of Health or Department of Ecology for your location.

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## Introduction

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This document identifies water use reporting, forecasting, and conservation program requirements for public water systems. The intent is to help water system managers understand what will be required by State agencies for review and approval of water system plans, petitions for the reservation of future water supplies, and water right applications. The term "conservation plan" as used in this document refers to the requirements for water use data collection, demand forecasting, and the conservation program. The term "conservation program" as used in this document refers to the written evaluation of recommended conservation measures and a written description of the level and schedule for implementation of the required conservation measures and those recommended measures determined to be appropriate for the system.

This document was prepared by the Department of Ecology (Ecology), Department of Health (Health), and public water systems, as represented by the Washington Water Utilities Council (WWUC). In 1989 an earlier version of this document was submitted to a range of environmental, tribal, and public water system representatives for comment. Their comments have been considered in developing this document. The text was clarified in 1993 by Ecology, Health and the WWUC to better quantify the requirements in the text and to ensure consistent interpretation.

The Conservation Planning Requirements are based on existing State statutes directing Ecology and Health to encourage water use efficiency. General mandates for implementation of water use efficiency are found in RCW 43.27A.090 (6) [*Powers and duties of the department*]; RCW 90.03.005 [*Reduction of Wasteful Practices*]; RCW 90.03.400 [*Crimes Against Water Code*]; RCW 90.44.110 [*Waste of Water Prohibited*]; RCW 90.54.020 (2) and (6) [*General Declaration of Fundamentals for Utilization and Management of Waters of the State*]; and RCW 90.54.180 [*Water Use Efficiency and Conservation Programs and Practices*]. The last of these statutes states that "increased water use efficiency should receive consideration as a potential source of water in state and local water resource planning processes." Ecology interprets these statutes and the statute governing appropriations of water through issuance of permits (RCW 90.03.290--*Appropriation Procedure*) to direct the Department to incorporate consideration of water use efficiency in the appropriation processes. Ecology interpretation regarding its authority to establish conditions on water right permits and certificates has been supported by numerous Pollution Control Hearings Board decisions. Specific directives to Health for incorporation of procedures and guidelines relating to water use efficiency in development and approval of water system plans are provided in RCW 43.20.230 [*Water Resource Planning*] and WAC 246-290-100 [*Water System Plans*].

The guidelines for conservation emphasize flexibility. The selection of measures and the criteria for the level of implementation to be achieved recognize regional differences in water supply and demand conditions. Data developed pursuant to this document may be made available to other water resource planning efforts, such as the Water Resources Data Management Task Force, Ground Water Management Areas, watershed planning, Growth Management Act planning, and the regional water resource planning process.



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## Regulatory Agency Review and Implementation

The Conservation Planning Requirements may be implemented, in part, by adoption of a rule as part of the Washington Administrative Code, pending development of more definitive State policies. During the period required for the Legislature to develop and adopt formal policy regarding water use data collection, demand forecasts, and conservation, the Conservation Planning Requirements provide direction to both public water systems and to the Departments of Ecology and Health. Both agencies agree that more stringent conservation measures than those defined herein may be required: 1) where regional water resource plans, pursuant to RCW 90.54.045 [*Water Resource Planning--Pilot Process*], have been, or are being developed and include more rigorous conservation standards; 2) for areas designated as critical water resource situations, pursuant to WAC 173-500-080 [*Critical Water Resource Situation Response Process*], where the intergovernmental group has developed conservation requirements more rigorous than those in the current Conservation Planning Requirements; or 3) if legislation is passed mandating additional conservation efforts.

The Conservation Planning Requirements will be incorporated in Ecology and Health policy and program documents. They will be subject to routine review and modification jointly by Ecology, Health, and interested parties, including WWUC, as data collected and program results are assessed against the overall objectives. Approval of a water conservation plan is a necessary but not sufficient condition for issuance of a water right permit by Ecology. Ecology must also consider many other factors in addition to the conservation plan. **A water conservation plan in compliance with the Conservation Planning Requirements will be required for approval of water system plans and for issuance of water right permits for public water systems by Ecology.** Approval of a conservation plan will be based upon review of all three components of the conservation plan. These components include water use data collection, demand forecasting, and the conservation program development. Conditions may be attached by Health to a water conservation plan where such a plan is part of a water system plan, and by Ecology to a water right permit where such permit requires an approval of a water conservation plan. These conditions may specify requirements for data collection, demand forecasting, or analysis of measures in a conservation program.

Health is the lead state agency regarding conservation program development and planning for public water systems. Ecology has the overall state responsibility for development and implementation of a comprehensive water conservation program that includes all water uses. Conservation plans prepared in accordance with the Conservation Planning Requirements will be reviewed and approved by Health in the water system plan, with concurrence from Ecology. In the case where no water system plan is required by Health, Ecology shall be the lead agency in reviewing and approving the conservation plan when water rights are pursued. The detail regarding agency coordination in approving conservation plans is further defined in a memorandum of understanding between the two agencies on water system plan and water right application review procedures.



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The specific criteria to be used in the evaluation of the water conservation program are identified under sections **Required Measures** and **Recommended Measures and Level of Implementation**. In general, the selection and implementation of conservation measures should be determined by the cost of a measure in relation to the value of the water conserved, i.e. by the relation of benefits and costs. Implementation of approved water conservation plans by public water systems will be a condition in all water right reports of exam and all subsequent water right permits and certificates issued by Ecology for public water systems. Preparation and implementation of a water conservation plan consistent with the Conservation Planning Requirements will be a consideration in the water system plan approval process by Health. Finally, conservation plans prepared as part of Coordinated Water System Plans, Water General Plans, and other appropriate regional water resource plans should be consistent with the Conservation Planning Requirements.

Effective resource management requires responsible action on the part of citizens, the public water systems, and the local and State regulatory agencies. The citizens will be asked and required to change their water use habits and possibly to retrofit their water use devices. The public water systems are being asked to establish new operation programs, collect and report more data, and modify system design strategies to conserve water. The regulatory agencies are being asked to provide technical assistance and a timely response to submitted water system plans, projects, and proposals.

Conservation plans submitted in compliance with these guidelines for data collection, demand projections, and conservation programs will meet all regulatory requirements of Health and Ecology for water conservation plans. Additional data requests by Ecology and Health related to such plans will be limited to clarification of background information and not expanded procedures.



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## Conservation Plan Outline

To assure consistency of review by the Department of Health and the Department of Ecology, conservation plans shall conform to the following format (additional detail is provided later in the text). The three elements of the conservation plan may be in different sections of a water system plan, but must include the items noted below and in the text.

**Water Use Data Collection Requirements.** Systems must report the best currently available data on water use for the categories of use which are identified in the text.

**Water Demand Forecast.** A complete forecast, including an estimate of reduction of water use from implementation of water conservation measures, must be developed.

**Conservation Program.** Implementation of approved water conservation plans by public water systems will be a condition on all water right reports of exam and all subsequent water right permits and certificates issued by Ecology for public water systems. If the public water system has not been collecting data as required, the data which has been collected must be submitted, and collection of data will be a condition of new water rights and certificates, and will be required for future water system plan approvals. Implementation of the required conservation measures, conservation measures chosen for implementation, and data collection identified in this document will be made a condition of all new water right permits, and will be reviewed in future water system plan approvals.

Program elements:

-**Conservation Objectives.** Goals and objectives of the conservation program shall be identified. These objectives should be designed to meet the needs of the specific water system (e.g., attain maximum utilization of current supplies, reduce peak daily consumption, reduce peak monthly consumption, reduce total annual consumption, promote long term efficiency with accelerated conservation on a short term basis, reduce usage from a specific customer class, and develop public education and awareness). *Each water system will need to develop conservation objectives which logically meet its needs.*

-**Evaluation of Conservation Measures.** Public water systems must evaluate all recommended conservation measures identified in the Conservation Planning Requirements and implement those that are required, and those that meet the public water systems needs. The specific measures to be evaluated depend upon the size of the system. However, systems are encouraged to evaluate measures above the minimum requirements. The system must explain decisions not to implement measures it is required to evaluate.



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**Identification of Selected Conservation Activities**

-**Description.** Description of conservation measures being implemented, including required measures.

-**Schedule.** Schedule of when the conservation measures will be implemented, with emphasis on the six year implementation schedule.

-**Budget.** Projected budget for each selected conservation measure. Schedule and budget information should be shown together.

-**Monitoring Requirements.** Description of how the system will monitor the success of its conservation measures (e.g., documented reduction in water usage, distribution of conservation materials, implementation of specific measures).

-**Target Water Savings Projections.** Each system will identify a percentage savings goal, based on the measures chosen for implementation, which the entire water conservation program will attempt to save. Because different systems may have already implemented different levels of conservation, and the conservation needs of each system are different, no percentage savings goal has been established in this document. This percentage savings goal will be factored into the demand forecast as identified in the demand forecasting methodology later in the text.



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## Relationship between Data Collection and Demand Forecasting

Various State and local government planning activities require the forecasting of future demands for public water supplies. Such forecasts often result in either applications for additional water rights or requests for Ecology to reserve a quantity of water for future water supply needs. It is important that these forecasts accurately portray the future water supply needs of an area to ensure that Ecology and Health, in making their water resources management decisions, are able to do so with the best data available.

To implement an effective demand forecasting and conservation program and to achieve the identified objectives, water use data must be assembled and a conservation program implemented as an element of projecting long-term future water demand. Many public water systems are already collecting the data, others collect only a portion of the data. Therefore, a transition period has been established during which all public water systems can collect data that will provide the necessary database for meaningful demand forecasts. The transition period will be from 1991 to 1996. If unusual weather or demand patterns occur, five years of data may not be adequate.

This document outlines the data collection needs, provides the demand projection methodology for estimating water demands, and provides for incorporating an appropriate adjustment in demand based on a recommended conservation program.

Ecology, and Health, subject to adequate resources, should develop a data management system for the data collected as a result of the program outlined in this document. Individual agency responsibility for the development, application, and maintenance of the database will be identified in a memorandum of understanding between Ecology and Health. State and local governments will jointly expand their efforts to complete the assessment of available ground and surface water supplies. Ultimately, this data will be incorporated in a more comprehensive database that will include data relating to other water uses as well.



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## Water Use Data Collection Requirements for Public Water Systems

The following table identifies the minimum data required to project public water systems' water demand and to provide a basis for the evaluation of the effectiveness of conservation programs. To properly evaluate trends, at least five years of continuous data is required.

For the purpose of developing plans in compliance with this document, data collection is based on the number of existing direct service connections. A public water system is not required to report water use data for service connections it supplies indirectly through another public water system, i.e., for wholesale customers. However, a wholesale supplier shall identify all public water systems to which it supplies water, i.e. all wholesale customers, and must report data on annual totals of water provided to each. Finally, wholesale suppliers are required to include demands from wholesale customers in their demand forecast, and are strongly encouraged to require their wholesale customers to gather data at a commensurate level. This will help to ensure accurate demand forecasts can be developed, and that conservation programs can be developed which can target high water uses.

Conservation plans submitted through 1996 shall contain currently available data on water use for the categories identified in the following table, and a commitment to collect such data on an ongoing basis. Conservation plans submitted after 1996 should contain five years of data on water use for the categories identified in the following table, and a commitment to continue to collect such data on an ongoing basis.

These requirements are the minimum acceptable level of data collection for the identified size of public water systems. Systems must report the best currently available data on water use for the categories of use which are identified herein. Deficiencies in water use data will be considered on a case-by-case basis. Collection of data consistent with the Conservation Planning Requirements will be a condition on all new water right permits to public water systems issued by Ecology.

All data collected will be included in the water conservation plan submitted either as a part of the Water System Plan or Water System Plan Update submitted to the Department of Health or, where a water system plan is not required, as part of a water right application. As data management systems are developed, the data may be required to be reported annually as determined by Health and/or Ecology. Data should be collected for the time periods described below in the given units of measure. As noted above, water use data will be used for the following: demand forecasting for future water needs; identification of future initiatives in water conservation; to evaluate the success of conservation programs being implemented; to assist Ecology and Health in making water resource decisions; to develop regional water use patterns; to assist public water systems in making management decisions for their systems; and for other efforts where water use data is helpful.



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In the water conservation plan, report data in the units of measure given for the time periods listed under the size of the utility. When available, daily, monthly or annual totals are to be included in the plan, not averages.

| Type of Data | Units of Measure | Frequency of Collection Based on Number of Direct Service Connections(1) | | | |
|---|---|---|---|---|---|
| | | >25,000 | 10,001-25,000 | 1,000-10,000 | <1,000 |
| Source of Supply Meter Readings (separate records for each point of diversion or withdrawal) (2) | Cubic feet | Collect: Read daily but report only monthly and annual totals | Collect: Read daily but report only monthly and annual totals | Collect: Read daily but report only monthly and annual totals (3) | Collect: Monthly and annual totals |
| Emergency Interties-amount imported (4) | Cubic feet | Collect: Monthly total | Collect: Monthly total | Collect: Monthly total | Collect: Monthly total |
| Wholesale-amount purchased (4) | Cubic feet | Collect: Monthly total | Collect: Monthly total | Collect: Monthly total | Collect: Monthly total |
| Peak Day/ Peak Month | Cubic feet pumped from the supply sources | Collect: Each year's peak day and month totals | Collect: Each year's peak day and month totals | Collect: Each year's peak day and month totals (3) | Collect: Each year's peak month totals |
| Non-Revenue Water | | | | | |
| *Unaccounted for water* (6) | Cubic feet | Collect: Annual total | Collect: Annual total | Collect: Annual total | Collect: Annual total(5) |
| *Accounted for water* | Cubic feet | Collect: Annual total | Collect: Annual total | Collect: Annual total | Collect: Annual total(5) |
| Service Meter readings (7) | | | | | |
| *Single-Family* (8) | Total cubic feet used by this customer class | Collect: Monthly totals | Collect: Monthly totals | Collect: Monthly totals | Collect: Monthly totals(5) |



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| | | | | | |
|---|---|---|---|---|---|
| *Multi-Family* (8) | Total cubic feet used by this customer class | Collect: Monthly totals | Collect: Monthly totals | Collect: Monthly totals | Collect: Monthly totals(5) |
| *Commercial/ Government/ Industrial* (8) keep separate records for each of the categories | Total cubic feet used by each customer class | Collect: Monthly totals | Collect: Monthly totals | Collect: Monthly totals | Collect: Monthly totals(5) |
| *Agriculture* (8) | Total cubic feet used by this customer class | Collect: Monthly totals | Collect: Monthly totals | Collect: Monthly totals | Collect: Monthly totals(5) |
| Emergency Interties-amount exported (4) | Cubic feet | Collect: Monthly total | Collect: Monthly total | Collect: Monthly total | Collect: Monthly total |
| Wholesale-amount sold (4) | Cubic feet | Collect: Monthly total | Collect: Monthly total | Collect: Monthly total | Collect: Monthly total |
| Population Served (9) | Estimate the number of customers and connections served in the residential classes and the number of connections served in the Commercial, Government, Industrial and Agriculture classes. | Collect: Annual totals | Collect: Annual Totals | Collect: Annual totals | Collect: Annual totals |
| Economic Data | Exiting water rates for each customer class. | Existing water rates | Existing water rates | Existing water rates | Existing water rates |
| Conservation Data (10) | Report the type of measure, the level of implementation the duration of the measure, and the date at which they were begun. | Collect:once per year | Collect: once per year | Collect: once per year | Collect: once per year |



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Footnotes:

(1) The number of system services is based on the number of direct retail services supplied by the water system reporting the data.

(2) Those systems which do not have source meters will be required to estimate source production. Ecology will require source meters for all new or expanding public water systems needing additional water rights.

(3) Public water systems with 1,000 to 10,000 connections located in Critical Water Supply Service Areas (CWSSA - Chapter 70.116 RCW) that have source meters are required to collect source of supply meter readings daily. If not in a CWSSA, such systems must collect or estimate source of supply water use data monthly.

(4) If the public water system purchases water or sells water to another system or systems, collect and report separate data for each seller or buyer. Also separate data should be collected and reported for each intertie.

(5) Calculation of non-revenue water and service meter usage is dependant upon staff resources and the availability of service meters in areas not in CWSSAs. If a water system is located in a CWSSA, the information will be required.

(6) Unaccounted-for water is that water which is lost through leaks, evaporation, or use that is not recorded and/or accounted for. Non-revenue water that is accounted for, such as fire protection, system flushing, and other designated uses can be estimated and should not be included in the unaccounted-for estimate. If service meters are not available, unaccounted for water will have to be estimated from records of leak detection and repair.

(7) All water systems with more than 1,000 services should have a program to meter all individual services by 1996, unless an effective demand management program that identifies water uses of all major user groups is implemented. Those public water systems which do not have service meters will be required to identify major user groups and estimate usage.

(8) If the public water system has used different classes and/or definitions for single-family; multi-family; commercial, governmental or industrial; or agricultural, it may include those definitions and/or classes in its data reporting along with the corresponding data (instead of using the definitions and classes defined herein). If different classes of users are included, the public water system must include in the water system plan or water right application, a timetable for when data will be collected for customer classes consistent with those in this table.

Data shall be collected through normal billing procedures. Monthly data may be estimated if the water system bills less frequently. For systems that bill once a year or less frequently, data must be collected at least semi-annually, once during April to September and once during October to March.

*Single-Family* is defined as a unit designed to house one family that has one service meter. *Multi-Family* is defined as a group of separate dwelling units served by one meter (e.g., an apartment building). A duplex that has separate meters could be considered two single family units. A single-family home that is converted to house more than one set of residents could be considered a multi-family unit if only one service meter is connected to the house and the public water system is aware that the residence is subdivided into apartments.

Boarding houses and bed and breakfast establishments should be considered commercial users.



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A golf course would be considered a commercial account unless it is owned by the same public entity that operates the water system in which case it might be considered part of the government category.

An industrial account is any manufacturer of products. Water is used in the creation of something else. A commercial account is a provider of services that uses water in the provision of service or for domestic use. An example would be a retail complex or a theme park with water rides.

Agriculture is defined as water sold to a user for the irrigation of crops. The water may be of a different quality and may be delivered through a separate meter than other water supplied to the user. Most agricultural uses should be considered commercial use, such as water sold to a nursery. The agriculture category is primarily provided for water systems that also serve irrigation water through an adjunct system.

(9) Population projections for counties are available from the Office of Financial Management (OFM) every five years. OFM also has information on the average number of persons per household in multi-family and single-family housing.

(10) Conservation data is not required to be reported annually but will be used by the water system in calculating a demand forecast. It will be required in water system plans or as a part of an application for a water right.



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## Demand Forecasting

Public water systems are divided into four categories for the purpose of data requirements (see page 7) and three categories for identification of demand forecasting methods (see page 13). A separate category of recommended demand forecasting methods is defined for regional water system plans. The demand forecast prepared as a component of the conservation plan will contain two separate demand projections (6 year and 20 year) for both average daily demand and peak daily demand. These shall depict future usage with and without conservation savings (target water savings projections) obtained from the system's conservation program.

The following factors will be used in developing the demand forecasts consistent with the guidance on page 12:

*Population*

Population forecasts must include forecasts approved by the appropriate county/regional planning agency, or Washington State Office of Financial Management (OFM). Alternative forecasts may be provided to establish a potential population range of high, medium, and low and a corresponding water demand forecast range.

*Water Use*

Water use trends and forecasts will be based on actual water use data contained in the standardized water use data collection requirements to be followed by public water systems beginning in 1991, as referenced on page 7.

*Land Use/Zoning/Capacity*

Adopted local government land use and zoning plans, including plans developed under the Growth Management Act, shall be used as the basis for the trend analysis of development and water use.

*Water Rates*

All public water systems shall identify existing rate schedules as part of the water use data collection requirements. Those public water systems with more than 25,000 connections will also be required to incorporate this information into demand projections. Rate design and rate revenue requirement approvals are the responsibility of the public water system board, local legislative body, or the Washington State Utilities and Transportation Commission. Public water systems may be required to outline a financial viability plan to demonstrate its ability to meet system operating and regulatory requirements.



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Demand forecasts shall depict both projected demand which incorporates water saved through the conservation program and demand without the conservation program. If a public water system is beginning a conservation program, but has not yet collected adequate actual water use data that would reflect reductions in per capita use, an estimated reduction in per capita water use and a period over which it occurs, based on conservation measures selected for implementation in the conservation plan shall be utilized in the demand forecasts. The forecasted reduction in demand due to conservation should be monitored against actual water use data to assess its validity, with appropriate adjustments made to future projections as actual water use data becomes available. Water rights issued by Ecology will be based on demand projections which incorporate conservation savings. Where a water system plan is required, the conservation savings and demand projections identified in the water system plan will be used to determine the system's demand projections and water savings for the purpose of issuing water rights.

## Demand Forecasting Methods for Public Water Systems

Public water systems shall use one of the following methods to forecast future public water supply demands, depending on the size of the system. For the purpose of this section, the system size is determined by the total number of services served by a water system, including direct service connections and service connections served by wholesale customers. Demand forecasts shall include demands of wholesale customers.

*Systems with > 25,000 Services*

The systems in this category will prepare, at a minimum, demand forecast for at least four customer classes (Single-Family, Multi-Family, Commercial/Governmental/ Industrial, and Agricultural). Each class shall factor in use, rates, land use zoning, population, conservation and other factors determined to be appropriate by the public water system. The water use projections should be based on actual data that reflects both existing trends and trends adjusted for changes in land use and implementation of conservation programs. Background on assumptions and methods used shall be provided.

*Systems with 10,001 to 25,000 Services*

The systems in this category will prepare, at a minimum, demand forecast for at least four customer classes (Single-Family, Multi-Family, Commercial/Governmental/ Industrial, and Agricultural). Each class shall factor in use, land use zoning, population, conservation and other factors determined to be appropriate by the public water system. The water use projections should be based on actual data that reflects both existing trends and trends adjusted for changes in land use and implementation of conservation programs. Background on assumptions and methods used shall be provided.



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*Systems with 10,000 or Fewer Services*

The forecast for this category will be based, at a minimum, on projected population, land use zoning, conservation, documented per capita water use and other documented non residential water use, and other factors determined to be appropriate by the public water system using a trend analysis. The water use projections should be based on actual data that reflects both existing trends and trends adjusted for changes in land use and implementation of conservation programs.

*Regional Water System Plan*

The demand forecasts in coordinated water system plans, water general plans and other regional water plans should be based on the same methods required of systems of 10,000 or fewer services. If the regional plan is intended to meet the requirements for individual systems within the region, it should be done to a level commensurate to the size of all systems relying upon the regional forecast to meet requirements.



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## Conservation Program

Water conservation programs are composed of demand side strategies and supply side strategies. Demand side strategies are those which lessen demand (e.g., a shower head and toilet retrofit program). Supply side strategies are those which supply demand from an alternative source or improve system efficiency, but in which demand is not actually reduced (e.g., water reuse and use of non-potable water sources - including exempt wells - satisfies existing demand with an alternative source). Both strategies allow water systems the ability to supply more users with a fixed amount of supply.

Water demand management includes the implementation of comprehensive long-term conservation programs, short-term emergency response plans, and peak use management. In considering measures in a demand side strategy for water conservation, it is necessary to distinguish a permanent reduction in average per capita demand from a temporary reduction in demand resulting from short-term or mandatory measures. Short-term regulatory or mandatory measures more associated with drought or other emergency conditions of water shortage are not considered elements of conservation. Instead they are elements of an emergency response plan, which result in reduced use and a corresponding reduction in service by the public water system.

Peak flow management, such as use of impoundments to capture excess flows for use as a supply, or operational programs such as every other day lawn watering, can be an integral measure of an emergency response plan, a conservation plan, or a supply strategy.

Since water conservation is to be considered in future demand forecasts, conservation measures must be defined, described and projected reductions in water use (target water savings) resulting from such measures must be estimated. The program projections should be monitored against actual water use to assess their validity, with appropriate adjustments made to future projections.

All water systems with more than 1,000 service connections should have a program to meter all individual services by 1996, unless an effective demand management program that identifies water uses of all major user groups is implemented.

*Required Measures*

As a minimum, the Conservation Planning Requirements require implementation of two measures. Source meter installation will be required for all new or expanding public water systems needing additional water rights. Additional metering may be required, consistent with provisions for data collection identified on page 7. Program promotion, as described on page 24, will be required in all water conservation programs. Additionally, all water conservation programs shall consider the benefits and costs of installing individual service meters and implementing conservation rate structures, as defined on page 25. If a public water system's water use data indicates that unaccounted-for water is greater than 20 percent,



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the water conservation program for the system will be required to include implementation of a program to detect and repair leaks, evaluate and repair meters if the meters are not properly functioning, or correct other system operation problems which may be causing the problem.

*Recommended Measures and Level of Implementation*

The policy of the State of Washington is for all water users to use water efficiently. The goal of the conservation program described in this document is to ensure that all public water systems are implementing conservation programs to a level where they are achieving benefits by 1996.

The conservation measures are grouped into four categories:

1) public education
2) technical assistance
3) system measures
4) incentives/other measures.

For each size category of public water system a set of recommended measures is identified: a set for small systems (systems with fewer than 1,000 services); a set for medium systems (systems with 1,000 to 25,000 services); and, a set for large systems (systems of 25,001 or more services).

Regional planning organizations are encouraged to consider conservation measures as shown in the chart on page 23. However, no requirement exists in the Conservation Planning Requirements for development of a conservation plan in regional water plans. The regional planning organization can fulfill some of the conservation requirements for individual systems in their planning area. Individual water systems can either use existing regional water resource planning organizations (e.g., regional water associations), or can pool resources to develop and implement region wide conservation efforts for some or all of the measures in their individual program. If a system can demonstrate that a regional planning organization is performing conservation measures in the conservation program for the individual system, that system will not be required to duplicate those measures; provided, the benefits to the individual system from the regional effort equal or exceed the benefits which could reasonably be expected from implementation of the measures by the individual system (also see Requirements For Wholesalers and Purveyors, page 19).

As indicated above, program promotion will be required for all public water systems. Source meters will be required for all systems requesting new water rights. In addition, all public water systems, regardless of size, will be required to consider the benefits and costs of installation of service meters and implementation of conservation rate structures (as required in RCW 43.20.235). Public water systems will be required to evaluate all of the recommended conservation measures identified for their specific size category to determine whether to implement the recommended measures. They must also determine the appropriate



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level of implementation for selected measures. This evaluation of recommended conservation measures should reflect considerations specific to the public water system, including the cost of service, cost of new supply sources, competing demands for water, and unique conservation opportunities. Systems are encouraged to evaluate, and implement where appropriate, conservation measures above the minimum required in the Conservation Planning Requirements. The selection and level of implementation of conservation measures should be determined by the cost of a measure in relation to the value of the water conserved, i.e. by the relation of benefits and costs.

The Departments of Health and Ecology recognize that public water systems must focus their conservation programs, and that under some circumstances not all measures which meet the benefit-cost criterion can be pursued concurrently. However, new water right permits will not be granted until the public water system can document through the water conservation plan that all measures identified in these Conservation Planning Requirements for that size system have been evaluated and those which are cost effective have been scheduled for implementation. Any water right application being sought shall incorporate the implementation of these measures. Implementation of conservation measures identified in the conservation plan will be a condition of all new water right permits, and prior to certification the measures must be implemented.

In the evaluation of conservation measures public water systems will be required to explain and justify both the selection of measures and the level of implementation provided for in their water conservation programs. This explanation should be narrative and non-quantitative, but may be supplemented by technical quantitative analysis. It should reflect considerations specific to the public water system, as identified above. In the absence of clear evidence to the contrary, estimates of the value of conserved water and of costs and benefits will not be challenged.

Implementation of the approved conservation program will require new program development, regional coordination, and incorporation of the program within the water system plan. The transition period of 1991 to 1996 will provide time for identification and implementation of the program. The projected reduction in demand from conservation should begin to be recognized prior to 1996. This transition period is necessary to allow both public education and a high percentage of the users to modify existing facilities to incorporate water saving devices. Beginning in 1996, evaluation of conservation plans by Ecology and Health will include evaluation of implementation of conservation plans developed under the Conservation Planning Requirements.



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## Program Evaluation

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Three factors will be considered in determining acceptable implementation of conservation programs.

1. Reduction in per capita average day residential demand and documented non-residential water savings. The initial year shall be 1991, with adjustments to reflect previously implemented conservation programs.

2. Evidence of cost-effective approach by the water system to conservation (i.e., implementation of all measures which provide water from conservation at or below the cost of new supply).

3. Distribution of materials or achievement of other objectives identified in the conservation program. This factor is to be used where documentation of savings is not feasible (e.g., education efforts). The program objectives will be defined by the public water systems in their water system and conservation plan.



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## Conservation Program Requirements for Wholesale Suppliers and Wholesale Customers

A coordinated conservation program will be required for all public water systems in a wholesale supplier / wholesale customer relationship. Both the wholesale supplier and wholesale customer should state clearly in their water system plans who is responsible for each element of the conservation program. This conservation program constitutes a regional conservation program for all systems in this wholesale supplier/customer relationship.

All wholesale customers must be included in the regional conservation program. A wholesale customer may choose to have its conservation program developed and implemented by the wholesale supplier. Alternatively, a wholesale customer may develop and implement its own conservation program. The third option is for the wholesale customer to prepare and implement some elements in its conservation program and to have the wholesale supplier prepare and implement the remaining elements in the program.

The regional conservation program may be prepared and implemented by the wholesale supplier for its direct customers and for all wholesale customers. Alternatively, it may be composed of the separate conservation programs prepared and implemented by the wholesale supplier and by each separate wholesale customer. The third alternative is for the regional conservation program to be composed of the separate conservation programs prepared and implemented by the wholesale supplier and by the wholesale supplier and the wholesale customer jointly. The regional conservation program may be a combination of these alternatives.

The conservation program for the wholesale supplier and the conservation programs of all wholesale customers shall be based on the total number of direct and indirect customers dependent on the wholesale supplier for water.

Wholesale suppliers will encourage the cooperation of their wholesale customers in the development and implementation of the regional program.

The wholesale supplier, working with the wholesale customers it serves, shall calculate the value of potential conservation based upon the value of such conservation to the wholesale supplier's regional service area.

All wholesale customers which choose to prepare and implement some or all elements of a conservation program independently of the wholesale supplier shall use the value of potential conservation established for the regional service area by the wholesale supplier. They shall also assume the economies of scale of the supplier's program in the evaluation of potential conservation measures.



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Wholesale suppliers are not responsible for the preparation and implementation of those elements in a conservation program which a wholesale customer chooses to prepare and implement on its own.

Future water rights will be conditioned on preparation and implementation of a conservation program consistent with the Conservation Planning Requirements for the direct customers of the wholesale supplier and for those elements of a conservation program which the wholesale customers choose to have prepared and implemented by the wholesale supplier.

Preparation and implementation of the regional conservation program shall be enforced through the water system plan approval process of Health. Preparation and implementation of the conservation program of the wholesale supplier and of those elements of the conservation program of the wholesale customer that are prepared and implemented by the wholesale supplier will also be enforced through conditions on future water rights.



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## Satellite Management - Requirements for Systems Under Satellite Management

Many public water systems are owned, operated or managed by a satellite management agency. As noted above, the conservation plan consists of three primary components: the conservation program; data collection; and demand forecasting. The requirements for each of these components are listed below.

*Conservation Programs* Systems under satellite management must complete conservation programs according to the number of connections for each individual system. The total number owned, operated or managed by the satellite management agency is not relevant. However, satellite management agencies are strongly encouraged to develop conservation plans commensurate to the total number of services managed. A single conservation program may be prepared for all systems under the satellite management agency.

*Data Collection* Systems under satellite management must collect data according to the number of connections for each individual system. The total number managed is not relevant. Systems have the option of gathering data commensurate to the number of total services under satellite management.

*Demand Forecasts* Systems under satellite management must develop demand forecasts according to the number of connections for each individual system. The total number managed is not relevant. Again, systems have the option of developing demand forecasts for each system owned, operated or managed based upon the total number of services under the control of the satellite agency.



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## Water Reuse

In addition to the specific measure requiring evaluation of water reuse, all public water systems will incorporate within their water system plans an inventory of major potential sources and uses for reclaimed water. This inventory is not part of the conservation program regarding water reuse which is required for large systems. The inventory shall include the following potential sources at a minimum:

- Fish hatcheries
- Storm water impoundments
- Sewage treatment plant effluent
- Industrial/commercial process or cooling water

And the following potential uses or users:

- Industries
- Nurseries
- Golf courses and other landscape irrigators
- Artificial recharge of aquifers
- Parks and parkways
- Agricultural irrigation
- Flushing of sanitary sewers
- Street cleaning, dust control, and other washing applications
- Fire protection
- Other appropriate uses



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## RECOMMENDED WATER CONSERVATION PROGRAM FOR PUBLIC WATER SYSTEMS

| MEASURES | PUBLIC WATER SYSTEMS | | | |
|---|---|---|---|---|
| | LARGE | MEDIUM | SMALL | REGION |
| A. Public Education | | | | |
| 1. School Outreach | X | | | X |
| 2. Speakers Bureau | X | | | X |
| 3. Program Promotion (implementation required) | X | X | X | X |
| 4. Theme Shows and Fairs | X | | | X |
| B. Technical Assistance | | | | |
| 1. Purveyor Assistance | X | X | | X |
| 2. Customer Assistance | X | X | | X |
| 3. Technical Studies | X | | | X |
| 4. Bill Showing Consumption History | X | X | | |
| C. System Measures | | | | |
| 1. Source Meters (required if requesting water rights) | X | X | X | X |
| 2. Service Meters | X | X | X | X |
| 3. Unaccounted Water/Leak Detection | X | X | | X |
| D. Incentives/Other Measures | | | | |
| 1. Single-Family/Multi-Family Kits | X | X | | X |
| 2. Nurseries/Agriculture | X | X | | X |
| 3. Landscape Management/Playfields - Xeriscaping | X | X | | X |
| 4. Conservation Pricing | X | X | X | X |
| 5. Utility Financed Retrofit | X | | | X |
| 6. Seasonal Demand Management | X | | | X |
| 7. Recycling/Reuse | X | | | X |

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Definitions:

**Large System Measures** — Would apply to utilities having 25,001 or more services. This program requires a considerable staff effort and possible changes in land use or building code controls for implementation of some of the program measures.

**Medium System Measures** — Would be implemented by a majority of the municipal public water systems and water districts. This program applies to utilities with 1,000 to 25,000 services.

**Small System Measures** — Is a minimum program. This small system program will be required of all public water systems with fewer than 1,000 services, which must prepare a water system plan or obtain water rights.

**Regional System Measures** — Regional conservation plans may be developed in conjunction with these guidelines. However, no requirement exists in these guidelines for the development of a conservation plan in regional water plans. Regional planning organizations can develop conservation plans which meet the needs of individual water systems as noted in these guidelines.



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## DEFINITION OF CONSERVATION MEASURES FOR PUBLIC WATER SYSTEMS

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The following conservation measures must be evaluated and/or implemented as required in the text. For purposes of the conservation program, measures are defined as follows:

### A. PUBLIC EDUCATION

1. School Outreach - Education programs targeted to increase awareness of local water resources and encourage water conservation practices. Activities can include school presentations, preparation of curriculum material, and tours of water system facilities.

2. Speakers Bureau - Seeking speaking opportunities and making speakers available to a wide cross-section of services, community, and other groups. Provide speakers with audio and visual aids for presentations. Focus on increasing public awareness of water resource and conservation issues.

3. Program Promotion - Publicize the need for water conservation through television and radio public service announcements, news articles, public water systems bill inserts, or other means. This includes promoting efficient indoor and outdoor water usage, distribution of Ecology/Health conservation brochures or other printed material, informing customers, builders and contractors of new plumbing code regulations requiring efficient plumbing fixtures, and other efforts.

4. Theme Shows and Fairs - Prepare a portable display on water conservation and selected written material. Staff this display at local area theme shows and fairs.

### B. TECHNICAL ASSISTANCE

1. Purveyor Assistance - Assistance from wholesale suppliers to aide wholesale customers in developing and implementing conservation programs tailored to their needs, and in carrying out the wholesale suppliers conservation program.

2. Customer Assistance - Provide assistance and information to customers which facilitates water conservation.

3. Technical Studies - Studies would be designed and conducted by the public water system and/or regional organization. Study objective would be to collect data and research new technology to develop programs which would produce measurable water savings. Study areas might include residential flow metering, lawn watering practices, and commercial/industrial water use patterns.

4. Bill Showing Consumption History - Billings would show percentage increase/decrease in water use over the same period from the previous year.



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C. SYSTEM MEASURES

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1. Source Meters - Install master source meters for all sources. Maintain periodic meter testing and repair program.

2. Service Meters - Install individual service meters for all water users. Maintain periodic meter testing and repair program.

3. Unaccounted Water/Leak Detection - Conduct a regular and systematic program of finding and repairing leaks in system mains and laterals. This includes on-site testing using computer-assisted leak detection equipment on water distribution mains, valves, services, and meters.

D. INCENTIVES/OTHER MEASURES

1. Single-Family/Multi-Family Kits - Distribute kits containing easily installed water saving devices to single-family residential homes and the owners and managers of apartment buildings and condominiums. Devices in kits could include shower flow restrictors, toilet tank water displacement devices, leak detection dye tablets, informational brochures, and other materials.

2. Nurseries/Agriculture - Encourage and/or require the application of current technology to water use practices of large agriculture/irrigation operations. Examples include nurseries and commercial agriculture. Moisture sensors, flow timers, low volume sprinklers, drip irrigation, weather monitoring, and other practices to increase irrigation efficiency could be installed.

3. Landscape Management/Playfields - Xeriscaping - Promote low water demand landscaping in all retail customer classes (private, public, commercial, industrial, etc.). Work with local nurseries to ensure the availability of plants that achieve this objective.

4. Conservation Pricing - Implement rate design techniques to provide economic incentives to conserve water. Rate setting is the responsibility of the public water system.

5. Utility Financed Retrofit - Install water efficient fixtures in existing residences and commercial/industrial facilities by: (a) providing fixtures at no cost, (b) giving a rebate for consumer purchased fixtures, or (c) arranging for suppliers to provide fixtures at a reduced price.

6. Seasonal Demand Management - Implement measures aimed at controlling peak seasonal demand. This may include use of seasonal rate structures, distributing lawn watering calendars, promoting public awareness on ways to curb peak day water demand, etc. This measure may be combined with the program promotion if materials are distributed.



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7. Recycling/Reuse - Examine opportunities for water reuse and recycling as an approach to providing additional water. This includes identification of potential sources of reclaimed water, identification of potential users (i.e., landscape uses, major industrial users, etc.), and contracting for delivery of reclaimed water. Potential program areas include:

- Use of public water systems reclaimed wastewater for the irrigation of public green spaces, industrial cooling, and power plant cooling.
- On-site wastewater treatment and recycling of effluent for non-potable uses in commercial buildings.
- Utilization of gray water for non-potable uses.

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# Appendix B
# City of Anacortes and PUD
# 1993 Joint Use Agreement

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# CITY OF ANACORTES AND PUBLIC UTILITY DISTRICT NO. 1 OF SKAGIT COUNTY AGREEMENT REGARDING SKAGIT REGIONAL WATER SUPPLY SYSTEM

THIS AGREEMENT is entered into by the City of Anacortes (City) and Public Utility District No. 1 of Skagit County, Washington (PUD) for the continuation of reliable public water systems within Skagit County.

Section 1. RECITALS.

1.1 The City and PUD are parties to a Water Supply Agreement dated April 1, 1989, and last amended April 1, 1992 (Supply Agreement). The Supply Agreement provides, in part, for:

1.1.1 Connection of the public water systems of City and PUD;

1.1.2 Supply of water by City to PUD for use throughout PUD's existing service area;

1.1.3 Rates and charges for service by City to PUD; and

1.1.4 Other matters affecting the rights and responsibilities in operation and maintenance of the City and PUD water supply systems.

1.2 An adequate and safe water supply for Skagit County is necessary to current and future residents, and vital to the comprehensive plans of City, County and other local governments.

1.3 The State of Washington (State), County, tribes and public water purveyors have participated in the past preparation, maintenance and revision of a Coordinated Water System Plan (CWSP) for Fidalgo Island. The initial CWSP was prepared in 1985, and was revised in 1993 for the entire County. The CWSP is a management plan and program under Chapter 70.116 RCW and Chapter 246-293 WAC.

1.4 Cooperative development, operation and maintenance of waterworks and facilities minimizes costs and is in the best interest of the citizens of the County.

1.5 The CWSP identifies current and future needs of local governments in Skagit County, and the process for establishing a cooperative regional water supply system.

1.6 City and PUD have the necessary water rights and facilities, as identified in the CWSP, with capability and capacity to meet public water supply needs of Skagit County. However, there is a need to plan for additional water supply for Skagit County. The City and PUD have maintained interties between their systems prior to and after January 1, 1991. Further interties to facilitate development of the regional water supply system may be necessary in the future.

1.7 City and PUD acknowledge their rights and obligations under the Growth Management Act to coordinate land use and water supply planning.

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1.8 City and PUD recognize the benefits of a regional water system that allows the conjunctive use of surface and groundwater and better manages and protects the area's water resources.

1.9 This Agreement Regarding Skagit Regional Water Supply System (Agreement) provides for the cooperation of City and PUD in the development of regional solutions for long range water supply needs for the fifty-year planning period (through 2040).

Section 2. INTENT.

2.1 It is the intent of the parties to cooperate in the development of additional waterworks and facilities that would form a Skagit Regional Water Supply System. The City and PUD will work cooperatively in the development of additional or expanded water resources and systems for distribution within Skagit County. Absent further agreement, the City and PUD will maintain present service areas, and their customers will continue to enjoy the present level of supply and service.

2.2 This Agreement provides a framework for development of each new joint facility. Each joint facility not specifically addressed by this Agreement shall be addressed by amendment to this Agreement. The specific intent of this Agreement is to make provisions for a standardized method to expand the Skagit Regional Water Supply System to meet the public water supply needs, and to establish a basis for agreement between the City and PUD for financing, ownership, construction and operation of new joint facilities required for the Skagit Regional Water Supply System.

2.3 It is the further intent of the parties that this agreement be incorporated into the Skagit County CWSP.

Section 3. REGIONAL WATER SYSTEM AND SERVICE AREA.

3.1 "Skagit Regional Water Supply System" (System) shall mean:

3.1.1 Those facilities of the City and PUD supplying water to the service area of the Skagit Regional Water Supply System.

3.2 "Service area of the Skagit Regional Supply System" shall mean the City's and PUD's Designated Water Supply Service Areas identified in the CWSP.

If it is in the best interests of both parties to change their present service areas, they may do so by mutual agreement and by amendment to this Agreement, all subject to applicable CWSP process.

3.3 "Facilities" and "Waterworks" shall mean those designated intake, treatment, pumping, storage, transmission and distribution plants or systems within the City and PUD public water systems as specifically identified in this Agreement, or amendments hereto.

Section 4. WATER SUPPLY - CAPACITY RIGHTS.

4.1 Capacity Rights. Each party shall retain its existing capacity rights in the Regional Water Supply System. Each party may, by mutual agreement, purchase regional capacity in planned improvements to the Regional Water Supply System. Any changes in these capacity rights shall be recognized by an amendment to this Agreement.

Any intertie agreement developed pursuant to this Agreement shall provide for a change of point or place of use only, and not a transfer or relinquishment of rights of the holder.

4.2 Additional Agreement Parties. Other agencies may purchase water or contract for other rights from the Regional Water Supply System, or become a party to this Agreement for future projects, by mutual agreement of the City and PUD.

4.3 Wholesaling Water. The City or PUD may wholesale water delivered through the Regional Water Supply System transmission system to areas outside of the City and PUD's respective Service Areas, so long as the other party's capacity rights are not negatively impacted.

4.4 Additional Facilities. Projected needs will be identified by both parties based on the party's designated service areas. As five or more years may be needed to bring major new capabilities on-line, five-year and ten-year forecasts are required, and must be updated whenever either party becomes aware of any significant change in the forecast demand. These will be discussed jointly as they arise, and reviewed at a Semiannual Meeting between City and PUD.

Planning for additional facilities will commence, unless otherwise agreed to in writing, no later than the date at which any party's demand reaches 85 percent of that party's capacity rights or when the five-year forecast exceeds the capacity. A schedule acceptable to both will be agreed upon to provide sufficient lead time for construction and expansion of the required facilities, and be incorporated as part of the necessary amendment to this Agreement.

4.5 Quality. The objective of the parties is to maintain the quality of the water in the Regional Water Supply System at or above the quality required by State or Federal drinking water standards. The City and PUD staff will meet periodically to exchange information and to help ensure that water quality and operational issues are addressed. The results of these meetings will be reviewed at a Semiannual Meeting.

4.6 Financing. Financing plans for specific projects are to be addressed by amendments to this Agreement, or by separate agreement of the parties to the project. Financial participation in existing and additional facilities may, by mutual agreement, be based on each party's projected need for each facility, and may be based on designated capacity rights.

4.7 Further Agreement Regarding Capacity Rights. The actual, five-year, and ten-year projected water needs of each party will be reviewed at a Semiannual Meeting. It is recognized that a party may have water capacity in excess of projected immediate needs. In the event a party is unable to meet its needs either solely or by joint facility development, the parties agree to meet and negotiate regarding lease rights, further water sales, or other methods to address System demands. Terms shall be on a mutually agreed basis that will cover the costs and investment of the party in facilities or rights covered by such further agreement. These costs may be included as a fixed and/or a variable charge on the water actually used. This further agreement shall terminate upon availability of capacity from additional facilities unless agreed upon by the parties in a further agreement or an amendment to this Agreement.

4.8 Cost of Service Charge. The parties will by mutual agreement establish rates and charges for System facilities. In establishing rates and charges, the parties will consider capital costs, fixed and variable operating costs, minimum fixed

charges, in lieu municipal service charges, and variable costs based on quantity of water delivered.

4.8.1 Capital Cost. Those costs incurred for Capacity Rights and planned capital expenses. Capital Costs are allocated based on designated capacity and may be financed by any lawful basis. The minimum cost will include an allocation for renewal and replacement based on designated capacity rights and the design life of joint facilities.

4.8.2 Fixed or Minimum Operating Cost. The cost of labor, supervision, utilities, services, taxes, insurance and all other expenses required to operate and maintain the system other than those items included under Variable Operating Cost.

4.8.3 Variable Operating Cost. Those costs directly proportionate to the volume of water produced, including chemicals, electric power, and other costs required to meet customer and System needs.

4.8.4 In Lieu Services. Those charges, imposed in lieu of municipal utility taxes, to provide for general governmental services. In lieu service charges shall be applied at a level not to exceed 5% to fixed and variable operating costs and to capital costs. However, if the PUD finances its share of the capital costs set out in a capital improvement program no in lieu tax will be charged to the PUD for this portion of the capital improvement program.

4.8.5 Accounting.

4.8.5.1 The capital cost System facilities shall include the cost of construction, and be documented in accordance with an accredited accounting system mutually acceptable to the parties.

4.8.5.2 Fixed and variable operating costs for System shall include costs as recorded and documented in accordance with the accounting that are directly attributable to the operation and maintenance of the System. The City and PUD will continue separate accounting for operation and maintenance costs for the facilities for which they are responsible. A standardized accounting procedure will be developed as far as practical to assess and credit cost among systems and record the net exchange of water on a monthly basis. Carry-over of credit for water delivered by either party may be allowed under mutually agreed conditions. However, all credits must be balanced by the end of a contract year.

4.8.5.3 Debt service for each party shall be addressed in financing plans for specific projects. See Section 4.6.

4.8.6 Billing. The parties will mutually agree on a method for accounts, billing and collection.

Section 5. ADMINISTRATIVE, LEGAL AND OTHER PROVISIONS.

5.1 Meetings.

5.1.1 The parties will hold joint meetings to review the status of this Agreement, Agreement amendments, further or associated agreements, as well as other issues of mutual interest or concern.

5.1.2 At least two joint meetings shall be held semiannually (Semiannual Meeting), to be scheduled by mutual agreement in the last week of March and September of each year. The purpose of the Semiannual Meetings are to review past activity and to propose efforts that may lead to further amendments to this Agreement. All forecasts of requirements will be reviewed at the meetings. The City and the PUD shall have representatives of their management and legislative authority attend the Semiannual Meetings. These will generally include the Mayor and one or more City Council Members, the General Manager and one or more PUD Commissioners. If other agencies become parties to this Agreement, they will provide for attendance of similarly qualified officials at the Semiannual Meetings.

5.2 Staff and Reporting. The coordination of this Agreement will be performed by the regular staff of the parties, with the addition of any non-staff people either party may care to include. These people will interchange information as often by meeting, teleconference, or other means they may choose. The purpose is to keep the joint projects moving forward in an efficient, cost-effective manner and to prevent any accumulation of misunderstanding. A monthly progress report shall be prepared by the party most active at that time and edited by the other until both are satisfied. Any further details will be included in amendments to the Agreement or in further agreements.

5.3 Schedule. At their first meeting, the staff of both parties involved in the coordination will prepare and publish a schedule and plan to facilitate the day-by-day operation of this Agreement. They may modify their schedule and plan as they wish within the limits of this Agreement, as long as both parties agree and publish the revised schedule and plan. Their work shall be reviewed at a Semiannual Meeting.

5.4 Other Efforts. Other means of recognizing and dealing with joint problems may be developed by mutual amendment.

5.5 Term. This Agreement shall remain in full force until the earlier of termination by mutual agreement, or adoption of a revised CWSP. Any party may request amendment to this Agreement at any time. Re-negotiation of this Agreement may be requested by any party for consideration at a Semiannual Meeting.

5.6 No Third Party Beneficiaries. The Agreement is for the benefit of the City and PUD only, to provide a framework for the development of System facilities. There are no third-party beneficiaries to this Agreement.

5.7 Compliance - Permits - Authority. Facilities that may be developed under this Agreement may be subject to preexisting rights, permits or approvals of the parties. Nothing in this Agreement constitutes a waiver of either party's rights, permits or authority to water, water use, or utility facilities. However, by this Agreement the parties reaffirm their commitment to the process for public water system coordination and planning.

Section 6. SUPPLY AGREEMENT.

6.1 The Supply Agreement shall remain in force and effect until such time as amended or modified pursuant to amendment to this Agreement or other agreement. In the event of conflict, the Supply Agreement shall govern and be preemptive of terms in this Agreement.



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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper Officers on the 27th day of April, 199 3.

City of Anacortes

L.S.

By: _____

Attest:

By: _____
City Clerk

Approved As to Form:

By: _____
City Attorney

Public Utility District No. 1 of Skagit County

_____
Lee D. Bode, Commission President

_____
Al Littlefield, Commission Vice President

_____
Jones Atterberry, Commission Secretary

Attest:

_____
James P. Kirkpatrick, General Manager

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# Appendix C
# Evolving and Current
# DOH Guidelines for CWSP and SMA

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# Appendix C
## Engrossed Second Substitute Senate Bill 5448
## E2SSB 5448 (CWSP Sections) Interpretation
### Public Water System Coordination Act Revisions by SSB 5448

| Section | Change | Interpretation |
|---|---|---|
| 70.116.050 (1) | Each purveyor within the boundaries of a critical water supply service area shall develop a water system plan for the purveyor's future service area if such a plan has not already been developed: PROVIDED, That non-municipally owned public water systems are exempt from the planning requirements of this chapter, except for the establishment of service area boundaries if they ~~(a) Were in existence as of September 21, 1977; and (b)~~ have no plans for water service beyond their existing service area ~~and; (c) meet minimum quality and pressure design criteria established by the state board of health:...~~ | • Deletes the exemption for non-municipally owned public water systems in existence as of September 21, 1977 that meet minimum quality and pressure design criteria. |
| 70.116.050 (2) | After the boundaries of a critical water supply service area have been established pursuant to RCW 70.116.040, the committee established in RCW 70.116.040 shall participate in the development of a coordinated water system plan for the designated area. Such a Plan shall incorporate all water system plans developed pursuant to subsection (1) of this section. The plan shall provide for maximum integration and coordination of public water system facilities consistent with the protection and enhancement of the public health and well being. Decisions of the committee shall be by majority vote of those present at meetings of the committee. | • Old interpretation was that decisions had to be made by a majority vote of the entire committee. This was changed to require that decisions could be made by a majority vote of those present at the meetings of the committee. |
| 70.116.050 (3) (f) (g) | (f) Include satellite system management requirements consistent with RCW 70.116.134.<br><br>(g) Include policies and procedures that generally address failing water systems for which counties may become responsible under RCW 43.70.195. | New Subsections<br><br>• Required that SMA provision be addressed in the CWSP.<br><br>• Required that policies and procedures addressing failing water systems be addressed in the CWSP. |
| 70.116.050 (6) | The committee established in RCW 70.116.040 may develop and utilize a mechanism for addressing disputes that arise in the development of the coordinated water system plan. | New Subsection (replaced old subsection (6) which is now subsection (7)<br><br>• Allowed the WUC to develop and utilize a dispute resolution process during the development of the CWSP. |
| 70.116.050 (7) | Prior to the submission of a coordinated water system plan to the secretary for approval ~~of the design of the proposed facilities~~ pursuant to RCW | Subsection was moved from (6) to (7) |

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| | | |
|---|---|---|
| | 70.116.060, ~~the plan shall be reviewed for consistency with subsection (4) of this section by~~ the legislative authorities of the counties in which the critical water supply service area is located shall hold a public hearing thereon and shall determine the plan's consistency with subsection (4) of this section.... | • Deleted the specific direction for DOH to approve "design of the proposed facilities." (Since may aspects of the plan are policy or process related)<br>• Expanded the county consistency review process from inter office to include a public hearing. |
| 70.116.060 (2) | The secretary shall review the coordinated water system plan and, to the extent the plan is consistent with the requirements of this chapter and regulations adopted hereunder, shall approve the plan, provided that the secretary shall not approve those portions of a coordinated water system plan ~~which~~ that fail to meet the requirements for future service area boundaries until any boundary dispute is resolved as set forth in RCW 70.116.070. | • Limits DOH approval of the plan to those portions of the plan which are consistent with RCW 70.116.<br>• Allows DOH not to approve parts of the CWSP related to areas of dispute. |
| 70.116.060 (3)(b) | No other purveyor shall establish a public water system within the area covered by the plan, unless the ~~secretary~~ local legislative authority determines that existing purveyors are unable to provide the service in a timely and reasonable manner, pursuant to guidelines developed by the secretary. An existing purveyor is unable to provide the service in a timely manner if the water cannot be provided to an applicant for water within one hundred twenty days unless specified otherwise by the local legislative authority. If such a determination is made, the ~~secretary may~~ local legislative authority shall require the new public water system to be constructed in accordance with the construction standards and specifications embodied in the coordinated water system plan approved for the area. The service area boundaries in the coordinated plan for the affected utilities shall be revised to reflect the decision of the local legislative authority. | • Puts burden of determining timely and reasonable upon the County.<br>• Requires DOH to develop timely and reasonable guidance.<br>• Defines timely and reasonable as the purveyor being able to provide water within 120 days unless specified otherwise the County.<br>• Puts the burden on the County to require the design of new public water systems to meet the requirements of the CWSP.<br>• Allows for Counties to make boundary changes when a new system is developed. |
| 70.116.060 (5) | The affected legislative authorities may develop and utilize a mechanism for addressing disputes that arise in the implementation of the coordinated water system plan after the plan has been approved by the secretary. | New Subsection<br>• Allows counties to develop and utilize a dispute resolution process for addressing disputes that arise in the implementation of the CWSP, once the CWSP has been approved. |
| 70.116.060 (6) | After adoption of the initial coordinated water system plan, the local legislative authority or the secretary may determine that the plan should be updated or revised. The legislative authority may initiate an update at any time, but the secretary may initiate an update no more frequently than once every five years. The update may encompass all or a portion of the plan, with the | New subsection<br>• Once the CWSP is adopted, the County or DOH may require update. |

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| | scope of the update to be determined by the secretary and the legislative authority. The process for the update shall be the one prescribed in RCW 70.116.050. | • The County may require update at any time, DOH can only require update no more than once every 5 years.<br>• The update may address all or a portion of the CWSP.<br>• The update must follow the process found in RCW 70.116.050. |
| 70.116.060 (7) | The provisions of subsection (3) of this section shall not apply in any county for which a coordinated water system plan has not been approved under subsection (2) of this section. | New subsection<br>• The rules of subsection 3 of this section do not apply in areas where a CWSP has not been approved by DOH. |
| 70.116.060 (8) | If the secretary initiates an update or revision of a coordinated water system plan, the state shall pay for the cost of updating or revising the plan. | New subsection<br>• If DOH requires an update of the CWSP, DOH must pay the cost of updating the CWSP. |
| 70.116.070 (1) | The proposed service area boundaries of public water systems within the critical water supply service area that are required to submit water system plans under this chapter shall be ~~determined by written agreement among the purveyors and with the approval of the appropriate legislative authority. Failure of the legislative authority to file with the secretary objections to the proposed service area boundaries within sixty days of receipt of the proposed boundary agreement may be construed as approval of the agreement.~~ identified in the system's plan. The local legislative authority, or its planning department or other designee, shall review the proposed boundaries to determine whether the proposed boundaries of one or more systems overlap. The boundaries determined by the local legislative authority not to overlap shall be incorporated into the coordinated water system plan. Where any overlap exists, the local legislative authority may attempt to resolve the conflict through procedures established under RCW 70.116.060 (5) | • Foregoes the requirement for systems to sign written agreements between purveyors and approved by the County. Requires that systems propose a service area boundary in their WSP and for the County to determine if those proposed boundaries overlap. If the boundaries do not overlap, requires the County to incorporate them into the CWSP. |
| 70.116.070 (2) | ~~If no service area boundary agreement has been established within a reasonable period of time, of if the legislative authority has filed with the secretary objections in writing as provided in subsection (1) of this section~~ Any final decision by a local legislative authority regarding overlapping service areas, or any unresolved disputes regarding service area boundaries, may be appealed or referred to the secretary in writing for resolution. After receipt of an appeal or referral, the secretary shall hold a public hearing | • Allows appeal of the County's decision on overlapping boundaries to be appealed to DOH. The request for appeal must be in writing.<br>• Eliminates the need to notify all purveyors of the dispute. Allows DOH to notify only those |

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| | | |
|---|---|---|
| | thereon. The secretary shall provide notice of the hearing by certified mail to each purveyor ~~providing service in the critical water supply service area~~ involved in the dispute to each county legislative authority having jurisdiction in the area and to the public.... | purveyors involved in the dispute. |

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# Appendix D
# Water System Plan Contents Checklist

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## SMALL WATER SYSTEM PLAN CONTENTS

Water system plans may be required for public water systems with less than 1,000 service connections (WAC 246-290-100). Please consult Department of Health (DOH) staff for specific plan requirements for your water system.

The following outline is intended to provide a summary of key elements that should be addressed in small water system plans for utilities subject to Federal Drinking Water requirements. In general, the larger the system the more complex the water system plan will be. The plan should be developed for a 20 year planning period with identification of specific improvements and a financial program for the first 6 years. For additional information about each of the elements in this outline, refer to Planning Handbook for Water System Plans; Interim Guidelines for Public Water System Regarding Water Use Forecasting Methodology, and Conservation Programs; and Financial Viability Program for Small Water Systems.

I. Description of Water System

- A. Identification of Water System Ownership & Management
- B. History of Water System Development
- C. Map and Description of Existing Service Area
- D. Description of existing facilities including map and pressure zones
- E. Future Service Area Map and Agreement (If Required)
- F. Identification of Service Area Policies

II. Basic Planning Data

- A. Existing Population and Current Number of Service Connections
- B. Water Usage by Customer class including peak day, peak month, total annual production, and unaccounted water
- C. Future Population and Service Connection Projections based on Growth Management Act and County Projections
- D. Existing and Future Land Use Considerations

III. System Analysis

A. Identification of Water System Design Criteria

B. Evaluation of Existing System

1. Source
2. Storage
3. Hydraulics
4. Fire Flow
5. Treatment
6. Water Rights

C. Water Quality Analysis

1. History of monitoring and test results
2. Analysis of Safe Drinking Water Act Requirements

D. Summary of Facility and O&M System Deficiencies related to growth and replacement

IV. Improvement Program

A. Identification of Improvements including Justification (20 years)

B. Improvement Schedule (6 years)

V. Financial Program (6 years)

A. Identification of cost of improvements

B. Identification of Annual Operation and Maintenance Expenses

C. Revenue Plan for all expenses

D. Approved Financial Viability Test (Investor Owned Utilities should contact DOH and UTC for specific requirement)

E. Discussion of Water Rates including proposed increases and rate structure



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VI. Water Conservation Program

A. Identification of Goals and Objectives of Water conservation Program

B. Description of Water Conservation Public Education Program

C. Description of Other Water Conservation Measures Being Implemented

D. Estimated savings attributed to conservation (incorporated into Water Demand Projection)

VII. Operation and Maintenance Program

A. Name, Phone numbers, and responsibilities of person(s) involved in water system operation (Including who is certified and at what level)

B. Description of Routine Operation Procedures

C. Description of Water Quality Sampling Procedures including response when sample results exceed state standards

D. Description of Emergency Response Procedure

E. Identification of most vulnerable facilities

VIII. Relationship With Other Plans

A. Compatibility with other related plans including adjacent water systems, land use plans, and water resource planning efforts

B. Compatibility with Regional Supplement of Coordinated Water System Plan

C. County Response on compatibility with land use plans and growth policies

NOTE: Water System Plans need to be prepared by a professional engineer (WAC 246-290-240)



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APPENDIX

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# PLAN CONTENT CHECKLIST

The following checklist summarizes the topics which are discussed in each section of this handbook. It is intended to function as a checklist for the utility, assuring that key topics are in the draft water system plan. DSHS will use this checklist during the plan review process. Another copy of this checklist is included at the end of the handbook so it can be torn out for easy reference.

| Section | Topic |
|---|---|
| ☐ Future Service Area | |
| Map of Existing Service Area | ☐ |
| Criteria for Future Service Area | ☐ |
| Map of Future Service Area | ☐ |
| Explanation of Boundaries Shown on Map | ☐ |
| ☐ Service Area Characteristics | |
| History of Growth and Water Service | ☐ |
| Inventory and Summary of Related Plans | ☐ |
| Geography of the Service Area | ☐ |
| Other Items Affecting the Service Area | ☐ |
| ☐ Service Area Policies | |
| Summary of Applicable Policies | ☐ |
| Discussion on Effect of Applicable Policies | ☐ |
| ☐ Future Growth | |
| Existing Land Use Patterns | ☐ |
| Map of Future Land Use Patterns | ☐ |
| Methodology and/or Source of Land Use Projections | ☐ |
| Population Forecasts | ☐ |
| Methodology and/or Source of Population Forecasts | ☐ |
| Map of Future Population Distribution | ☐ |
| ☐ Future Water Demand | |
| Amount of Water Used by Category | ☐ |
| Evaluation of Existing Water Use | ☐ |
| Conservation | ☐ |
| Assumptions for Future Water Demand Calculations | ☐ |

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- Future Water Demand Projections
- Justification of Future Water Demand
- Map Showing High Demand Areas

☐ Performance and Design Criteria

- List of Applicable Criteria
- How Criteria will be Applied

☐ Inventory of Existing System

- List of Facilities in Each Grouping
- Functions and Relationships of Facilities
- Evaluation of Effectiveness of Facilities
- Relationship of Groupings
- Evaluation of Recent Improvements
- Map of Facilities and Pressure Zones

☐ Fireflow

- Identification of Standards
- Source of Fireflow Standards
- Map of Development Classifications (or the Utility's Own Categories)
- Summary of Future Fireflow Needs

☐ Hydraulic Analysis

- Methodology and/or Description of Program
- Pressure Limitations and Justification
- Description of Scenarios
- How Input Data was Derived
- Summary of Results

☐ Water Resources

- Description and Evaluation of Existing Source
- Inventory and Summary of Water Resource Studies
- Evaluation of Potential for Contamination
- Water Rights Assessment (Chart)

☐ Water Quality

- Assessment of Source Water Quality
- Assessment of Distribution System Water Quality
- How Identified Problems will be Addressed

☐ Summary of System Deficiencies

- List of Documented Deficiencies
- Discussion of Deficiencies not Previously Documented

- [ ] Identification of Improvements
  - [ ] List of Alternative Packages
  - [ ] Evaluation Criteria
  - [ ] Assessment of Alternatives
  - [ ] Description and Justification of Selected Alternatives
  - [ ] Map of Improvements
- [ ] Scheduling of Improvements
  - [ ] Five-Year Definite Schedule
  - [ ] Schedule for Remaining System Needs
  - [ ] Improvement Program (Chart)
- [ ] Financial Program
  - [ ] Past and Present Financial Status
  - [ ] Available Revenue Sources
  - [ ] Allocation of Revenue Sources
  - [ ] Ability to Secure Needed Revenue
  - [ ] Assessment of Impact Upon Rates
- [ ] Operations Program
  - [ ] Organizational Chart
  - [ ] Responsibilities of Positions
  - [ ] Certification Status
  - [ ] Identification of System Components
  - [ ] Routine Operation
  - [ ] Preventive Maintenance Program
  - [ ] Inventory of Chemicals, Equipment and Supplies
  - [ ] Sampling Procedure
  - [ ] Violation Response Procedure
  - [ ] Emergency Call-up List
  - [ ] Vulnerability Analysis
  - [ ] Contingency Plans
  - [ ] Cross-Connection Control Program
- [ ] Miscellaneous Supportive Documents
  - [ ] Environmental Impact Statement or Determination of Non-Significance
  - [ ] Satellite System Management Program
  - [ ] Text of Appropriate Agreements
  - [ ] Response from Affected Entities
  - [ ] Standard Construction Specifications (Chart)
  - [ ] Watershed Control Program

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# Appendix E
# Group B Public Water System Guideline

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# Appendix E
# Group B Public Water Systems[1] Guideline

Basic Information – Group B Public Water Systems are currently regulated under WAC 246-291 and Skagit County Code 12.48. Additionally, in compliance with WAC 173-160 all Group B water system applicants must have the well site inspected and approved prior to drilling. The developer is assisted by the County Health department in meeting and understanding the necessary requirements of health and safety standards in compliance with State and Federal laws. For the purpose of maintaining accurate records and provide the necessary information for new systems, the Group B Water Systems Workbook must be completed. Section 1 of the workbook (Public Water System Approval) is to be completed prior to source development.

The Public Water System Coordination Act provides for Coordinated Water System Plans (CWSP) for areas designated as critical water supply areas and generally prohibits the development of new independent systems where an existing system is available to provide water service. The Skagit County Health Department will assist in identifying which utility to contact and encourages the developer to consider these alternatives in lieu of developing *independent* systems.

***delete* (Outside of the critical water supply areas, new independent systems may be developed provided that the water is obtain from a protected ground water source.)

**(add) All of Skagit County is included in a critical water supply area. PUD is recognized as the Satellite Management Agency (SMA) and is to provide water service to new developments in the County. New developments are designed and constructed consistent with PUD minimum standards and ownership is transferred to the PUD. PUD shall make a policy statement and establish criteria to use for determining feasibility and when satellite service verses extension is appropriate.*

**(add) New systems must be owned or operated by a DOH approved SMA where available. No new system may be created without SMA management unless the system has been determined to have good management and financial resources. (WAC 246-291-140) Limitations on land uses and development densities are to be considered in designated low flow stream corridors where necessary to limit ground water withdrawal and protect stream flows in compliance with Comprehensive Planning objective 10 that influences the use of water resources and is consistent with the existing character of the environment.*

[1] Source – Department of Health "Guideline for Group Public Water System Approval" – July 1994 (additions and/or corrections appear in italics)

**Ownership and Management** – Owners (Developers) of a Group B water system are to attach a statement of responsibility for costs of construction and maintenance and repairs to the application. A users agreement is to be included with information regarding easements, distribution lines and also should specify each customer's exact share of water available and meter requirements. Owners are to use legal and binding covenants to protect property from activities that could contaminate public water sources. *A "Notice to Future Property Owners" is attached and information recorded on property titles.*

**Water Source Information** –*(*add) A safe and reliable drinking water supply is of fundamental importance to our health and well being.)* As water is considered a public resource, a "water right permit" is required for all appropriations of public water as specified by the State Water Code. Exceptions are made for single or group domestic use provided the water used shall not exceed 5,000 gallons per day principally to single family dwellings (most Group B systems). In western Washington, the State will not require a water right permit in most cases serving six or fewer connections.

**(add) Skagit County Health Department shall enforce all county, state and federal laws regarding potable water and further address groundwater protection in its septic system, well head protection and the installation of water systems in compliance with GMA and County goals, policies and position. (CP 10.6)*

**Sanitary Control Zone** – Prior to drilling the well, site inspection and approval is required in compliance with WAC 173-160. Drinking Water Regulations require that public water sources be surrounded by a 100-foot sanitary control zone in which activities that could contaminate the water source are not allowed. *In addition, an inventory of potential sources of contamination within a 600-foot radius of the well must be completed.*

**Group B Water System Design** – The first consideration and potential limiting factor is the capacity of the well. *(delete – The purpose of this section of the workbook is to assist in the design of a small public water system to help size and select pumps, distribution lines, storage tanks and pressure tanks.)* The well must be capable of supplying enough water to meet the state peak *(delete – estimated daily)* demand for the number of connections in the system and the design rate cannot exceed the well capacity. *Capacity specifies the design of a small public water system size, pumps, distribution lines, storage and pressure tanks.* A copy of the Department of Ecology "Water Well Report" *(delete – the well log, which the Department of Ecology requires all well drillers to submit)* is included with the application for all new systems.

Establishing well and pump capacity is critical. Totalizing source meters are required on all new sources to accurately measure quantity of water produced to meet health and safety standards and to comply with water right requirements.

Water quality tests also must be included with the application for Group B water systems (WAC 246-291). Prohibited practices include cross connection of any portion or segment of the water system with any other source without prior written approval of appropriate governmental agency. Skagit County Health Department Code 12.48.130 specifies that a Group B public water system will be designed by a professional engineer (P.E.) unless the owner of the proposed system can demonstrate that he has expertise and plans to reside at and operate said system. Secondly, the system must consist of a simple well and pressure tank with one pressure zone and not provide treatment or have hydraulic requirements.

Fire low requirements vary. *(delete – and may be prohibited in some areas and required in others).* For more information consult with the local county fire marshal *(delete – or code enforcement official.)* When fire flow is required, a professional engineer must be retained to perform a hydraulic analysis and design storage facilities. Restaurants, small businesses, churches, schools, government agencies, and resorts are examples of small public water systems with their own unique design needs.

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# Appendix F
# Model Agreement - Maintenance of Hydrants

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# APPENDIX F
## Fire Control Facility
## Maintenance and Testing Responsibilities

### Fire District/Water Utility Agreement

This Agreement entered into between (Fire Department/District) and (Water Utility) is for the purpose of providing for proper installation, operation, and maintenance of permanent fire protection facilities associated with public water systems and installed in the following described location:

(Fire District Boundary and/or Utility Future Service Area Boundary – Description of reference to attached map)

It is hereby agreed that the tasks itemized below will be carried out in a responsible manner by the assigned party and at the specified frequency.

| | Task | Responsible Party | Frequency |
|---|---|---|---|
| 1. | Inspection of new facility* | Both | Time of construction |
| 2. | Location of hydrants* | Both | Time of construction |
| 3. | Review of installation and type of hydrant, ports, and valves | Fire | Annual |
| 4. | Install and check reflectorized location if used | Fire | Annual |
| 5. | Hydrant and private fire system testing | | |
| | a. Flow and pressure testing of hydrant | Both | Annual |
| | b. Operation of tee valve | Utility | Annual |
| | c. Private/building fire system (wet & dry) | Fire | Annual |
| 6. | Clearing vegetation, brush for visibility/snow | Fire | Annual |
| 7. | Mechanical repair and maintenance (except private property) | Utility | As needed |
| 8. | Submit annual report regarding fault hydrants, flow, tests, etc. | Both | As needed |
| 9. | Painting and coding hydrants | Fire | As needed |

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| | | | |
|---|---|---|---|
| 10. | Number and color code of hydrants | Both | Time of construction |
| 11. | Water utility's personnel to be notified when hydrants are used for fire fighting training, or testing purposes | Fire | As needed |
| 12. | Communications (emergency, alert system, etc.) | Both | As needed |
| 13. | Backflow prevention/hydrant use/mutual aid | Both | As needed |
| 14. | Estimate volume and time of use of hydrants and provide monthly report to utility | Fire | Monthly |

It is agreed that the Utility shall notify the Fire Department/District, in advance, before any changes are made to hydrant installation or relocation and the Fire Department/District shall notify the Utility in advance of any testing of fire hydrants.

_____ _____

Fire Chief or Commissioner Date

_____ _____

Water Utility Date

Receipt Acknowledged By:

_____

Skagit County Fire Marshal
(applicable only to unincorporated areas)

* *In unincorporated areas, the responsible fire official is the County Fire Marshal.*

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# Appendix G
# 1996 Memorandum of Agreement Regarding Skagit River

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# MEMORANDUM OF AGREEMENT REGARDING UTILIZATION OF SKAGIT RIVER BASIN WATER RESOURCES FOR INSTREAM AND OUT OF STREAM PURPOSES

## I. PURPOSE OF AGREEMENT

A. To ensure the establishment of instream flows to protect fisheries resources, and the mitigation of any interference with such established flows;

B. To provide a mechanism for the coordinated management of water resources in areas described by the Skagit County Coordinated Water System Plan, Regional Supplement, July 1993 ("CWSP") to meet the out-of-stream needs of the Swinomish Indian Tribal Community, Upper Skagit River Tribe, and Sauk-Suiattle Indian Tribe (collectively "the Tribes"), local governments, and public water purveyors within Skagit County;

C. To avoid litigation or adjudication of water resources within the Skagit River Basin between the Parties to this Agreement;

D. To assist in expediting the Department of Ecology's water right decision-making within the CWSP service area;

E. To modify the CWSP to conform to this Agreement and to incorporate this Agreement into the City of Anacortes' and Public Utility District No. 1 of Skagit County's Joint Operating Agreement.

## II. PARTIES TO THIS AGREEMENT ("THE PARTIES")

City of Anacortes ("the City")
Public Utility District No. 1 of Skagit County ("PUD")
Skagit County ("the County")
Upper Skagit Indian Tribe
Swinomish Indian Tribal Community
Sauk-Suiattle Indian Tribe
(collectively "the Tribes")
Washington State
Department of Ecology ("Ecology")
Department of Fish and Wildlife ("WDFW")

## III. DEFINITIONS

A. Instream Flow - The quantity of flow necessary to maintain sufficient water in a stream to support in harvestable numbers the natural production of food and game fish.

B. Established or establishing instream flows - Instream flows that are established by rule and thus enforceable by law.

C. Out-of-Stream Use - The quantity of water identified for withdrawal from the Skagit River and its tributaries, or from groundwater in continuity with the Skagit River or its tributaries, for use by the City, PUD, and Tribes.

D. Effective Date and Term of Agreement - The Effective Date of this Agreement shall be when the last Party has signed the Agreement and shall continue for 50 years from the effective date.

E. Claims or Adjustments - Existing, recorded, pending, and proposed new water right documents consisting of registered claims, certificates, permits, applications, and proposed changes to such documents related to place of use, point of diversion, and/or authorized instantaneous and annual quantities of water, all of which are specifically identified in Sections IV.B.1.a, IV.B.1.b (1), and IV.C.1.a-d of this MOA.

F. Skagit River Basin - The water resource basin as generally defined by the State of Washington Water Resource Inventory Areas 3 and 4.

G. CWSP - Skagit County Coordinated Water System Plan, Regional Supplement (July 1993).

H. Lower Skagit River Instream Flows - Established instream flows for the segment of the Skagit River below the Skagit River PUD Pipeline Crossing east of Sedro Woolley ("PUD Pipeline Crossing") measured at the existing USGS Station 12200500, near Mt. Vernon.

I. Future claims or adjustments - any claims or adjustments not specifically identified in this MOA.

J. Cultus Mountain Streams Instream Flows - Established instream flows for the Salmon, Turner, Mundt, and Gilligan Creeks located in the general Cultus Mountain area.

K. Ecology Low-Flow Streams: Those streams on Ecology's Surface Water Source Limited (SWSL) list that have been identified to have limitations in available supply as a result of fisheries concerns.

## IV. AGREEMENTS

A. The Tribes agree to the following, conditioned upon the other Parties meeting their obligations as outlined in this Agreement, which includes establishing Lower Skagit River Instream Flows as defined in this Agreement, and as jointly or individually recommended by the parties, within the time period established in subsections IV.B.2.c. and IV.C.2.c., unless such time period is extended in the manner described in such sections.

1. To not challenge any Skagit River Basin water rights claims or adjustments, made by the City or PUD within 50 years from the effective date of this Agreement, as long as such claims or adjustments are consistent with this Agreement. An inconsistent claim or adjustment would include, but not be limited to, claims or adjustments other than specifically identified in this Agreement as not subject to Lower Skagit River Instream Flows that in any way interfere with established instream flows.

2. That established Lower Skagit River Instream Flows will constitute the full instream flow agreed to by the Parties for 50 years from the effective date of this Agreement;

3. That any challenges made by the Tribes after the 50-year period of this Agreement will be made only against future claims or adjustments by the City or PUD that are additional to those identified in Sections IV.B.1.a, IV.B.1.b(1), and IV.C.1.a, b, c, and d of this Agreement;

4. To collaborate with the Parties to secure adequate flows for instream and out-of-stream uses for areas identified in the CWSP;

5. To work towards establishing satellite systems as defined in the CWSP with the objectives of reducing groundwater or surface water withdrawals that adversely impact Skagit River Basin Instream Flows, improving water use efficiency, and providing public water delivery to existing and planned communities in Skagit County. A primary objective is to reduce the use of exempt wells in those areas of the County experiencing inadequate instream flows that may be occurring as a result of groundwater withdrawal;

6. To seek funding sources to: contribute towards the development and implementation of long-term watershed management programs; develop a coordinated water delivery system throughout the CWSP service area; and achieve the objectives of this Agreement.

B. The City of Anacortes agrees to the following:

1. The following certificates presently held, pending water right applications, and future claims or adjustments to water rights will be recognized and put to use by the City in accordance with the relative order of priorities set forth below.

   a. City Water Rights Not Subject to Lower Skagit River Instream Flows: 85 cubic feet per second (cfs) (54.94 mgd) as comprised in the following:

      (1) Certificate #C-709 (2/14/1963) which provides 70 cfs (45.24 million gallons per day or mgd) for the "area served by the City of Anacortes Water Supply System".

      (2) Certificate #C-1161 (7/2/1930) which provides 15 cfs (9.70 mgd) for the "City of Anacortes." This Agreement provides for a change in the point of diversion under this right downstream

approximately 1,500 feet to coincide with the existing intake for Certificate #C-709.

b. City water rights subject to Lower Skagit River Instream Flows developed as a condition of this Agreement:

(1) Certificate #C-3959 (9/13/1954) which provides 32.30 cfs (20.88 mgd). This Agreement provides for a change in the point of diversion of Certificate #C-3959 from the original "Ranney Well" Skagit River bed subsurface diversion to coincide with the existing intake for Certificate #C-709.

(2) The following may be subject to results of state-of-the-art instream flow studies, regardless of the date of the application: 1) future rights acquired by the City in excess of those specified in Section IV.B.1.b(1) above for service to parties within or outside the service areas as defined in the CWSP; and 2) future claims or adjustments.

2. The City will participate in identifying instream flow needs through an IFIM instream flow study process. The City and PUD, with consultation from the Tribes, will fund and contract for the IFIM studies, which will apply only to the segment of the Skagit River described in subsection III.H.

a. The City, PUD, and any other parties that desire to assist with financing, will fund and contract for the necessary studies to establish Lower Skagit River Instream Flows. The Tribes and WDFW will provide the fisheries and fisheries habitat management criteria for input into the IFIM study and recommended Skagit River Instream Flows.

b. The Parties to this Agreement will jointly develop the recommended instream flows using the Water Resources Forum process (Instream Flow Policy Working Draft, 8th Draft, Revised May 19, 1993) as a guide. The Tribal IFIM study input criteria will be limited to fisheries and fisheries habitat management and will not include other instream objectives. The Parties will utilize all appropriate methods to establish an agreed upon instream flow for managing the Skagit River below the PUD Pipeline Crossing, including mediation.

c. Schedule.

(1) The City agrees that the following events must occur within two years of the effective date of this Agreement: 1) the necessary Lower Skagit River instream flow studies are completed; 2) the City, PUD, and Tribes agree on the recommended instream flows; and 3) the City, PUD, and Tribes submit jointly recommended instream flows to Ecology, or, if these parties cannot agree in writing, submit the differing recommendations for Lower Skagit River Instream Flows to Ecology for its decision as to what to include in the rule proposal. This two-year schedule may only be

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extended by written agreement of the City, PUD, and Tribes. If these parties cannot agree to an extension, the City shall take all necessary actions to ensure that changes to existing water rights documents identified in section IV.B.1. shall not remain or become effective as further described in subsection (3) below. The City may then remove any commitment of water service to the Tribal Reservations identified in subsection IV.B.(3) except as required under a separate contract.

(2) Upon receipt of either the joint or differing recommendations described in subsections IV.B.2.c. and IV.C.2.c., Ecology shall immediately file a Preproposal Statement of Inquiry Code Revision (CR) 101, indicating its intention to adopt the Cultus Mountain Instream Flows and Lower Skagit River Instream Flows. Ecology shall seek to complete formal rulemaking by filing a CR 102 within eighteen (18) months of its receipt of the joint recommendation or deferment described in IV.B.2.c(1) and IV.C.2.c(1), with a goal of adopting final rules within two years of its receipt.

(3) If Lower Skagit River Instream Flows have not been established by the end of two years following Ecology's receipt of the recommendations described in subsection (1), the City, PUD, and Tribes may extend the deadline only by written agreement. If the City, PUD, and Tribes cannot agree to an extension, the City shall immediately request Ecology to rescind any water right change action submitted to Ecology since the Agreement became effective, even if Ecology has taken final action. The City may immediately reapply for the change. The intent of this provision is to secure the Tribes' right to challenge these changes in the event that Lower Skagit River Instream Flows are not established within the specified schedule.

d. In the event that Ecology approves the changes referred to in subsection IV.B.2.c(3) above, the City shall ensure that any water rights documents issued by Ecology that purport to effectuate these changes shall be expressly and clearly conditioned to require compliance with this Agreement. Regardless of whether or not Ecology so conditions the document(s), the City shall, by its own authority, enforce the conditions of this Agreement when using these water rights.

e. The City may, at its option, negotiate with upstream Skagit River dam operators for release of flows to maintain the agreed upon flow levels downstream from the PUD Pipeline Crossing.

3. To guarantee in perpetuity to the Swinomish Indian Tribal Community for non-discriminatory use by all residents within the Swinomish Indian Reservation a water quantity of 2.8 million gallons per day based on demands identified annually and projected for five and twenty years by the Swinomish Indian Tribal Community and based on amendment to the existing wholesale contract with the

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Swinomish Tribe. Government-owned and operated uses will be subject to conservation and curtailment programs for both the Reservation and off-Reservation water uses as outlined in Exhibit A, which is incorporated herein. Government-owned and operated economic development on the Reservation, such as the Tribe's marina, gaming facilities, hotels, and similar facilities will be considered services that generate governmental revenue and will receive the second highest priority after residential domestic use. Similar government-owned and operated commercial services within the City's and PUD's service area will receive the same status.

4. The City, including its Public Works Department, agrees not to provide any water service to users or property located within the Swinomish Indian Reservation without the prior written approval of the Swinomish Indian Tribal Community.

5. To assist Ecology in adopting Lower Skagit River Instream Flow rules within the time period set forth in subsection IV.B.2.c..

6. To actively support and provide input at both a policy and technical level to County officials regarding implementation of Section 63 of the Growth Management Act, such that building permits will only be issued if there is an adequate supply of potable water that can be withdrawn from groundwater without adversely impacting instream flows, other than as agreed herein.

7. To actively seek amendment of the CWSP and adoption of County ordinances that: a) require, in lieu of individual wells, connection of new individual/single family homes to public water systems where the proposed development is within the designated service area of existing utilities and timely and reasonable service is available; and b) limits the use of the 5,000 gallons per day exemption in those areas of the County experiencing inadequate Skagit River Basin Instream Flows that may be occurring as a result of groundwater withdrawals.

8. To seek funding sources to contribute: towards the development and implementation of long-term watershed management programs; towards the development of a coordinated water delivery system throughout the CWSP service area; and towards achieving the objectives of this Agreement. This provision does not supersede or in any way affect the City's financial commitment as set forth in Section IV. B.2.

C. The PUD agrees to the following:

1. The following certificates presently held, pending and new water right applications, and future claims or adjustments to water rights will be recognized and put to use by the PUD in accordance with the relative order of priorities set forth below.

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a. PUD water rights subject to established Cultus Mountain Instream Flows, but not subject to established Lower Skagit River Instream Flows.

| Document No. | Priority Date | Source | Maximum Appropriation cfs | mgd |
|---|---|---|---|---|
| Claim 9332 | Pre-1917 | Salmon Creek | 1.80 | 1.16 |
| Certificate 411 | 10/10/1929 | Gilligan Creek | 1.50 | 0.97 |
| Certificate 724 | 10/30/1963 | Gilligan Creek | 7.39 | 4.77 |
| Claim 9333 | Pre-1917 | Turner Creek | 4.30 | 2.78 |
| Certificate 739 | 10/30/1963 | Turner Creek | 6.20 | 4.01 |
| Certificate 26 | 9/28/1917 | Mundt Creek | 2.50 | 1.62 |
| Certificate 737 | 10/30/1963 | Mundt Creek | 8.00 | 5.17 |
| Certificate 8738 | 1/16/94 | Judy Reservoir | Storage | Storage |
| Certificate R-673 | 4/24/1963 | Judy Reservoir | Storage | Storage |
| | | Subtotal | 31.69 | 20.48 |

b. PUD water rights not subject to established Lower Skagit River Instream Flows.

| Document No. | Priority Date | Source | Maximum Appropriation cfs | mgd |
|---|---|---|---|---|
| Certificate 1904 | 3/26/1953 | Sedro Woolley Well | 2.00 | 1.29 |
| Certificate 2107 | 5/12/1954 | Ranney Well | 8.90 | 5.75 |
| Cultus Mountain Water Rights (See Section IV.C. 1 (a)) | | | 31.69 | 20.48 |
| | | | 42.59 | 27.52 |

c. Pending and new PUD Cultus Mountain water right applications subject to Cultus Mountain and Lower Skagit River Instream Flows.

The purpose of these pending and new applications is to make full use of the hydraulic capacity of existing collector lines. When the rights listed below are combined with rights Cultus Mountain streams listed in subsections a and b above, the total diversion will not exceed 35.8 mgd.

| Document No. | Priority Date | Source | Maximum Appropriation cfs | mgd |
|---|---|---|---|---|
| 18219 (pending) | | Salmon Creek | 4.00 | 2.59 |
| 25129 (pending) | | Gilligan Creek | 13.15 | 8.50 |
| New | | Turner Creek | 6.60 | 4.27 |
| New | | Mundt Creek | 16.06 | 10.38 |

d. New application partially not subject to Skagit River Instream Flows for proposed Skagit River pumping plant delivering water to Judy Reservoir.



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The PUD's combined capacity of the gravity collector lines that presently supply Judy Reservoir is 55.39 cfs/35.80 mgd. The PUD is dependent on the ability to withdraw water from the streams, river, or combination of river and streams in the amount of 55.39 cfs/35.80 mgd when available. A new application for a water right will be filed on the Skagit River in the amount of 12.80 cfs/8.28 mgd. This application for 12.80 cfs/8.28 mgd, when combined with the water rights listed in subsection IV.C.1.a above (31.69 cfs/20.48 mgd) with the new point of diversion on the Skagit River and the existing Sedro-Woolley Well (2.0 cfs/1.29 mgd) and Ranny Well (8.90 cfs/5.75 mgd), both of which are to be transferred to the new pumping station, will result in a total water right of 55.39 cfs/35.80 mgd. Of this amount, 42.59 cfs/27.52 mgd is not subject to Lower Skagit River Instream Flows, and the remainder is subject to such flows.

e. The instream flows being developed on the Cultus Mountain streams through the completion of an IFIM Study will be recognized as a higher priority than the Cultus Mountain stream: 1) certificates and claims listed in Section IV.C.1.a; 2) pending and new water rights applications listed in Section IV.C.1.c.; and 3) future claims and adjustments.

f. Based on this Agreement, the PUD:

(1) will manage the Cultus Mountain supply to meet the jointly agreed upon Cultus Mountain Instream Flows;

(2) may periodically divert up to 35.80 mgd from the Cultus Mountain streams into Judy Reservoir subject to the Cultus Mountain Instream Flows;

(3) may provide for an additional point of diversion at the PUD Skagit River Pumping Station on each of the water rights listed in subsection IV.C.1.a above;

(4) may transfer the Ranney Well and Sedro Woolley well water right points of diversion to the new PUD Skagit River pumping station; and

(5) may periodically divert a maximum of 35.80 mgd from the Skagit River into Judy Reservoir as an alternate source of supply to the Cultus Mountain system as explained above, with 27.52 mgd of this amount not subject to Skagit River Instream Flows and 8.28 mgd subject to Skagit River Instream Flows; and/or.

(6) The PUD will continue investigations regarding instream flow needs on Salmon, Mundt, Gilligan, and Turner Creeks. Upon completion of these investigations and establishment of instream flows, the PUD will ensure the retroactive application of the instream flows to existing and pending PUD water rights related to Cultus Mountain streams. As a condition of this subordination of water rights, the PUD may: (1) utilize the full hydraulic

capacity of the existing collector lines to Judy Reservoir when water is available in excess of instream flow needs as outlined in IV.C.1.c above, and (2) provide a substitute and augmented supply from the Skagit River to meet the reductions that occur as a result of curtailment of withdrawals from Cultus Mountain streams due to instream flow needs.

g. The Agreement provides for changes to the water right documents identified in Section IV.C.1 herein as an element of this Agreement.

h. Those future claims or adjustments acquired by the PUD for service to parties within or outside the service areas defined in the CWSP, may be subject to results of state-of-the-art instream flow studies.

2. The PUD will participate in identifying instream flow needs through an IFIM instream flow study process. The City and PUD, with consultation from the Tribes, will fund and contract for the IFIM studies, which will apply only to the segment of the Skagit River described in subsection III.H.

a. The City, PUD, and any other parties that desire to assist with financing will fund and contract for the necessary studies to establish Lower Skagit River Instream Flows. The Tribe and WDFW will provide the fisheries and fisheries habitat management criteria for input into the IFIM Study and recommended Lower Skagit River Instream Flows.

b. The Parties will jointly develop the recommended instream flows using the Water Resources Forum process (Instream Flow Policy Working Draft, 8th Draft, Revised May 19, 1993) as a guide. The Tribal IFIM study input criteria will be limited to fisheries and fisheries habitat management and will not include other instream objectives. The Parties will utilize all appropriate methods to establish an agreed upon instream flow for managing the Skagit River below the PUD Pipeline Crossing, including mediation.

c. Schedules.

(1) The PUD agrees that the following events must occur within two years of the effective date of this Agreement: 1) the necessary Skagit River instream flow studies are completed; 2) the City, PUD, and Tribes agree on the recommended instream flows; and 3) the City, PUD, and Tribes submit jointly recommended instream flows to Ecology, or, if these parties cannot agree, in writing submit differing recommendations for Lower Skagit River Instream Flows to Ecology for its decision as to what to include in the rule proposal. This two-year schedule may only be extended by written agreement of the City, PUD, and Tribes. If these parties cannot agree to an extension, the PUD shall take all necessary actions to ensure that changes to existing water rights documents identified in section IV.C.1. shall not remain or become effective as further described in subsection (3) below.



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The PUD may then remove any commitment of water service to the Tribal Reservations identified in subsection IV.C.(3) except as required under a separate contract.

(2) Upon receipt of either the joint or differing recommendations described in subsections IV.B.2.c. and IV.C.2.c. Ecology shall immediately file a Preproposal Statement of Inquiry (CR 101), indicating its intent to adopt Cultus Mountain Instream Flows and Lower Skagit River Instream Flows. Ecology shall seek to complete formal rulemaking by filing a CR 102 within eighteen (18) months of its receipt of the joint recommendation or deferment described in IV.B.2.c(1) and IV.C.2.c (1), with a goal of adopting final rules within two years of its receipt.

(3) If Lower Skagit River Instream Flows have not been established by the end of two years following Ecology's receipt of the recommendations described in subsection (1), the City, PUD, and Tribes may extend the deadline only by written agreement. If the City, PUD, and Tribes cannot agree to an extension, the PUD shall immediately request Ecology to rescind any water right change action that is submitted to Ecology since the Agreement became effective even if Ecology has taken final action. The City may immediately reapply for the change. The intent of this provision is to secure the Tribes' right to challenge these changes in the event that Lower Skagit River instream flows are not established within the specified schedule.

d. In the event that Ecology approves the changes referred to in subsection IV.C.2.c(3) above, the PUD shall ensure that any water rights documents issued by Ecology that purport to effecturate these changes shall be expressly and clearly conditioned to require compliance with this Agreement. Regardless of whether Ecology so conditions the document(s), the PUD shall, by its own authority, enforce the conditions of this Agreement when using these water rights.

e. The PUD may, at its option, negotiate with upstream Skagit River dam operators for release of flows to maintain the agreed upon flow levels downstream from the PUD Pipeline Crossing.

3. To guarantee in perpetuity to the Upper Skagit Indian Tribal Community for non-discriminatory use by all residents within the Bow Hill Indian lands and the Upper Skagit Indian Reservation a water quantity of 0.75 mgd based on demands identified annually and projected for five and twenty years by the Upper Skagit Indian Tribal Community and based on amendment to the existing wholesale contract with the Upper Skagit Tribal Community. Government-owned and operated uses will be subject to conservation and curtailment programs for both the Reservation and off-Reservation water uses as outlined in Exhibit A, which is incorporated herein. Government-owned and operated economic development on the Reservation, such as the Tribe's gaming facilities, hotels, and similar facilities,

will be considered services that generate governmental revenue and will receive the second highest priority after residential domestic use. Similar government-owned and operated commercial services within the City's and PUD's service area will receive the same status.

4. The PUD agrees not to provide any water service to users or property located within the Swinomish Indian Reservation without prior written approval of the Swinomish Indian Tribal Community The PUD agrees not to provide any water service to users or property located on Upper Skagit Reservations or other Indian Lands at Bow Hill without the prior written approval of the Upper Skagit Indian Tribe.

5. To assist Ecology in the adoption of instream flow rules for the Lower Skagit River and Cultus Mountain streams within the time period set forth in subsection IV.C.2.c. of this Agreement.

6. To actively support and provide input at both a policy and technical level to County officials regarding implementation of Section 63 of the Growth Management Act, such that building permits will only be issued if there is an adequate potable supply of water that can be withdrawn from groundwater without impacting instream flows;

7. To actively seek amendment of the CWSP and adoption of County ordinances that require, in lieu of individual wells, connection of new individual/single family homes to public water systems where the proposed development is within the designated service area of existing utilities and timely and reasonable service is available. Also, to limit the use of the 5,000 gallons per day exemption in those areas of the County experiencing inadequate Skagit River Basin Instream Flows that may be occurring as a result of groundwater withdrawals.

8. To seek funding sources to contribute: towards the development and implementation of long-term watershed management programs; towards the development of a coordinated water delivery system throughout the CWSP service area; and towards achieving the objectives of this Agreement. This provision does not supersede or in any way affect the PUD's financial commitment as set forth in Section IV.C.2.

D. The County agrees to the following:

1. To implement Section 63 of the Growth Management Act, such that building permits will only be issued if the parcel is served by a public water system or if there is an adequate supply of potable water that can be withdrawn from groundwater without adversely impacting Skagit River Basin Instream Flows, other than as agreed herein;

2. To actively work with all parties to address the 5000 gallon permit exemption for all public water systems and for all individual water systems in those portions of Skagit County that are impacted by inadequate Skagit River Instream Flows that may be occurring as a result of surface or groundwater diversions. Skagit County

reserves the right to allow exempt wells for single family systems in the Skagit River Basin above the PUD Pipeline Crossing.

3. To seek amendment of the CWSP and related County implementing ordinances to require connection of new individual/single family homes to public water systems to achieve conservation of resources where the proposed development is within the designated service area of existing utilities and timely and reasonable service is available.

4. To assist Ecology in establishing instream flow rules for the Skagit River below the PUD Sedro Woolley Pipeline Crossing, with the goal of establishment within four years from the effective date of this Agreement.

5. To seek the goals of; (1) providing certainty and stability for water supplies for citizens of Skagit County; (2) to secure adequate streamflow for Ecology designated Low Flow Streams during critical periods to meet fisheries needs; (3) to encourage public water suppliers to provide water from the mainstem of the Skagit River for water users near Ecology Low Flow Streams where withdrawals may have direct impacts on in-stream resources; and (4) to evaluate, jointly with other parties, streams for possible designation by Ecology as Low-Flow Streams.

E. Ecology agrees to the following:

1. To process any City or PUD requests for changes identified in this Agreement, and to expressly and clearly condition any documents effectuating changes to existing rights to require compliance with this Agreement. Ecology agrees to seek to the extent possible, to enact all necessary rule and water right changes necessary to implement this Agreement;

2. Upon receipt of either the joint or differing recommendations described in subsections IV.B.2.c. (1) and IV.C.2.c.(1), Ecology shall immediately file a Preproposal Statement of Inquiry (CR 101), indicating its intent to adopt Cultus Mountain Instream Flows and Lower Skagit River Instream Flows. Ecology shall seek to complete formal rulemaking by filing a CR 102 within eighteen (18) months of its receipt of the joint recommendation or deferment described in IV.B.2.c(1) and IV.C.2.c (1), with a goal of adopting final rules within two years of its receipt; and

3. Until the adoption of Lower Skagit River and Cultus Mountain Instream Flows provides a framework for determining the availability of water for future appropriations, no final decisions will be made on any water right permit applications within that portion of the Skagit River Basin which lies within WRIA3 which could affect or be affected by those instream flows.

4. In signing this Agreement, Ecology is only obligated to take those actions set forth in this section and is not obligated by or agreeing to any other specific provisions of this Memorandum of Agreement.

F. The Department of Fish and Wildlife agrees to the following:

1. The Tribe and WDFW will provide the fisheries and fisheries habitat management criteria for input into the IFIM study and recommended Lower Skagit River Instream Flows.

2. WDFW will make a recommendation regarding the adequacy of the jointly developed recommended instream flow for Lower Skagit River Instream Flows to Ecology. WDFW's recommendation decision will be based upon the jointly developed recommendations consistency with the fisheries and fisheries habitat management criteria.

3. In the event that the parties cannot reach an agreement on jointly developed recommended instream flow for Lower Skagit River Instream Flows, WDFW will make a recommendation regarding the differing recommendations for Lower Skagit River Instream Flows to Ecology.

4. WDFW will provide appropriate technical support for developing recommended instream flows for the Cultus Mountain Streams.

5. WDFW is in no way obligated or bound by any other provision of the Memorandum of Agreement, except as outlined in the above four items.

G. All Parties agree to the following:

1. That the long term objective is to develop a comprehensive watershed management plan for the Skagit River Basin designed to manage the use of the water resources to meet both instream and out of stream objectives defined by the City, PUD and Tribes.

   a. To collaborate in investigating all alternatives so as to secure adequate flows to meet instream needs for portions of the Skagit River upstream from the PUD pipeline crossing at Sedro Woolley and out-of-stream needs within the surface areas defined within the CWSP. The Parties will establish a Skagit River Flow Management Committee (SRFMC) comprised, at a minimum, of representatives of signatories to this Agreement. This Committee will investigate alternatives towards securing adequate flows to meet instream and out-of-stream needs, design a study process for the Skagit River, and develop a management and monitoring plan to this end. The Parties anticipate completion of a management plan over a period of two to five years.

   b. To actively attempt to establish by rule, within a period beginning on the effective date of this Agreement and extending for five years, instream flows for the entire Skagit River Basin and its tributaries. The Parties agree to develop funding mechanisms to contribute to investigations that will establish these flows.



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2. To reach agreement prior to expanding service areas beyond those identified in the CWSP. Such agreement will be based on evaluations of additional needs existing at the time, and after considering additional needs that may exist after the 50-year term of this Agreement. If the Parties cannot agree, then they may not seek or approve any changes relating to water quantity associated with the expansions of service areas for a period of 50 years from the effective date of this Agreement.

3. A work plan and budget for implementing this Agreement will be developed by the City and PUD in draft form within 60 days of the effective date of this Agreement. An adopted work plan and budget will be prepared by the City and PUD within six months of the effective date of this Agreement.

4. The Skagit River Flow Management Committee (SRFMC) shall be responsible for identifying and recommending studies and management responses, and in guiding the development, review, and approval of Skagit River Watershed Management strategies for the signators to this Agreement related to activities that have a measurable impact on the flow in the Skagit River while taking into consideration previously settled hydroelectric agreements. The objective of the instream flow studies is to establish a recommended flow upstream of the Sedro Woolley pipeline crossing for use in the SRFMC Management Plan. The signators to this Agreement agree to establish written response plans based on monthly climatic and flow criteria to help establish an appropriate management response as generally described below.

5. The parties recognize that there is a possibility that the City's 54.94 mgd and the PUD's 27.52 mgd recognized in this agreement as not subject to the Lower Skagit River Instream Flows may reduce Skagit River flows below the established flows. The attached Water Shortage Response Plan is incorporated by reference into this Agreement, and will be implemented in the event that this occurs.

6. No rights, claims, and adjustments identified in this agreement can be confirmed through this Agreement. Confirmation can only be done through an adjudicative process.

7. WDFW is in no way obligated or bound by any other provision of the Memorandum of Agreement, except as outlined in section IV.F.

## V. GENERAL PROVISIONS

A. Duration. The term of this Agreement is 50 years from its effective date. The Agreement may only be amended or modified during the 50-year term by mutual written agreement of all signatories. The Agreement will extend beyond 50 years if all parties agree.

B. Severability. If any provision of this Agreement, or the application thereof to any person or circumstance, is found to be invalid or unenforceable, the remainder of the provisions of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid or unenforceable, as the case may be, shall not be affected thereby.

C. Dispute Resolution. If a dispute arises between two or more parties concerning any provision of this Agreement, or application thereof, any such disputing party may send a written request to the other parties requesting a meeting, to be scheduled within 15 days of the parties' receipt of the request. The parties shall then meet together to discuss the dispute and attempt resolution.

D. Enforcement.

1. Between the City, PUD, and Tribes:

a) Notice of Failure. If any party(ies) ("Notifying Party") believes that another party (ies) is in violation of this Agreement or that a violation is threatened, the Notifying Party shall give written notice ("Notice") to the allegedly violating party (ies) of such violation and demand corrective action sufficient to cure the violation.

b) Failure to Respond. If the allegedly violating party (ies):

1. Fails to cure the violation within 30 days after receipt of the Notice; or

2. Under circumstances where the violation cannot be reasonably cured within the 30-day period, fails to begin curing such violation within the 30-day period; or

3. Fails to continue diligently curing such violation until it is finally cured; the Notifying Party may bring an action as provided in subsection c. of this Section.

c) Actions. The Notifying Party may bring an action at law or in equity in a court of competent jurisdiction: to enforce the terms of this Agreement; to enjoin the violation by temporary or permanent injunction; to recover any damages to which it may be entitled for violation of the terms of this Agreement; and to require restoration of resources (which includes, but is not limited to, water and fisheries) to the condition that existed prior to any such injury.

d) Nature of Remedy. The Notifying Party's rights under this Section apply equally in the event of actual or threatened violations of the terms of this Agreement. The Notifying Party may be entitled to injunctive relief in addition to such other relief, including specific performance of this Agreement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. The remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing in law or in equity.

e) Enforcement Discretion. Enforcement of the terms of this Agreement shall be at the discretion of each Party entitled to performance, and any forbearance by such party to exercise its rights under this Agreement in the event of any breach of any terms of this Agreement by another party

shall not be deemed or construed to be a waiver, laches, or estoppel of such rights. No delay or omission by a party in the exercise of any right or remedy upon breach shall impair such rights or remedy or be construed as waiver, laches, or estoppel.

2. By the City, PUD, and/or Tribes against Ecology.

a) The City, PUD, and Tribes agree to together take action to ensure, by all appropriate legal means necessary, that Ecology;

1) Does not take final action on any water rights-related applications, claims, or adjustments, submitted by any person or entity, in or in any way affecting the Skagit River basin, whether or not the person or entity is subject to this Agreement, until after Lower Skagit River and Cultus Mountain Instream Flows are established, other than those applications specifically set forth in Section IV E.1 of this Agreement; and

2) Acts expediently to establish Lower Skagit River and Cultus Mountain Instream Flows in order to meet the schedule established in this Agreement.

E. Rights Against Non-Parties. As to non-Parties to this Agreement, the Tribes, by signing this Agreement, in no way diminish, relinquish, or waive their respective legal rights, including but not limited to federal reserved water rights and treaty rights, in any administrative or judicial forum at any time.

F. Successors and Assigns. This Agreement shall be binding on the Parties and on their successors in interest and assigns.

G. No Third Party Beneficiaries. No third party is intended to, or shall have, any rights under this Agreement. The Parties intend that this Agreement be strictly between themselves, and therefore, only the Parties have any right to enforce this Agreement or any provision of this Agreement.

H. No Release of Third Parties. This Agreement is not intended by the Parties to act, nor shall it act, to release any third parties not named herein from any claims or liabilities whatsoever.

I. The parties recognize that there are significant and material considerations not specifically set forth in the Agreement that make the relationship of the parties hereto unique. Because of the unique situation herein, it is the express intent and purpose of the parties that this Agreement not be viewed nor provide precedent beyond the express scope and purpose herein. Therefore, it is agreed between the parties that they will not use this Agreement as precedent outside the Agreement nor should anyone not a party hereto attempt to use the Agreement as precedent against any of the parties.

J. Headings Not Controlling. The headings in this Agreement are for convenience and reference only, and are not part of this Agreement, and in no way amplify, define, limit, or describe the scope or intent of this Agreement.

Attachments: Exhibit A - Water Shortage Response Plan, 7 pages

17938

SIGNED:

N. Dean Maxwell Date: 9-9-96
Dean Maxwell
Mayor, City of Anacortes

James P. Kirkpatrick Date: 9-25-96
James P. Kirkpatrick
General Manager
Public Utility District #1 of Skagit County

_____ Date: _____
Ted W. Anderson, Chair
Skagit County Commissioner

Robert R. Hart Date: 12/23/96
Robert R. Hart
Skagit County Commissioner

O. Harvey Wolden Date: 12/23/96
O. Harvey Wolden
Skagit County Commissioner

Floyd Williams Date: 9/16/96
Floyd Williams
Chairman, Upper Skagit Indian Tribe

Wa Walton Date: 9-12-96
Wa Walton
Robert Joe, Sr., Chairman
Swinomish Indian Tribal Senate

James D Roberts Date: 9-19-96
James Delano Roberts
Chairman, Sauk-Suiattle Indian Tribe

Mary Riveland Date: 9-26-96
Mary Riveland
Director, Department of Ecology

Bernard Shanks Date: 9/1/96
Bernard Shanks
Director, Department of Fish & Wildlife



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August 22, 1996

17938

# EXHIBIT A
# WATER SHORTAGE RESPONSE PLAN
# to the
# MEMORANDUM OF AGREEMENT
# REGARDING UTILIZATION OF SKAGIT RIVER BASIN
# WATER RESOURCES FOR INSTREAM AND OUT OF STREAM PURPOSES

## I. PURPOSE OF THIS EXHIBIT

The purpose of this Exhibit is to outline a plan of action by the City, the PUD, and their customers, to reduce the possible impact the City and PUD diversions may have on the recommended Instream Flows for the Lower Skagit River.

## II. DEFINITIONS

For the purpose of this Agreement, the following shall mean:

A. Commercial/Industrial Customers: Includes, but is not limited to, manufacturing, food processing, restaurant, sales, service, farm operations.

B. Discretionary Water Use: Water use which is not required for business operations or for general health and safety of the user; usually pertains to outside water use during warmer periods of the year (lawn/flower watering, car washing, washing driveways/sidewalks, etc.).

C. Governmental Customers: Governmental entities, including, but not limited to: Water-related and other City facility operations in the case of the City; water-related facility operations in the case of the PUD; gaming and other fund-raising operations in the case of the Tribes; schools, parks, administrative operations in the case of other governmental agencies.

D. Irrigation Use: the application of water to promote botanical development, whether at a residence or a commercial business.

E. Public Service Announcement (PSA): a media advertisement intended to inform the public in general, whether through television, newspaper or radio mediums.

F. PUD Pipeline Crossing: The location in Sec. 29, Twp. 35N., Rge.5 E.W.M., where the PUD water transmission main crosses the Skagit River. For purposes of determining Skagit River flows at this location, flows measured and recorded at the U.S. Geological Survey Gaging Station No. 12200500 (Skagit River near Mount Vernon) will be utilized.

G. Residential Customers: Single family or multifamily domestic water users.

H. Wholesale Customer: A customer who resells the water for commercial/industrial or residential use.



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## III. ACTION PLAN

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The City and PUD will monitor the flow in the Skagit River at the PUD Pipeline Crossing. If the flow in the Skagit River is projected to fall below the State Department of Ecology Instream Flow Level, the City and PUD will initiate the Response Plan as outlined in the following matrix.

Each Action Level indicated in the matrix outlines specific actions by the City and PUD depending on the anticipated low flow condition in the Skagit River. The durations indicated in the matrix are the anticipated period of the specified flow condition. The duration for an action level will start when the Skagit River flows drop low enough to first meet that Action Level's definition and stop when the flows increase to no longer meet that definition; a higher Action Level can start and stop as needed, and the duration of the lower Action Level will still be calculated based on its original start date.

| ACTION LEVEL | DURATION | | |
|---|---|---|---|
| | 1 to 2 Days | 3 to 14 Days | 15 Days or More |
| I<br>Alert Phase | Action I.1 | Action I.2 | Action I.3 |
| II<br>Management Phase | Action II.1 | Action II.2 | Action II.3 |

### A. ACTION LEVELS

The Skagit River Flow Management Committee (SRFMC) will meet in May of each year to review the projected stream flows and to identify possible management strategies to meet the collective water needs of the participants. The SRFMC will also outline the proposed Water Response Plan based on the guidelines outlined in this document and for the two Action Levels.

1. Throughout Action Levels I and II as defined below, the City and PUD will coordinate the execution of the following:

   a) Monitor water supply forecasts provided by State and federal agencies and dam operators. Stream flow projections identified in sections III.4.2 and III.4.3 of this Response Plan shall be based on these forecasts.

   b) Establish and maintain regular communications with upstream dam operators in the Skagit River Basin to track planned water releases, with the explicit motive of increasing releases to help maintain minimum Lower Skagit River Instream Flows. Monitor the current operating rule curves used for up-ramping and down-ramping for each dam and establish communications and protocol for those



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situations when the City and PUD may request additional releases to augment projected deficiencies below the PUD Pipeline Crossing.

The upstream dam operators will be asked to determine the level of flow augmentation they can provide and to document their intent to provide such flow augmentation, or to provide timely notice if they cannot deliver such augmentation.

c) Establish and maintain regular communications with the Tribes' fisheries manager(s) regarding actual Skagit River flows relative to Lower Skagit River Instream Flows; and seek to coordinate water withdrawal patterns of the City and the PUD with projected fish passage patterns.

2. Action Level I, Alert Phase. Applies when flow in the Skagit River is projected to reach the Lower Skagit River Instream Flow level plus 20 percent or at an alternative level defined at the annual SRFMC meeting and as measured at the PUD Pipeline Crossing in Sedro-Wooley.

The City and the PUD will execute the following action(s) during the Alert Phase for the duration of the action level indicated:

a) Action I.1 (1 to 2-day duration):

(1) No change in water withdrawal/treatment plant operations.

(2) The PUD will evaluate the flow conditions in their Cultus Mountain project for the period(s) of low flow and will implement a program to maximize storage in Judy Reservoir. The PUD will also use peaking flows from up- and down-ramping at the upstream dams in the Skagit River to keep Judy Reservoir full.

(3) On behalf of the SRFMC, outline the route of flows from the upstream Skagit River dams downstream to the PUD pipeline crossing using the upstream dam operating rule curves, projected flows from the intervening areas, historical records of streamflows at the upstream gaging stations, and standard routing procedures.

(4) Prepare PSA #1[1].

b) Action I.2 (3 to 14 days duration):

[1] Seek voluntary 10 percent water use reduction in peak day use.

(1) No change in water withdrawal/treatment plant operations.

(2) The PUD will continue its program to maximize storage in Judy Reservoir.

(3) Promote a program of voluntary water use reduction by all City and PUD water customers, with a goal of ten percent (10%) reduction in peak day demand.

(4) Issue PSA #1 to newspaper and radio media requesting voluntary reduction of discretionary use of water.

(5) In conjunction with the Tribes, monitor and evaluate critical elements of the Lower Skagit River Instream Flows against planned and projected fisheries and habitat management plans for the period(s) of projected low flow. Elements of the Lower Skagit River Instream Flow to be evaluated include: the projected timing of use and passage of fish through the reach of the Skagit River downstream of the PUD river crossing; a comparison of routed flows (provided by the City and PUD) with flows required by the Instream Flow; and the effects of the routed flows on habitat conditions existing or projected to exist during the low flow period(s). Results of the Lower Skagit River Instream Flow critical elements monitoring and evaluation will be provided by the City and PUD.

(6) The City and PUD will develop/refine a "Contingency Plan of Operation" for the period(s) of low flow using: the routed flows from the upstream reaches of the Skagit River; maximized storage in Judy Reservoir; results from the Instream Flow monitoring and evaluation assessment; estimates of water savings from voluntary water use reduction program(s); and weather and water supply forecasts for the Skagit River Basin. The "Contingency Plan of Operation" will provide for conjunctive use of the PUD's Cultus Mountain Project and the City's and PUD's Skagit River facilities. The "Contingency Plan of Operation" will optimize the PUD's use of water from Judy Reservoir during periods when demands exceed available withdrawals from the City's and PUD's Skagit River facilities and the PUD's Cultus Mountain project due to established instream flows on those water courses.

c) Action I.3 (15 days or more duration):



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(1) No change in water withdrawal/treatment plant operations.

(2) The PUD will continue its program to maximize storage in Judy Reservoir.

(3) Continue a program of voluntary water use reduction by all City and PUD water customers, with a goal of ten percent (10%) reduction in peak day demand.

(4) Continue to refine the "Contingency Plan of Operations" based on additional streamflow information and City and PUD customer demand information.

(5) Continue PSA #1 by newspaper and radio media.

3. Action Level II, Management Phase. Applies when flow in the Skagit River falls below the established Lower Skagit River Instream Flow levels, measured at the PUD Pipeline Crossing in Sedro-Wooley and continues until the flows either meet or exceed the regulated instream flow levels.

The City and the PUD will execute the following action(s) during the Management Phase for the duration of the action level indicated:

a) Action II.1 (1 to 2 day duration):

(1) Limit water withdrawals to quantities exempt (125.59 cfs/82.46 mgd) from Lower Skagit River Instream Flows.

(2) The PUD will continue its program to maximize storage in Judy Reservoir.

(3) Implement the "Contingency Plan of Operation". Continue to refine the "Contingency Plan of Operation" based on additional streamflow information and City and PUD customer demand information.

(4) Notify the upstream Skagit River dam operators of the downstream flow situation and seek additional releases, if possible, if the situation continues.

(5) Continue PSA #1 by newspaper and radio media.

(6) Prepare PSA #2[2] with a program to voluntarily reduce water demand to meet instream flows.

[2] Mandatory restrictions for discretionary exterior water use to limit diversion to 125.59 cfs/82.46 mgd.

b) Action II.2 (3 to 14 day duration):

(1) Limit water withdrawals to quantities exempt (125.59 cfs/82.46 mgd) from Lower Skagit River Instream Flows and seek voluntary reduction in demand.

(2) The PUD will continue its program to maximize storage in Judy Reservoir.

(3) Continue implementation of the "Contingency Plan of Operation". Continue to refine the "Contingency Plan of Operation" based on additional streamflow information and City and PUD customer demand information.

(4) Request the upstream Skagit River dam operators to commence additional releases. Such additional releases should be timed to realize the effect of the release at the PUD Pipeline Crossing at the time of projected deficient streamflow. The City and PUD will base their request(s) on established routing procedures.

(5) Issue PSA #2 to newspaper and radio media.

c) Action II.3 (15 days or more duration):

(1) Limit water withdrawals to quantities exempt (125.59 cfs/82.46 mgd) from Lower Skagit River Instream Flows and peek voluntary reduction in demand to meet instream flows.

(2) The PUD will continue its program to maximize storage in Judy Reservoir.

(3) Continue implementation of the "Contingency Plan of Operation". Continue to refine the "Contingency Plan of Operation" based on additional streamflow information and City and PUD customer demand information.

(4) Continue to request the upstream Skagit River dam operator to continue additional releases.

(5) Continue PSA #2 by newspaper and radio media.



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PUBLIC SERVICE ANNOUNCEMENTS
(Subjects Only)

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**PSA #1 Alert Phase**

- ☐ Seek voluntary 10 percent water use reduction with a focus on discretionary outside use of water.

**PSA #2 Management Phase**

- ☐ Mandatory restrictions for discretionary exterior water use to limit diversion to 125.59 cfs/82.46 mgd and voluntary reduction in demand to seek to meet the instream flows. The voluntary reduction program may include the following:

  - Restriction on commercial/industrial/residential irrigation.
  - Reduction in peak day water use by all commercial/industrial customers, including restaurants, on the City and PUD systems.
  - Reduction in peak day water use by all residential customers on the City and PUD systems.

- ☐ As the City and PUD demand approaches the out of stream diversion limit of 125.59 during low flow conditions, the use reduction program will include:

  - Mandatory restriction of governmental/commercial/industrial/residential irrigation activities from City and PUD systems, including farms.
  - Prohibition of car washing operations at commercial/residential sites.
  - Reduction in peak day water use by all commercial/industrial customers, including restaurants, on the City and PUD systems.

Reduction in peak day water use by all residential customers on the City and PUD systems.

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# Appendix H
# Groundwater Resource Assessment, 1991

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DRAFT

# GROUNDWATER RESOURCE ASSESSMENT
# COORDINATED WATER SYSTEMS PLAN
# SKAGIT COUNTY, WASHINGTON

AUGUST 10, 1991

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DRAFT
Groundwater Resource Assessment
Coordinated Water System Plan
Skagit County, Washington

Prepared for:
Economic and Engineering Services

Prepared by:
Pacific Groundwater Group

August 10, 1991

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# 1.0 INTRODUCTION

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This report presents the results of our assessment of the groundwater resources of Skagit County for use in the Comprehensive Water Supply Plan (CWSP). The purpose of the assessment was to provide an overview of the groundwater resources of the county with respect to regional water supply development.

The project area consisted of almost all of Skagit County (Exhibit 1-1). The mountainous areas east of Marblemount were not considered as little groundwater development is expected in this area. The smaller and less developed islands of the county were also not considered. Regional development is not considered viable in these areas.

The specific goals of this study were to:

- Estimate amounts of groundwater potentially available in the county,
- Identify preferred locations for additional development,
- Assess existing water quality and its potential effects on development, and
- Quantify the cost and general number of wells needed for the additional development.

This goal was met through an evaluation of existing data on the geology, hydrology, climate and water use in the county.

The amount of water needed for a regional water supply depends in part on the amounts generally available in the area. For the purposes of this project, well yields of at least 500 gpm (gallons per minute) and well-field yields of at least 1 to 2 mgd (million gallons per day) were considered necessary for a regional water supply in the main parts of the county. Supplies of this magnitude are not available on the islands (such as Guemes or Fidalgo) and smaller yields may be considered for an island-wide supply. In the case of Fidalgo, supplies can be (and are) readily brought in from outside areas and smaller well field yields need not be considered. On Guemes, smaller well-field yields may be considered, as a pipe line from the mainland is less practical.

The report is divided into eight chapters. Chapter 1 is this introduction. Chapter 2 is a summary of major findings and conclusions. Chapter 3 presents the geology and major aquifers of the county. Chapter 4 discusses potential well yields in various areas. Chapter 5 reviews existing information on water quality. Chapter 6 presents aquifer recharge and water budget analyses. Chapter 7 discusses development of additional groundwater. The report is concluded with Chapter 8, a list of references. Pertinent Exhibits are included at the end of each chapter.

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This report was prepared under subcontract to Economic and Engineering Services, inc. (EES) for use in their engineering evaluation for Skagit County's Comprehensive Water Supply Plan. It was authorized by Mr. Robert Wubbena through subcontract work order 4-121, signed November 27, 1990.

This report has been prepared for the exclusive use of Skagit County and their consultant EES, for specific application to the referenced project, according to hydrogeological practices generally accepted at the time. No other warranty, expressed or implied, is made.



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## 2.0 SUMMARY OF FINDINGS AND CONCLUSIONS

- Approximately 100 mgd (million gallons per day) of additional groundwater may be available in Skagit County, based on a mass balance analysis and an estimated capture ratio of 20 percent of total groundwater flow. An estimated 20 to 25 mgd may be feasible from a well field completed in the Marblemount area.

- Development of this 100 mgd would require approximately 70 to 100 wells and an expenditure of about $7 million. This cost does not include transmission lines, pumping stations and any costs outside of those required to install and develop the wells themselves.

- Regional supply aquifers are located beneath the Skagit Valley in alluvial deposits of gravel and sand lying within 200 feet of ground surface.

- The aquifers capable of regional supply are located near the Skagit River. Water pumped from these aquifers eventually reduces flow in the Skagit River. Full development of 100 mgd could reduce the flow of the Skagit by 1 percent (compared to average flow) to 3 percent (compared to low flows occurring 1 percent of the time).

- Reduction of Skagit flow does not appear to be a regulatory issue at this time as in-stream protection flows have not been established. Future requirements on Skagit flow could affect groundwater development in the basin.

- Well yields of 500 gpm to 800+ gpm appear locally feasible from properly designed and completed wells within the most productive aquifers in the valley. The highest yields (800+ gpm) appear to be found in the Marblemount vicinity. Slightly lower yields (500 gpm) are available from many other areas throughout the Skagit Valley.

- Deep aquifers (greater than 500 feet below ground surface) have not been identified in the valley or delta area. Most aquifers lie within 200 feet of surface. In the delta area, they appear to be underlain by several hundred feet of clay.

- Areas outside of the valley are generally much less productive. An exception is the Lake McMurray area where potential well yields in excess of 500 gpm are reported. Other glaciated areas have potential well yields of 100 gpm or less. Bedrock upland areas generally have well yields in the range of a few gallons per minute.

- Water quality in the regional supply aquifer areas is generally good. Excess concentrations of iron and manganese are relatively common in the Skagit Delta area. Excessive levels of iron and manganese are also reported in valley aquifers between Mt. Vernon and Concrete.



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- Saline water has been reported in several locations in western Skagit County. The source of the salinity is typically salt water intrusion induced by pumping. Relic sea water left from the time of aquifer deposition may account for some of the salinity.

- Potential aquifer contamination from human sources are generally confined to the more populated western part of the county. A few abandoned landfills should be considered if a regional groundwater supply is developed in the eastern part of the county.



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## 3.0 GEOLOGY AND AQUIFERS

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### 3.1 Background and Overview

This chapter reviews and characterizes the geology and aquifers of the county. The purpose of the geologic characterization is to set the stage of the definition of aquifers and groundwater flow. The geology of an area is first described in order to define the positions and properties of the aquifers (water bearing zones through which groundwater flows) and the aquitards (low-permeability zone that restrict groundwater flow).

Aquifers are defined to show where groundwater is available and provide information that is required for assessment of potential well yields, aquifer yields, groundwater flow paths, recharge-discharge relationships and contamination assessment. Understanding the position and extent of the various aquifers in the county is needed to assess the existing groundwater situation and to plan for development of additional groundwater.

Aquifer definition plays a major role in assessing potential well yield. An aquifer comprising a thick and extensive gravel deposit allows a higher well yield than an aquifer that is thin, bounded (cut-off on one or more sides by low permeability material), or consisting of fractures in bedrock. An aquifer bounded near a well produces less water over the long term compared to a well completed in an areally extensive aquifer of otherwise similar nature.

### 3.2 Methods and Assumptions

The geology of the County was assessed based on a review of key geologic reports and construction of geologic cross sections through various portions of the county.

The key geologic reports included:

- Water in the Skagit Basin (Drost and Lombard, 1978),
- Preliminary Report on the Ground-Water Resources of Southwestern Skagit County (Sceva, 1950),
- Water Resources of the Swinomish Indian Reservation, (Drost, 1979),
- Bedrock Geology of the Port Townsend 30- by 60- Minute Quadrangle (Whetton, et al, 1988), and
- Surficial Geologic Map of the Port Townsend 30- by 60- Minute Quadrangle (Pessl et al, 1989).



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These reports are the main references on the geology of the county. They represent the best overview of the geology at this time. No one map or report covers the geology of the entire county in detail. The Geologic Map of Washington, Northwest Portion (planned for release in 1995) will provide an overview, when completed.

Additional reports on San Juan and Island County were also reviewed and used in the interpretation of county geology. Many of the surficial deposits in Island County are similar to those of the glaciated portions of Skagit County while many of the bedrock units in the islands of Skagit County are similar to those in San Juan County.

After compiling the geologic reports, over 2000 well logs contained in the files of the Department of Ecology were reviewed. About 250 representative logs were obtained for our files. Logs were selected that indicated both hydrologic and geologic information. Were available, at least one representative log per square mile was obtained.

Geologic cross sections were then prepared for six transects of the county. These sections show the subsurface geology along the cross section line. Geologic units were interpreted from the drillers descriptions of the subsurface materials, based on geologic unit names in the various reports discussed above.

Because the sections lines cross almost the entire county from north to south, some are 20 miles or more long. Since wells are typically less than 200 feet in depth, presenting the subsurface conditions along the entire section in this report was not possible without excessive vertical exaggeration. The excessive exaggeration does not meaningfully demonstrate subsurface geology. Portions of the sections are presented, instead, to eliminate this problem. Each of these presented sections indicates the subsurface conditions over a smaller, representative area. The entire sections were used in our analysis, however.

### 3.3 Geologic Assessment Results

Most of the county's high-yield aquifers are associated with the Skagit River. They typically consist of coarse deposits of sand and gravel within the upper 200 feet of the alluvium that defines the Skagit Valley. Much of the area beneath the valley floor contains buried channels of sand and gravel from the meandering Skagit (Exhibits 3-2, 3-3, 3-4 and 3-7). The areas with the coarsest deposits appear to lie in the Marblemount area where the high energy environment of the river deposited gravels and coarse sand. The valley areas between Marblemount and Mt. Vernon (Exhibits 3-4 and 3-7) are also underlain by coarse deposits of sand and gravel. Aquifers in these areas are also highly productive.

The sand and gravel aquifers in the county are generally discontinuous. A sequence of deposits representative of one geologic unit is defined as an aquifer zone if a large number of higher-permeability deposits are contained within it. The Skagit River valley alluvium exemplifies an aquifer zone.



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The eastern portions of the Skagit Delta are also underlain by sand and gravel aquifers (Exhibit 3-3). These aquifers were deposited as the Skagit emptied into a saltwater bay between what is now Mt. Vernon and Fidalgo Island. Sand and gravel was deposited where the river flowed into the "sea[1]." These deposits formed high-yield aquifers. Fine sand, silt and clay were deposited away from the delta front in the western portion of today's Skagit Delta (the lowland areas east of the Swinomish upland, Fidalgo Island, Bayview Ridge, etc.) These deposits formed aquitards or local low-yield aquifers.

No wells are known to penetrate the entire sequence of the alluvium in the delta area. Consequently, the extent, thickness, and potential for deep, high-yield aquifers is not well known. One well in the Mt. Vernon area was drilled to a depth of 500 feet penetrating 154 feet of clay beneath the sand and gravel aquifer zone. It is not known what lies at greater depths.

Sand and gravel aquifers are also found in some parts of the glaciated lowland areas (Exhibits 3-5 and 3-6) in the western part of the county (generally under 400 to 500 feet elevation) and along terraces associated with the Skagit River valley (Exhibit 3-7). Streams and rivers associated with advancing and retreating glaciers deposited sand and gravel that form aquifers within these areas.

Generally, the deposits are less extensive and/or finer-grained that the aquifers associated with the Skagit. One known exception lies south of Lake McMurray where gravel aquifers were identified in several well logs. Other non-bedrock areas are underlain by occasional deposits of sand. These were identified in the southwest part of the county near I-5, Guemes Island (Exhibit 3-1), the Swinomish Upland, the area directly east of Mt. Vernon, and the lower elevation areas near Alger and the Skagit Speedway.

Much of the upland portion of the county comprises bedrock with little or no cover by glacial or non-glacial deposits. Wells in these areas produce small quantities of water (generally not enough for more than one household) from fractures in bedrock. Since these are insufficient for regional water supply use, bedrock aquifers are not discussed further in this report.

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[1] In this report the term "sea" is used for all the salt water bodies lying along the western part of the county. "Sea" includes: bays, sounds, inlets, passes, channels, etc.



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## 4.0 Potential Well Yield

### 4.1 Background and Overview

This chapter reviews potential well yield from various aquifer zones in the county. Potential well yield is defined as the short term yield that is likely available from a properly designed and constructed well, finished in the best aquifer (when more than one aquifer lie at depth) from some location within the area. This yield may not be possible with the existing wells installed in the area. They may be too small, finished in a different aquifer, or improperly designed or finished for high yield.

The purpose of the potential well yield analysis was to define the probable yield for a "good" well within a given area. This yield would be used for planning development of regional groundwater supplies. Not all wells finished in a region of defined potential well yield will have the indicated yield. Some will be less and some more. The listed potential yield is the short-term pumping rate that is likely from some wells within the area.

### 4.2 Methods and Assumptions

The potential yields for some 200 wells were evaluated based on information in the USGS database compiled for their Skagit River Basin project, and well logs collected from the Department of Ecology for the geologic analysis (discussed above). Only wells with all of the parameters needed for the analysis were considered. The parameters needed include:

- General well location (latitude-longitude coordinates, state plane coordinates, or well number that indicates location to the nearest 1/4-1/4 section),
- Pumping rate during a well test,
- Drawdown in water level caused by pumping at the given rate over an indicated time period,
- Static water level during a non-pumping period, and
- Aquifer or well screen depth.

The potential well yield was calculated using the specific capacity method. The equation used was:

$$Qp = 2/3 * SC * AD$$



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where:

Qp = estimated potential yield over a pumping period of a few weeks continuous pumping (gpm)

SC = specific capacity of the well (pumping rate divided by drawdown in feet) (gpm/ft)

AD = Available drawdown (the distance between the static water level and the well screen or open section of the well (ft)

The 2/3 factor accounts for decreasing specific capacity that results from:

- o pumping longer than the short-term test (from which the calculation data were derived), and
- o variations in water level that occur over time.

Some wells may be capable of actual short-term yields (on the order of a day or so of continuous pumping) that are larger than the calculated values as the 2/3 represents a "safety factor" to help account for hydraulic boundaries in the aquifer that cannot be assessed from the limited pumping data.

Four sets of potential yields analyses were made. The first was based entirely on wells in the USGS database. Several hundred wells are in the database but only 99 wells had all the information required to calculate potential well yield. It is not known how wells were selected for inclusion in the database.

The second set of analyses was based on wells used in the construction of the five, mainland, north-south cross section lines (discussed above). A total of 41 wells were used in these sections but only 34 had all the data required for the analysis.

A similar set of analyses was conducted for Guemes Island. Data for this analysis was obtained from the files of Dave Garland (1991) for his unpublished report on water quality on the island. A total of 42 wells were assembled in the file, 38 of which had the required data for a potential yield analysis.

The final set of analyses was conducted for areas identified through the geologic assessment as containing sand and gravel aquifers. Well logs in our files for these areas with sufficient data were used in the assessment.

Actual well yield was also considered, when listed on Ecology Water Rights printout. Wells with instantaneous water rights of greater than 300 gpm or more were assumed to have short-term potential yields of 500 gpm or more. Experience has shown that many wells



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have installed capacities that are less than their maximum. Smaller installed capacities often reflect the owners water use needs, rather than the aquifers maximum potential.

4.3 Well Yield Assessment Results

Exhibit 1-1 shows estimated potential yields throughout the county. The map shows anticipated yields from "good" wells within the area, finished in the highest yield aquifer below the site, over the short term. All areas are likely to contain anomalous wells that produce substantially different yields. These are not representative of yields that may be used in planning for regional water supply.

The highest yields are generally associated with the Skagit River Valley alluvial areas. Yields of 500 or more gpm are possible throughout much of the valley, with yields of more than 800 gpm possible near the Marblemount area. High yields are also possible in the eastern part of the Skagit Delta area. These yields are also in the 500 gpm or more range.

A small high-yield area was also identified near Lake McMurray. Potential well yields of 500 gpm or more are possible in this area from sand and gravel probably associated with glacial outwash deposits.

Other areas in the county have estimated potential yields of 100 gpm or less. These areas are shown in Exhibit 1-1. Since 100 gpm is not considered practical for a regional water supply, they are not considered further in this report.

The median and mean potential well yields for the USGS, cross section and Guemes Island analyses are listed in Appendix Tables AT-1 and AT-2. The tables indicate a median yield of about 40 gpm for the mainland, non-bedrock portions of the county. The mean yield is substantially higher, about 200 gpm. The higher value is the result of very high-yield wells used in the analyses that shifts the mean toward a higher value. Bedrock wells are not listed but typically have yields on the order of 1 to 2 gpm.

Guemes Island potential yields are also included in Appendix Table AT-2. The median and mean values are considerably less than those of the non-bedrock mainland areas. A median of around 7 gpm and a mean of around 40 gpm were calculated. The much lower values are the result of the finer grained aquifers in the glacial-interglacial deposits compared to the coarser sand and gravel of the Skagit Alluvium.



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# 5.0 GROUNDWATER QUALITY

## 5.1 Background and Overview

This chapter reviews groundwater quality in various parts of the county. Groundwater quality was assessed to identify the likely water quality from locations that may be considered for regional water supply. Areas were identified where groundwater quality was known to meet drinking water standards. Areas with wells known not to produce water meeting the standards were also identified.

Three major categories of water quality problems were considered in our analysis:

- Saline water,
- Natural water contaminants as such as iron and manganese, and
- Industrial contamination.

Saline water is often results from pumping an aquifer that lies near a body of sea water. Such saltwater intrusion is common along many parts of coastal Washington, including parts of Skagit County. Saltwater water intrusion can occur because an individual well (or a group of a few wells) are pumping at rates that are too high. Saltwater intrusion can often be reduced in this situation by: reducing consumption and therefore the pumping rate at the well, replacing the well with another at an inland location, or using several wells pumping at lower rates to replace one well pumping at a higher rate.

Saltwater intrusion can also result because an entire area or region is over-pumped in relationship to natural groundwater recharge. Moving wells inland or reducing the pumping rate at one well by replacing it with several is unlikely to reduce the intrusion problem. The only solution is an overall reduction of pumping from the entire area.

Saline water can also occur in areas without significant well pumping. It may occur in aquifers containing relic sea water originating from the time of deposition. Natural groundwater flow in the area is too slow to purge the saline water with recharged fresh water or the nature. In this situation, there is no practical solution to the saline water problem. A different source or expensive treatment would be needed.

In either type of saline water problem area, new, high capacity wells are likely to be affected. Such areas are excluded from consideration as targets for a regional groundwater supply.

Iron and manganese are common "contaminants of concern" for groundwater in the county. Iron and manganese are generally considered "natural" contaminants as they occur in groundwater as a result of weathering of soil or rock. They are often present in many parts of western Washington in concentrations exceeding secondary drinking water standards.



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Iron and manganese concentrations above the secondary standards are not considered health threats. The problem is usually one of aesthetics as they can give water an unpleasant taste and smell, or stain fixtures and plumping. A water supply without these contaminants exceeding the secondary standards is desirable, but not always mandatory. Water users either put up with the aesthetic problems or pay for treatment.

Areas with many reports of excessive iron and/or manganese are not recommended for development of a regional water supply. New wells in such an area have a high probability of excess levels, too. Since areas are available in the county that meet all the water standards (including secondary), areas with excess iron or manganese are excluded from consideration for regional supply.

Industrial contamination has recently become a major groundwater quality concern. Contamination can result from spills, leaks, or dumps of industrial waste, chemicals or fuels. It can also result from application of agricultural chemicals that are now considered dangerous or hazardous, especially if application rates were high or the chemical does not readily decompose. Older solid waste landfills can also be sources of industrial contamination. Older landfills were not designed or constructed to keep contaminants out of the groundwater system. Many are not monitored to assess their impacts on nearby groundwater.

Regional water supplies can be developed in areas with industrial contamination, if the wells are located far enough away or in a non-downgradient position. Locating regional supply wells in areas without industrial contamination, is preferred, however.

5.2 Methods and Assumptions

Wells with historical occurrences of excess levels of iron, manganese and salinity (indicated by chloride concentrations) were identified based on published records and Department of Health water system records supplied by EES (1991).

Published sources included those listed in Chapter 3 and the following:

- Reconnaissance of Sea-Water Intrusion along Coastal Washington, 1966-68 (Walters, 1971), and

- Seawater Intrusion into Coastal Aquifers in Washington, (Dion and Sumioka, 1978).

Additional information on saline water was obtained from well logs from the Department of Ecology (1991), discussion with well drillers Dean Hayes (1991) and Ken Fowler (1991), and data contained in the files of the Department of Ecology (Garland, 1991).

Information on potential industrial contamination was obtained from the Skagit County Health Department (Haycox, 1991) and Ecology listings of remediation sites in the county.



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Criteria were established to designate water quality problem areas. Any report of iron or manganese exceeding the secondary standards of 0.30 mg/l (iron) or 0.05 (manganese) was taken as an indication that future problems in the area were possible. Chloride concentrations of 100 mg/l were taken as an indication that saltwater intrusion (or relic sea water) was present in the area and that future development in the area may have similar problems.

Industrial contamination was considered as a potential problem. The presence of an abandoned landfill, a gas station with a leaking tank, an industrial site such as a refinery or waste transfer/processor, or an agricultural area with known problems such as EDB were all noted, even if actual groundwater contamination had not been reported. For our regional groundwater analysis, we have assumed that these potential problem areas should be avoided, especially when other areas capable of regional supply yields without these problems, are available.

Areas with iron, manganese, chloride or industrial contamination were listed. Problem or potential problem areas were identified to the nearest 1/4-1/4 section based on the well number (for existing wells) and map location (for potential industrial sites).

## 5.3 Water Quality Assessment Results

Review of the data (Tables 5-1, 5-2 and 5-3) indicates that the area east of Concrete has the preferred water quality conditions for a regional water supply. The areas between Concrete and Sedro Woolley may also be acceptable. This area has fewer reported and potential water quality problems that areas further to the west.

A regional groundwater supply source developed in the area east of Concrete would be less likely to have excess iron or manganese that a source further down the valley or in the delta. Areas with wells reporting excess levels of iron and or manganese are listed in Table 5-1. The table lists the general location based on nearby geographic features. The table indicates that most iron and manganese problem areas lie in the Skagit delta. Some can also be found in glacial deposits in the western part of the county and on Guemes Islands. Areas up-valley east of Concrete do not report excess iron or manganese. Some portions of some aquifers within this area are likely to have excess levels as these contaminants are very common throughout the northwest. The data indicate that these problems are less common in this area, however.

A regional groundwater supply source developed in the area east of Mt. Vernon would be less likely to have saltwater intrusion than other areas closer to the delta front. Most areas more than a few miles inland, away from the river are also acceptable. Areas with wells reporting saline water are listed in Table 5-2. The table also lists the general location based on nearby geographic features. As would be expected, most saltwater intrusion problems occur near the sea, either on islands or near the coast in the delta. Guemes Island indicates many wells reporting saltwater intrusion, but this may be more of the availability of data



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from the unpublished Ecology study (Garland, 1991). Other islands (Fidalgo and Samish) also indicate some intrusion. Non-island intrusion areas are generally confined to the delta area. Some of these occur several miles inland. The salinity at these locations could be relic from the time of deltaic deposition or it could be the result of a wedge of saline water moving up the bottom of the Skagit River during high tides. Wells tapping aquifers connected to the river may be drawing this water into local aquifers.

Table 5-3 indicates areas with potential for industrial contamination in the groundwater. These potential sources are generally located near population centers. Most lie west of Range 5E as do most of the people in the county. A few abandoned landfills can be found further inland. Since these inland landfills are near small, non-industrial centers, they are unlikely to have taken a significant volume of hazardous materials. These small landfills are probably not a major concern for development of a regional groundwater supply. Based on these assumptions, the preferred location to minimize potential industrial contamination is inland, east of Concrete away from the few potential problem areas.



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# 6.0 AQUIFER RECHARGE AND WATER BUDGET

## 6.1 Background and Overview

The water budget is a first-cut estimate of the major components of the hydrologic cycle. This estimate indicates the approximate volumes of water that are flowing in and out of the county's hydrologic system through precipitation, evapotranspiration, runoff, groundwater recharge, human consumption, and natural discharge.

The water budget serves as the basis for initial planning of ground water use. It provides a general understanding of the components of recharge, groundwater use and natural discharge. This general understanding helps in the management of groundwater resources by indicating the relative magnitude (importance) of each component of the flow system. It cannot be used by itself as a tool for accurate long-term management of groundwater resources. The variability of the natural earth system is too great to allow for precise knowledge of the individual components of the budget to the degree required for management of the resource by water budget analysis alone.

Estimates of the social, ecological and economic costs of diversion of natural discharge to human use is not part of a water budget. A comprehensive, site-specific assessment of an area is needed to detail the social, ecological and economic value of water discharging naturally and water diverted for human use. It is usually relatively easy to place a value and cost for water pumped by a well. The value of natural discharge is significantly more difficult to quantify. For example, natural discharge may be maintaining a stream or a wetland or the proper salinity balance in an estuary. Changes in natural discharge to these environments may affect plant and animal life, scenic beauty, fisheries and more. Assessment of the value of these situations is far beyond a hydrogeological evaluation. Society must make these decisions aided by input from many disciplines.

## 6.2 Methods and Assumptions

The water budget is based on the mass-balance principal: water going into the system is equal to the water flowing out of the system plus or minus the change in storage of the water within the system. This situation is true at all points of the system at all times based on the principle of the conservation of mass. In the natural system, groundwater storage changes seasonally and with dry/wet year cycles. Pumping of groundwater also changes the amount of storage in the system. In our analysis we have assumed that long-term (multi-year) changes in the system are zero. The water budget represents an "average" year.

With the assumption that change in storage is zero (equilibrium conditions) the mass balance equation becomes:



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Recharge = Discharge

where: Recharge = Precipitation - Evapotranspiration - Runoff

and: Discharge = Consumption + Natural Discharge

From these equations the amount of recharge and discharge within the county were estimated by assessing:

- o precipitation ( A significant water input),
- o evapotranspiration (a relatively large component),
- o runoff (a relatively large component),
- o groundwater recharge (relatively small compared to precipitation),
- o consumption via wells and springs (relatively small compared to total recharge), and
- o unaccounted natural discharge (a major component).

Each of the methods and assumptions used in the analysis of each of these components is discussed below.

The range in possible values of each of the hydrologic components in the mass balance analysis is high, often greater than the value of some of the other components. For example, estimated evapotranspiration for an area cannot be accurately measured and is typically estimated. The estimate has an uncertainty of two to three inches per year. The actual value of evapotranspiration is likely to lie somewhere within this range of uncertainty. Average annual precipitation is estimated based on interpolation between widely scattered points, using best meteorological judgement. Different methods of assessing average annual precipitation produce different results producing a calculated average that may vary by several inches from the "true" average precipitation for the area. The uncertainty in both precipitation and evapotranspiration require that the analysis be done using a range of values. Together the combined ranges in precipitation and evapotranspiration may be larger than the total amount of recharge to the groundwater system.

A conservative analysis of recharge would require using the higher end of the evapotranspiration range, the higher end of the run off range, and the lower end of the precipitation range. This approach would be misleading and often indicate that groundwater is not recharged, a situation contradicted by water level data that show flow within the system and on-going recharge. We have used a more "middle of the road" approach and used values closer to the center of the range of estimated values.



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The water budget is typically based upon average conditions. Long-term averages for the various components of the hydrologic system are used in the analysis. Our assessment follows this convention.

### 6.2.1 Precipitation

Precipitation was estimated from an isohyetal (equal depth of rainfall) maps prepared by the National Weather Service (1957). The county was divided into townships (six miles by six miles) and the rainfall representing that township was estimated based on the isohyets bounding and crossing the area. (Guemes Island lies in four townships. Only one representative rainfall for the island was estimated.) This method assumes that the rainfall varies linearly over each of the areas being assessed. This assumption is not always true but likely introduces only a small error (estimated at 1 to 2 in or less for each of the areas). This error is relatively small compared to overall rainfall rate.

### 6.2.2 Runoff

Runoff was estimated for each of the townships by one of three methods. Runoff was estimated for most of the county using runoff coefficients based on conversations with NOAA (1991) flood forecasters. These values were based on their "best professional judgement" from working with actual data and computer forecast models. They varied from runoff equal to 80% of precipitation during the wetter months to 10% during the driest times of the year.

Normally runoff would be estimated by comparing rainfall and river hydrographs. The volume associated with a rapid rise in river flow would be compared with the volume of rainfall recorded for the same period. In a similar manner, summer flows during no rain periods would be assessed to determine the groundwater contribution to the river (base flow). This component would be subtracted during rainy periods and contributions from rainfall (runoff) would be calculated.

This approach was not possible as the series of dams on the Skagit and the numerous glaciers in the North Cascades introduce flow that cannot be readily separated from the available records. A major component of river flow in the summer comes from water released behind the dams. Natural flow in the fall and spring is typically reduced by storage behind the dams. Glaciers in the summer melt contributing flow that is unrelated to rainfall induced runoff or groundwater. Because of these complications, the best professional judgement estimate of runoff was used.

Runoff in the drier bedrock areas of Fidalgo Island was estimated based on data from San Juan County. Runoff was quantified in Boyce, 1983. Similar rock types, slopes and climate allow the use of the San Juan runoff coefficients on Fidalgo Island. The coefficients were generally in the 30% range.



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Runoff from the glaciated portions of western Skagit County was estimated based on studies on Whidbey Island (PGG, 1988; Sapik et al, 1988). Runoff was generally in the range of only 10% of precipitation.

### 6.2.3 Evapotranspiration

Evapotranspiration (water evaporated by soil and transpired by plants) was estimated using the Blaney-Criddle method (USSCS, 1970) for each of the townships. This method uses crop, latitude and temperature to calculate potential evapotranspiration. A simple water balance within the soil based on rainfall and potential evapotranspiration was then used to relate potential to actual evapotranspiration. In this balance, actual evapotranspiration equals potential as long as rainfall is sufficient to keep the soil moist enough to provide plants with enough water. When the soil is drier, the actual rate decreases below the potential rate.

In our analysis we have computerized the soil mass balance procedure to calculate the actual evapotranspiration rate on a weekly basis. In this analysis monthly data (rainfall and temperature) are distributed evenly over four "weeks" of the month.

When precipitation was equal to or greater than potential evapotranspiration:

$$AET = PET$$

When precipitation was less than potential evapotranspiration:

$$AET = PET \quad (\text{when } SM/SMC >= 0.75)$$

or

$$AET = PET * 1.333 * (SM/SMC) \quad (\text{when } SM/SMC < 0.75)$$

Where:

AET = Actual evapotranspiration (in/yr)

PET = Potential evapotranspiration (in/yr), calculated by the Blaney-Criddle method

SM = Soil moisture content from the previous week (in)

SMC = Soil moisture holding capacity (in)



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This linear function of the ratio of actual water content to soil moisture holding capacity is one of at least five methods used to relate actual to potential evapotranspiration reported in Dunne and Leopold (1978).

Precipitation and soil moisture holding capacity vary considerably. In our analysis we have calculated a series of evapotranspiration rates for the various precipitation rates indicated for each area and an estimated average soil moisture holding capacity of 6 inches. Total soil moisture holding capacity is equal to soil moisture holding capacity per foot of soil times total depth of soil, generally about 3 feet.

The choice of values for representative "crop factors" proved problematical. Most of Skagit County is vegetated by coniferous trees. The published crop factors for the method include many irrigated crops, but not coniferous trees. Possible values were proposed by several workers in the field. These values were based on analyses conducted in eastern Washington. They did not appear reasonable. The reported values were more likely for actual evapotranspiration and not potential. Comparison with the literature indicated that crop factors for grass were greater than the proposed conifer crop factor. In order to use a conservative approach (i.e. tending toward underestimating recharge) we have used the grass crop factor in our analysis.

### 6.2.4 Groundwater Recharge

Groundwater recharge was calculated using the precipitation, evapotranspiration and runoff values calculated using the methods discussed above. Recharge was calculated using the mass balance equation listed above. This equation calculates a rate (in/yr). The rate was converted to a volume per year by multiplying the rate by the recharge area where the rate is valid. Recharge area was estimated based on the physiography of each township. Upland areas were assumed to be recharge areas. Lowland areas near streams, rivers or sea were assumed to be discharge areas. The approximate area for each was estimated.

Recharge in the hard rock areas was assessed using two methods. The first is the Blaney-Criddle method described above. The second is a "permeability limited" method where it was assumed that bedrock underlying the evapotranspiration zone cannot accept all the surplus water generated in the high precipitation areas. Assuming a hydraulic conductivity of $10^{-6}$ cm/sec[2] and a vertical gradient approaching 1.0, the maximum possible recharge rate in these areas is limited to about 1 foot per year. Additional surplus would be discharged as delayed runoff from soil.

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[2] The bulk hydraulic conductivity of bedrock forming the mountainous regions of the county has not been measured. Modelling studies of mountainous terrains by Forster (1991) indicate that bulk hydraulic conductivities of mountainous regions often range from $10^{-8}$ cm/sec to $10^{-6}$ cm/sec. We have use the upper bound of this range as many studies have shown the upper 100 to 300 feet contains the majority of permeable fractures and is the hydraulically active.



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This method provides a better approximation to the actual recharge rates in the county, than does the standard Blaney-Criddle method. The higher recharge rates in the wetter parts of the study area generated by the unmodified Blaney-Criddle method would require hydraulic conductivity values higher than those typically observed or reported in the literature. The "permeability limited" method takes into account the hydraulic effects of bedrock lying beneath the soil zone experiencing evapotranspiration.

### 6.2.5 Consumption

Consumption was based on water rights. A listing of all groundwater rights for the county was reviewed and the total rights for each township totaled. Water rights as the sole basis for water use may underestimate existing use, as those with rights pending or those who have never applied are not considered. These uncounted users may be off set, however. Our experience in other counties indicates that many water rights are not fully used. The differences between non-used rights and unaccounted for users without rights may be self-canceling.

Water rights for the erstwhile proposed Skagit Nuclear power plant were excluded from the analysis. Their rights represented the majority rights within the sections where they had been appropriated. Since it is unlikely that this plant will be built, these rights will probably never be used.

### 6.2.6 Natural Discharge

Natural Discharge is the portion of total discharge that is not used by wells and springs. In Skagit County, most groundwater discharges to the Skagit River. Only a small portion either discharges to areas out of the county or to the sea.

The usual method for quantifying natural discharge is by difference. Groundwater consumption (wells and springs) is quantified and subtracted from the total amount of discharge (which under equilibrium conditions is equal to recharge). The difference is equal to natural discharge.

### 6.2.7 Additional Yield

Only a portion of the undeveloped natural discharge can be developed as additional yield. The percentage that can be used is a function of many factors including economics, social impact, environmental concern and more. The percentage of total discharge that can be developed depends on how much society is willing to pay on an economic, social and environmental basis.



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Several studies have assumed a percentage of total discharge ("capture ratio") as an estimate of the total water that may be available with acceptable impacts. These capture ratios have range from 20% to 50%. We have used a 20% capture ratio in our estimate of additional groundwater available. This number is taken from Drost (1979). Twenty percent is considered a conservative portion. It is the lowest value known to be used in a number of northwest resource studies. The actual percentage of groundwater discharge that can be "successfully" developed will depend on a number of factors beyond the scope of this project.

## 6.3 Water Budget Results and Aquifer Recharge

The results of the recharge portion of the water balance analysis are presented in Table 6-1. This table summarizes the rates and volumes of best estimates of recharge to each township during typical conditions. "Permeability Limited" values indicate rates where the underlying bedrock limits recharge. These values are more likely representative than those calculated by the unmodified Blaney-Criddle method, as discussed in section 6.2.5.

The total recharge to aquifers in the county is on the order of 600,000 acre-feet per year (530 mgd), using the modified method. This amount represents the recharge to all the aquifers in the county. The specific amounts to each zone cannot be accurately estimated from the existing data.

The total water balance is listed in Table 6-2. This table lists recharge, water use, difference between the two ("natural discharge") and an estimate of additional groundwater development that would be possible based on a 20% capture ratio. On a county-wide basis, an additional 100,000 acre-feet per year (about 100 mgd) may be available. Additional yield is discussed further below.



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# 7.0 REGIONAL GROUNDWATER SUPPLY DEVELOPMENT

## 7.1 Background, Overview and Method

A regional water supply must be capable of producing water of sufficient quantity and quality such that development is cost effective. The quantity and quality needed are relative to other sources of water that are available in the general area. In order to assess the potential for regional water supply development from groundwater, several criteria were established for this study. These are discussed below.

A regional supply aquifer is one capable of producing at least 500 gpm from a single well, and preferably 1000 gpm or more. The aquifer should be capable of supplying a well field (two or more wells) of 2.0 mgd (1400 gpm) or more without long-term depletion of the aquifer (water level declines). It should not be located in an area closed to groundwater development or in a basin where surface water minimum flows inhibit groundwater pumping during part or all of the year.

Water quality should meet the state standards for all primary and secondary contaminants. Treatment for secondary or other parameters may be considered, if cost effective. Rejection of a regional supply aquifer capable of the desired yields but requiring treatment is an economic decision.

The previous chapters assessed the parameters affecting regional water supply from groundwater. These included: aquifer locations (Chapter 3), potential well yield (Chapter 4), water quality (Chapter 5) and aquifer yield (Chapter 6). The information in these chapters was combined to identify areas capable of meeting regional water supply needs. These areas have:

- o high well yields,
- o adequate recharge to sustain aquifer yield, and
- o water meeting state drinking water standards.

In addition, other factors affecting groundwater development were assessed including:

- o general potential water quality impacts associated with existing and future land use,
- o the relationship of the Skagit River to groundwater development, and
- o costs associated with development of additional groundwater supplies.

This chapter discusses the points listed above.



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## 7.2 Additional Groundwater Development

The existing data indicate additional groundwater supplies can best be developed in the alluvial deposits in the Skagit River Valley. High-yield aquifers are present beneath the valley at many locations (Exhibit 1-1). High-yield wells appear feasible at most locations from the vicinity near Marblemount to the Skagit Delta west of Mt. Vernon. The available data indicate water quality is better and well yields possibly higher in the area just east of Marblemount. Other areas between Marblemount and Concrete also appear to have good water quality but slightly lower well yields. The valley areas further downstream near Sedro Woolley and Mt. Vernon also appear to have the potential for relatively high well yields but water quality may not be as good with more wells reporting excessive concentrations of iron, manganese, and in some areas near the coast, saline water.

A few areas outside the Skagit Valley indicate relatively large well yields such as near Lake McMurray. The limited extent of the aquifer in these areas make major development of a regional source less feasible, however. Other areas show moderate well yields, such as north of the Skagit River Valley. A large number of wells could be installed to produce a regional supply. The costs would likely be prohibitive, making other supply areas more desirable.

### 7.2.1 Regional Supply Well Yields

Yields from properly constructed wells, finished in the more productive aquifer(s) in the Skagit Valley area, are likely to be in the 500 gpm to 800+ gpm range. Deposits of gravel and sand lying within 200 feet of ground surface allow these high individual well yields. The highest well yields appear feasible in the Marblemount area where the high energy environment of the Skagit and Cascade Rivers allowed the deposition of the coarser grained materials. Localized high yields are also feasible further downstream where aquifers also comprise gravel and sand deposits. Areas of silts and fine sands are also present, however, making consistent very high yields (800+ gpm) less likely.

Upland areas surrounding the valley do not have regional water supply capability because well yields are generally low. These areas contain bedrock aquifers and only very localized and limited sand and gravel deposits. The bedrock areas typically have well yields of under 10 gpm and often much less. The sand and gravel areas may have yields that are higher, sometimes greater than 100 gpm. These yields are still below those needed for an economic regional water supply. They could be used for local supply, however.

### 7.2.2 Regional Supply Aquifer Yields

The water budget analysis indicates 100 mgd of additional groundwater may be available for development within the county. This estimate is a "first cut" planning value. It is based on as assumed capture ratio of 20 percent. More (or less) than 20 percent of total recharge may be potentially available, depending on the economic, environmental and social costs



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that society is willing to pay. We have used this rate to be conservative and consistent with previous studies in the county.

Much, but not all, of this water flows to the aquifers lying beneath the Skagit River Valley floor. Data were not available to measure groundwater flow direction through the construction of water level contour maps. Our experience shows, however, that the generally low permeability of the uplands, the very large topographic relief and low elevation of the Skagit River, all indicate that groundwater flow will generally follow the topography of the county. Since the river is the local topographic low point, it defines the regional groundwater discharge point for most of the county. Only areas on the extreme west (the western portions of the Skagit Delta; Fidalgo, Guemes and other Island; and the Chuckanut areas), and some areas near the southern and northern boundaries of the county have groundwater that does not discharge to the Skagit River. As such, most of the 100 mgd surplus in the county is available from aquifers in the Skagit Valley.

Development of the 100 mgd would require a series of wells along the Skagit River Valley. Full development would likely require 70 to 100 wells from Mt. Vernon to beyond Marblemount. Such a series of wells would be needed to intercept groundwater before it discharged to the river. Some areas would require more wells than others, as yield from individual aquifers will vary, locally.

The yield from individual aquifers lying in the Skagit Valley alluvial deposits has not been calculated. Aquifer yields depends on several factors, one of which is the hydraulic relationship of the river to the valley aquifers. This relationship may be the most important factor and is discussed in a following section.

A series of wells or well fields is recommended for the high yield (800 gpm) area near Marblemount. The total volume of additional yield available from this area (indicated in Exhibit 1-1) cannot be accurately estimated. Only a portion of the 100 mgd available in the county is available from this area. Assuming that groundwater discharges to the river at a rate proportional to river bank length, perhaps 1/5 to 1/4 of the 100 mgd may be developable from the high-yield area. Thus, a yield from this area of about 20 to 25 mgd may be feasible.

An additional percentage of the 100 mgd could also be obtained from the moderate yield (500 gpm) area between the 800 gpm area and Mt. Vernon. Using the same relationship of discharge proportional to river bank length an estimated 70+ mgd may be feasible. Not all of this water may be desirable. Water quality may be an issue in these areas, as discussed below.

Because aquifers in this area are known to connect to the Skagit River (Hart Crowser, 1981), the total yield from wells completed in this area may be considerably higher than that possible without connection to the river. If groundwater withdrawals from aquifers connected to the Skagit is acceptable (discussed in section 7.2.3), a larger percentage of the



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100 mgd may be feasible. On-site testing and regulatory interaction will be needed to quantify actual yield.

7.2.3 Regional Water Supply Quality

The existing data indicate that water quality in the valley aquifers east of Concrete generally meets state standards, both primary and secondary. A regional water supply developed in this area is also expected to meet the standards. Local concentrations of iron and manganese above the standards are possible, however. The aquifer materials contain minerals that weather to produce iron and manganese. Elevated levels are not expected to dominate. A regional supply system could likely mix the water from areas with elevated levels (should they exists) with water from other areas to lower the concentrations to below the criteria.

Valley aquifers down-valley from Concrete are more likely to exceed state secondary standards for iron and manganese. Several water systems and wells in this area have reported elevated levels. Since a regional system would likely mix water, excess iron or manganese concentrations may be controlled through mixing of sources.

Iron and manganese levels above the standards are more common in the delta area, west of Mt. Vernon. Many wells and water systems have reported iron above the secondary standard. A regional supply developed in this area would likely require treatment or mixing. A selective use of supply areas without excess levels of iron or manganese may be possible if a test well program can identify such areas. High-capacity wells in this area, especially those located further to the west could induce saltwater intrusion. A regional water supply well field is not recommended in this area for this reason.

The existing data indicate that industrial water quality problems would not be likely in a regional groundwater supply established up valley, say east of Concrete. A few abandoned landfills are known in the area (Table 5-3). Since these lie away from major urban and industrial areas, contaminants reaching the groundwater system are less likely to be significant. Supply wells should not be located in an area directly downgradient and close proximity to these old landfills. Water quality testing and a site-specific hydrogeological assessment should be undertaken before a well field is established.

7.2.3 Factors Affecting Additional Groundwater Development

Several factors may affect development of a regional groundwater supply system from a Skagit Valley aquifer. The main factor is the relationship between the aquifer(s) and the river.

The Skagit River is the discharge point for most groundwater in the county. Almost all groundwater eventually discharges to the river (except for a small amount that discharges



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to the sea or to Snohomish or Whatcom County). Development of groundwater in the Skagit Valley removes groundwater before it reaches the river. In some cases, a high capacity well will also cause a reversal in flow gradients and draw water from the river.

In either situation, development of groundwater from Skagit Valley aquifers reduces the flow of the river. Over the long term (after pumping has removed water from storage and an equilibrium situation is established), the reduction in flow to the river may approximately equal the volume of water pumped.

Comparison of Skagit River flows and the estimated additional available groundwater shows that the reduction in flow is relatively very small. The mean flow of the Skagit is 16,870 cfs (Drost and Lombard, 1978). This flow is more than 100 times the 100 mgd (approximately 155 cfs) potentially available. The river exceeds 5,250 cfs more than 99 percent of the time. Complete development of 100 mgd is still less than 3 percent of this low-flow rate. These river flow rates indicate that on a volumetric basis, development of groundwater to the full 100 mgd capacity is not significant to river flow.

Full development of groundwater may be significant on a legal basis in the future, however. Currently, Ecology indicates the Skagit has no in-stream protection flow rates (S. West, 1991). Development of groundwater does not legally require consideration of impacts on the river flow. Most river basins in western Washington have in-stream protection requirements. These rivers have mandated minimum flows throughout part of the year. Many of these basins are closed to further development of groundwater because of the impacts of pumping on river flow. If similar restrictions are placed on the Skagit, groundwater development could be affected. The full 100 mgd of additional groundwater estimated in this study may not be available.

Changes in land use can affect groundwater development. Impacts can occur as changes in water quantity available and quality. Most of the area supplying groundwater to the regional supply aquifer(s) is rural to totally undeveloped. It is unlikely that future development will affect the quantity of water recharged to these aquifers. Development will be too minor in comparison to the total area.

Changes in land use near the supply area could possibly affect water quality. If areas upgradient from supply wells were over-sprayed with hazardous agricultural chemicals, converted to industrial use with poor "housekeeping" or allowed to be used for dumping of industrial waste, water quality could be affected. Development of a regional water supply should be accompanied by a wellhead protection program to monitor and minimize such potential problems.

## 7.3 Regional Supply Well Development Costs

Full development of the 100 mgd source estimated in this study could cost about $7 million. These costs are based on an estimated 70 to 100 wells needed to supply the water. The



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estimated cost for these wells ranges from about $71,000 to $83,000, as shown in Table 7-1. These costs include drilling, testing, production pump installation, engineering and construction of a small well house. They are based on a compilation of estimates provided by several well drilling firms. The estimated average well depth is 150 feet. Diameters would likely range from 12 to 16 inch, based on anticipated peak yields of 600 to 1000 gpm.

The costs for transmission lines, plumbing, and other appurtenances are not included. Estimation of these costs is beyond the scope of a hydrogeologic evaluation. They would likely be more than the costs of well installation and development discussed above, as the source lies many 10's of miles from the population center of the county.



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## 8.0 REFERENCES

Boyce, John, 1983, Supplemental Information to Ecology, Water supply Bulletin No. 46, Friday Harbor.

Dion, N.P. and S.S, Sumioka, 1984, Seawater Intrusion into Coastal Aquifers in Washington, 1978, Washington Department of Ecology, Water Supply Bulletin 56, Olympia, 13p.

Drost, B.W., 1979, Water Resources of the Swinomish Indian Reservation, Washington, USGS WRI OFR 79-12, Tacoma, 83 p.

Drost, B.W. and R.E. Lombard, 1978, Water in the Skagit River Basin, Washington, Washington State Department of Ecology Water Supply Bulletin 47, Olympia, 247 p.

Dunne, Thomas and Luna B. Leopold, 1978, Water in Environmental Planning, W.H. Freeman, San Francisco, 818 p.

EES, 1991, Unpublished information of water quality from various water systems obtained from Department of Health.

Fowler, Ken, 1991, Personal communication on groundwater availability and quality in Skagit County.

Freeze, R. Allen, and John A. Cherry, 1979, Groundwater, Prentice-Hall, Englewood Cliffs, 604 p.

Garland, David, 1991, Unpublished information on salt water intrusion on Guemes Island.

Hart-Crowser and Assoc., 1981, Hydrogeological and Geotechnical Engineering Study, Proposed Skagit Fish Spawning Channel, Marblemount, Washington, report J-1060, Seattle.

Haycox, Lorna, 1991, Unpublished information on potential contamination sources in Skagit County.

Hayes, Dean, Sr., 1991, Personal communication on groundwater availability and quality in Skagit County.

Horton, R.E., 1933, The role of infiltration in the hydrologic cycle. EOS Trans Amer. Geoph. Union, 14:446-460.

NOAA, 1991, Personal communication with Portland Flood Forecast Office on runoff in Skagit County.



BK0094PG4303

Pacific Groundwater Group, 1988, Part A Hydrogeologic Characterization, Island County Groundwater Management Program, Report JU8704, Seattle.

Pessl, F. Jr., Dethier, D.P., Booth, D.B., and J.P. Minard, Surficial Geologic Map of the Port Townsend Quadrangle, Puget Sound Region, Washington, USGS Map I-1198-F.

Sapik, D.B., G.C. Bortleson, B.W. Drost, M.A. Jones, and E.A. Prysch, 1988, Ground-water Resources and Simulation of Flow in Aquifers Containing Freshwater and Seawater, Island County, Washington, USGS WRI 87-4182, Tacoma. 67 p.

Sceva, J.E., 1950, Preliminary Report on the Ground-Water Resources of Southwestern Skagit County, Washington, USGS Ground-Water Report No.1, Tacoma, 40 p.

Thornthwaite, C.W. and Mather, J.R., 1955, The Water Balance, Laboratory of Climatology, Pub. No. 8, Centerton, 86p.

U.S. Department of Agriculture, 1957, Soils Survey, San Juan County Washington, Series 1957, No. 15. 73p.

U.S. Soil Conservation Service, 1970, Irrigation Water Requirements, USDA Technical Release 21.

U.S. Weather Bureau, 1965, Mean Annual Precipitation, 1930-57, State of Washington: Portland, Map M-4430, 1p.

Walters, K.L., 1971, Reconnaissance of Sea-water Intrusion Along Coastal Washington, 1966-1968, Washington Department of Ecology Water-supply Bulletin, 32, 208p.

Walton, W.C., 1962, Selected Analytical Methods for Well and Aquifer Evaluation, Bulletin 49, Illinois State Water Survey, Urbana, 81 p.

Washington State Department of Ecology, 1988, Water well logs and Water Rights for Skagit, on file with the Eastgate (Bellevue) Office of the Washington State Department of Ecology.

Washington State University, 1966. Washington Climate for Clallam, Jefferson, Island, San Juan, Skagit, Snohomish, and Whatcom Counties, Pullman.

West, Steve, 1991. Personal communication on in-stream protection requirements in the Skagit basin.



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Tables



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Table 5–1 – Summary of Wells With Known Iron or Manganese Groundwater Problems in Skagit County

| Township/ Range | | Excess Iron (Fe > 0.30 mg/l) | Excess Manganese (Mn > 0.05 mg/l) | Location(s)/Source Aquifer(s) |
|---|---|---|---|---|
| 33 | 3 | 9H1 | – | S. Delta, near Rexville: Alluvial |
| | 4 | – | 33D1 | SW County, Near I–5: Glacial |
| | 5 | – | – | |
| | 6 | – | – | |
| | 7 | – | – | |
| | 8 | – | – | |
| | 9 | – | – | |
| | 10 | – | – | |
| 34 | 1 | – | – | |
| | 2 | 2N1,15C1,15R1,26F1,34R6,35G1,35G3,35G4,35L1 | – | Swinomish Upland: Glacial/Interglacial |
| | 3 | 4L1,12N1,12Q1,13F1,25H1,25H2 | – | S.Delta, W and NW of Mt. Vernon: Alluvial |
| | 4 | 5D1,5D2,6H1,7P2,7P14,8C1,8C2,17D1,19N1,18R1,19B2,19L1,30J1,30P1,32C1,32B1,32P1 | – | Mt. Vernon area: Alluvial |
| | 5 | 19K1 | – | Walker Valley: Glacial |
| | 6 | – | – | |
| | 7 | – | – | |
| | 8 | – | – | |
| | 9 | – | – | |
| | 10 | – | – | |
| | 1 | – | – | |
| | 2 | – | – | |
| | 3 | – | – | |
| | 4 | 13R1,13R2,22C1,22L1,25C1,25J1,25K1,28L1,28P3,32P1,33B1 | – | Sedro Wolley–Burlington area: Alluvial |
| | 5 | 8D2,19D1,30K2,30K3,30L1 | – | Sedro Wolley: Glacial and Alluvial |
| | 6 | – | – | |
| | 7 | – | – | |
| | 8 | – | – | |
| | 9 | – | – | |
| | 10 | – | – | |
| 36 | 2 | – | – | |
| | 3 | – | – | |
| | 4 | – | – | |
| | 5 | – | – | |
| | 6 | – | – | |
| | 7 | – | – | |
| | 8 | – | – | |
| | 9 | – | – | |
| | 10 | – | – | |
| Guemes Is. | | | | |
| 35 | 1 | 12P | – | S. Guemes: Glacial/Interglacial |
| | 2 | – | – | |
| 36 | 1 | 36K | – | N. Guemes: Glacial/Interglacial |
| | 2 | – | – | |

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Table 5–2 – Summary of Wells With Known Indication of Saline Water Intrusion in Skagit County

| Township/ Range | | Saline Intrusion (Cl > 100 mg/l) | Location(s) / Source Aquifer(s) |
|---|---|---|---|
| 33 | 3 | 8A1 | S. Delta, near N. Fork: Alluvial |
| | 4 | – | |
| | 5 | – | |
| | 6 | – | |
| | 7 | – | |
| | 8 | – | |
| | 9 | – | |
| | 10 | – | |
| 34 | 1 | – | |
| | 2 | 34R6,34R7 | SW Swinomish upland, on coast: Glacial/Interglacial |
| | 3 | 35P | Inland S. Delta, w of Skagit City: Alluvial |
| | 4 | 25F | Inland S. Delta, near Mt. Vernon: Alluvial |
| | 5 | – | |
| | 6 | – | |
| | 7 | – | |
| | 8 | – | |
| | 9 | – | |
| | 10 | – | |
| 35 | 1 | 27Q1 | Fidalgo, Burrows Bay, on coast: Bedrock |
| | 2 | 1A1 | S of Samish Island, on coast: Alluvial |
| | 3 | 11R1 | SW of Bow, on Edison Slough: Alluvial |
| | 4 | – | |
| | 5 | – | |
| | 6 | – | |
| | 7 | – | |
| | 8 | – | |
| | 9 | – | |
| | 10 | – | |
| 36 | 2 | 26R2 | Samish Island,on coast: Glacial |
| | 3 | 26N | N of Bow (1 mi): Glacial |
| | 4 | – | |
| | 5 | – | |
| | 6 | – | |
| | 7 | – | |
| | 8 | – | |
| | 9 | – | |
| | 10 | – | |
| Guemes Is. | | | |
| 35 | 1 | 11L,13D | SW Guemes, on coast: Glacial/Interglacial |
| | 2 | 8K | SE Guemes, on coast: Bedrock |
| 36 | 1 | 25N,26A,26A,26H,26K,35G,36C,36C,36G,36K,36L | N Guemes, mostly on coast, some inland: Glacial/Interglacial |
| | 2 | – | |

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## Table 5–3 – Summary of Areas With Known or Potential Industrial Contamination

| Township/ Range | | Sections with Possible or Known Industrial Contamination | Source(s) or Possible Source(s) |
|---|---|---|---|
| 33 | 3 | – | |
| | 4 | 16,28 | Abandoned Landfills |
| | 5 | – | |
| | 6 | – | |
| | 7 | – | |
| | 8 | – | |
| | 9 | – | |
| | 10 | 33 | Abandoned Landfill |
| 34 | 1 | – | |
| | 2 | 2,10,1116,26,34 | Abandoned Landfills, Industrial Waste Recycling |
| | 3 | – | |
| | 4 | 18,19,28 | Abandoned Landfills, Leaking Tank |
| | 5 | – | |
| | 6 | – | |
| | 7 | – | |
| | 8 | – | |
| | 9 | – | |
| | 10 | 5 | Abandoned Landfills |
| 35 | 1 | 13,14,24,26 | Leaking Tank, Abandoned Landfills |
| | 2 | 21,28,29,33 | Oil Refineries, Industrial Waste Recycling |
| | 3 | – | |
| | 4 | 8,24 | Septic Disposal Lagoon, Solvent Spills, Leaking Tank |
| | 5 | – | |
| | 6 | 8,27 | Abandoned Landfills |
| | 7 | 8,17 | Agricultural chemicals, Abandoned Landfill |
| | 8 | – | |
| | 9 | 28 | Abandoned Landfill |
| | 10 | – | |
| 36 | 2 | – | |
| | 3 | – | |
| | 4 | – | |
| | 5 | – | |
| | 6 | – | |
| | 7 | – | |
| | 8 | 14 | PCB Spill |
| | 9 | – | |
| | 10 | – | |
| Guemes Is. | | – | |
| 35 | 1 | – | |
| | 2 | – | |
| 36 | 1 | – | |
| | 2 | – | |

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179338

Table 6–1 – Summary of Estimated Recharge in Skagit County 17938

| Tnshp /Rng | Loc Data Ctr* | Est Rech Area mi2 | Rate** B–C Method in/yr | Rate** Limited Perm*** in/yr | Volume B–C Method mgd | Volume B–C Method ac–ft/yr | Volume Limited Perm mgd | Volume Limited Perm ac–ft/yr | Comments |
|---|---|---|---|---|---|---|---|---|---|
| 33 | 3 A | 1 | 9.9 | 9.9 | 0.5 | 530 | 0.5 | 530 | One sq.mi. NOT Skagit Valley delta. GW discharge area. |
| | 4 SW | 35 | 12.0 | 12.0 | 20 | 22000 | 20 | 22000 | Fifty percent bedrock upland. |
| | 5 SW | 35 | 9.6 | 9.6 | 16 | 18000 | 16 | 18000 | Sixty five percent bedrock upland. |
| | 6 SW | 34 | 13.2 | 12.0 | 21 | 24000 | 19 | 22000 | Eighty percent bedrock upland. |
| | 7 C | 35 | 15.8 | 12.0 | 26 | 30000 | 20 | 22000 | All bedrock upland |
| | 8 C | 35 | 15.8 | 12.0 | 26 | 30000 | 20 | 22000 | All bedrock upland |
| | 9 D | 35 | 16.7 | 12.0 | 28 | 31000 | 20 | 22000 | All bedrock upland |
| | 10 D | 24 | 14.8 | 12.0 | 17 | 19000 | 14 | 15000 | Thirty five percent Sauk River valley floor, rest bedrock. |
| 34 | 2 A | 17 | 5.3 | 5.3 | 4.3 | 4800 | 4.3 | 4800 | Likely recharge 17 sq.mi. of Swinomish Upland, only. |
| | 3 A | 2 | 9.2 | 9.2 | 0.9 | 980 | 0.9 | 980 | Ninety five percent Skagit delta. GW discharge area. |
| | 4 SW | 24 | 15.4 | 12.0 | 18 | 20000 | 14 | 15000 | Till capped recharge area. One third Skagit delta. |
| | 5 SW | 35 | 12.7 | 12.0 | 21 | 24000 | 20 | 22000 | Seventy percent bedrock upland. |
| | 6 SW | 34 | 16.7 | 12.0 | 27 | 30000 | 19 | 22000 | All bedrock upland |
| | 7 C | 35 | 17.6 | 12.0 | 29 | 33000 | 20 | 22000 | All bedrock upland |
| | 8 C | 35 | 22.4 | 12.0 | 37 | 42000 | 20 | 22000 | All bedrock upland |
| | 9 D | 32 | 11.7 | 11.7 | 18 | 20000 | 18 | 20000 | Ten percent Sauk/Skagit River valley floor. |
| | 10 D | 34 | 14.8 | 12.0 | 24 | 27000 | 19 | 22000 | Five percent Sauk River valley floor, rest bedrock. |
| 35 | 3 A | 13 | 11.4 | 11.4 | 7.0 | 7900 | 7.0 | 7900 | Sixty percent Skagit Valley delta. GW discharge area. |
| | 4 SW | 13 | 15.0 | 12.0 | 9.3 | 10000 | 7.4 | 8300 | Sixty percent Skagit Valley delta. GW discharge area. |
| | 5 SW | 22 | 10.2 | 10.2 | 11 | 12000 | 11 | 12000 | Forty percent Skagit Valley floor. GW discharge area. |
| | 6 SW | 31 | 15.7 | 12.0 | 23 | 26000 | 18 | 20000 | Fifteen percent Skagit Valley floor. GW discharge area. |
| | 7 C | 31 | 10.7 | 10.7 | 16 | 18000 | 16 | 18000 | Fifteen percent Skagit Valley floor. GW discharge area. |
| | 8 C | 31 | 11.3 | 11.3 | 17 | 19000 | 17 | 19000 | Fifteen percent Skagit Valley floor. GW discharge area. |
| | 9 C | 32 | 14.3 | 12.0 | 22 | 24000 | 18 | 20000 | Ten percent Skagit Valley floor. GW discharge area. |
| | 10 C | 29 | 14.3 | 12.0 | 20 | 22000 | 17 | 19000 | Twenty percent Skagit Valley floor. GW discharge area. |
| 36 | 3 SW | 32 | 8.1 | 8.1 | 12 | 14000 | 12 | 14000 | Thirty percent bedrock upland, Ten percent Skagit Delta |
| | 4 SW | 32 | 11.9 | 11.9 | 18 | 20000 | 18 | 20000 | Forty percent bedrock upland, Ten percent flood plains. |
| | 5 SW | 35 | 10.2 | 10.2 | 17 | 19000 | 17 | 19000 | Fifty percent bedrock upland. |
| | 6 SW | 35 | 14.9 | 12.0 | 25 | 28000 | 20 | 22000 | Ninety five percent bedrock upland. |
| | 7 C | 35 | 15.8 | 12.0 | 26 | 30000 | 20 | 22000 | Ninety five percent bedrock upland. |
| | 8 C | 31 | 17.0 | 12.0 | 25 | 28000 | 18 | 20000 | Eighty percent bedrock upland. |
| | 9 C | 35 | 27.6 | 12.0 | 46 | 52000 | 20 | 22000 | Ninety five percent bedrock upland. |
| | 10 C | 35 | 21.0 | 12.0 | 35 | 39000 | 20 | 22000 | Ninety five percent bedrock upland. |
| Guemes | A | 5.75 | 7.2 | 7.2 | 2.0 | 2200 | 2.0 | 2200 | Non–bedrock recharge area about 5.5 to 6 sq.mi. |
| Fidalgo | A | 23.5 | 2.5 | 2.5 | 2.8 | 3100 | 2.8 | 3100 | Estimated recharge area 22 to 25 sq.mi. Mostly bedrock |
| TOTALS | | | | | 670 | 750000 | 530 | 590000 | |

*Note: A=Anacortes, C=Concrete, D=Darington, SW= Sedro Wolley

**Note: All estimates to 2 significant figures, only.

***Note: Vertical permeability of till and fractured bedrock estimated at $10^{-6}$ cm/sec.

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## Table 6–2 – Water Balance for Skagit County

| Township/ Range | | Perm. Limited Recharge* ac–ft/yr | GW use by Water Rights** ac–ft/yr | Change in Storage (Average) ac–ft/yr | Inflow– Outflow+ Change in Storage ac–ft/yr | Estimated Additional Yield*** ac–ft/yr | mgd | Comments |
|---|---|---|---|---|---|---|---|---|
| 33 | 3 | 530 | 735 | 0 | –210 | | | Almost all GW discharge area. |
| | 4 | 22000 | 1388 | 0 | 21000 | 4100 | 3.7 | About 50 percent bedrock (permeability–limited) recharge area. |
| | 5 | 18000 | 5314 | 0 | 13000 | 2500 | 2.3 | About 65 percent bedrock (permeability–limited) recharge area. |
| | 6 | 22000 | None | 0 | 22000 | 4400 | 3.9 | About 80 percent bedrock (permeability–limited) recharge area. |
| | 7 | 22000 | None | 0 | 22000 | 4400 | 3.9 | Almost all bedrock (permeability–limited) recharge area. |
| | 8 | 22000 | None | 0 | 22000 | 4400 | 3.9 | Almost all bedrock (permeability–limited) recharge area. |
| | 9 | 22000 | None | 0 | 22000 | 4400 | 3.9 | Almost all bedrock (permeability–limited) recharge area. |
| | 10 | 15000 | None | 0 | 15000 | 3000 | 2.7 | About 35 percent GW discharge area, the rest bedrock recharge area. |
| 34 | 2 | 4800 | 877 | 0 | 3900 | 780 | 0.7 | About 50 percent GW recharge area, about 50 percent recharge area. |
| | 3 | 980 | 27016 | 0 | –26000 | | | Almost all GW discharge area. |
| | 4 | 15000 | 9100 | 0 | 5900 | 1200 | 1.1 | About 35 percent GW discharge area, the rest glacial sediment recharge area. |
| | 5 | 22000 | 3 | 0 | 22000 | 4400 | 3.9 | About 70 percent bedrock (permeability–limited) recharge area. |
| | 6 | 22000 | None | 0 | 22000 | 4400 | 3.9 | Almost all bedrock (permeability–limited) recharge area. |
| | 7 | 22000 | None | 0 | 22000 | 4400 | 3.9 | Almost all bedrock (permeability–limited) recharge area. |
| | 8 | 22000 | None | 0 | 22000 | 4400 | 3.9 | Almost all bedrock (permeability–limited) recharge area. |
| | 9 | 20000 | None | 0 | 20000 | 4000 | 3.6 | About 10 percent GW discharge area. |
| | 10 | 22000 | None | 0 | 22000 | 4400 | 3.9 | About 5 percent GW discharge area, the rest bedrock recharge area. |
| 35 | 3 | 7900 | 5686 | 0 | 2200 | 440 | 0.4 | About 60 percent GW recharge area, about 40 percent recharge area. |
| | 4 | 8300 | 6639 | 0 | 1700 | 330 | 0.3 | About 60 percent GW recharge area, about 40 percent recharge area. |
| | 5 | 12000 | 5300 | 0 | 6700 | 1300 | 1.2 | About 40 percent GW recharge area, about 60 percent recharge area. |
| | 6 | 20000 | 1295 | 0 | 19000 | 3700 | 3.3 | About 15 percent GW recharge area, about 85 percent recharge area. |
| | 7 | 18000 | 513 | 0 | 17000 | 3500 | 3.1 | About 15 percent GW recharge area, about 85 percent recharge area. |
| | 8 | 19000 | None | 0 | 19000 | 3800 | 3.4 | About 15 percent GW recharge area, about 85 percent recharge area. |
| | 9 | 20000 | None | 0 | 20000 | 4000 | 3.6 | About 10 percent GW recharge area, about 90 percent recharge area. |
| | 10 | 19000 | None | 0 | 19000 | 3800 | 3.4 | About 20 percent GW recharge area, about 80 percent recharge area. |
| 36 | 3 | 14000 | 162 | 0 | 14000 | 2800 | 2.5 | About 10 percent GW recharge area, about 30 percent bedrock recharge area. |
| | 4 | 20000 | 426 | 0 | 20000 | 3900 | 3.5 | About 10 percent GW recharge area. Possible GW inflow from Whatcom County. |
| | 5 | 19000 | 38 | 0 | 19000 | 3800 | 3.4 | About 50 percent bedrock recharge area. Possible GW inflow from Whatcom County. |
| | 6 | 22000 | None | 0 | 22000 | 4400 | 3.9 | Almost all bedrock (permeability–limited) recharge area. |
| | 7 | 22000 | 336 | 0 | 22000 | 4300 | 3.9 | Almost all bedrock (permeability–limited) recharge area. |
| | 8 | 20000 | 1773 | 0 | 18000 | 3600 | 3.3 | About 80 percent bedrock (permeability–limited) recharge area. |
| | 9 | 22000 | 127 | 0 | 22000 | 4400 | 3.9 | Almost all bedrock (permeability–limited) recharge area. |
| | 10 | 22000 | 4 | 0 | 22000 | 4400 | 3.9 | Almost all bedrock (permeability–limited) recharge area. |
| Guemes Is. | | 2200 | 142 | 0 | 2100 | 410 | 0.4 | Mostly glacial sediment recharge area. |
| Fidalgo Is. | | 3100 | 238 | 0 | 2900 | 570 | 0.5 | Mostly bedrock recharge area. |
| TOTALS | | 588000 | 67112 | 0 | 518000 | 104000 | 92 | |

*Note: Rounded to 2 significant figures.

**Note: Based on WDOE water rights minus Skagit Nuclear Power Plant allotments.

***Note: Based on a 20% capture ratio used in Drost, 1979 (USGS OFR 79–12). Negative values not shown where in discharge area (Yield not limited by local recharge).

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Table 7–1 – Production Well Cost Estimates

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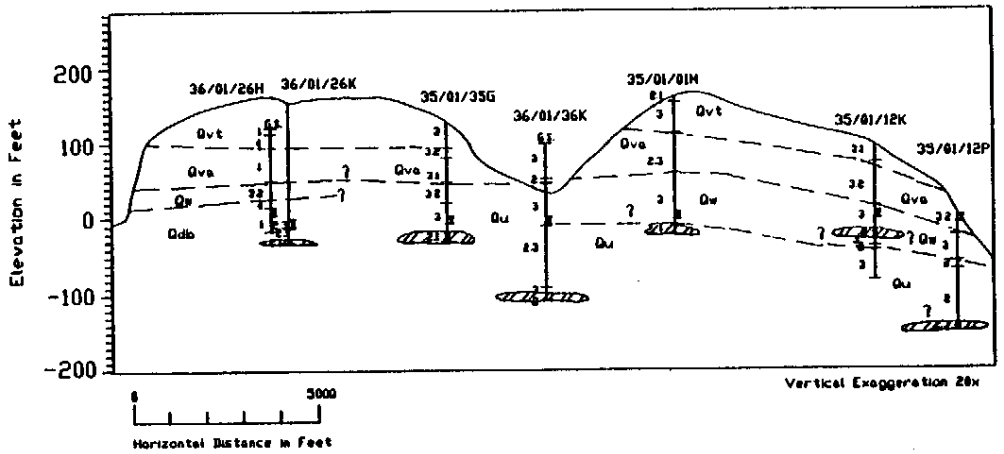
16–IN WELL (1000 gpm)

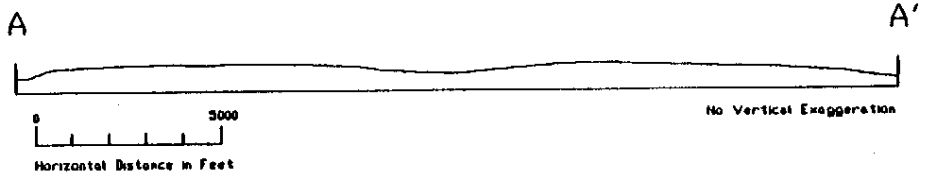
| Item Description | Quantity | Unit Price | Total Price |
|---|---|---|---|
| Mob./Demob. | 1 | $2,500 | $2,500 |
| Surface Seal | 1 | $1,800 | $1,800 |
| 16–Inch Drilling | 150 | $50 | $7,500 |
| 16–inch Drive Shoe | 1 | $900 | $900 |
| 16–inch Casing | 150 | $24 | $3,600 |
| Screen Assembly | 1 | $6,000 | $6,000 |
| Authorized Hourly | 100 | $90 | $9,000 |
| Test Pump Rental, Installation, Rem | 1 | $1,500 | $1,500 |
| Pump Test Hourly | 28 | $75 | $2,100 |
| Extra Materials | 1 | $500 | $500 |
| Production Pump (1000 gpm) | 1 | $9,000 | $9,000 |
| Pump controls, plumping etc | 1 | $8,000 | $8,000 |
| Pump Building | 1 | $15,000 | $15,000 |
| Engineering | | | $10,000 |
| Subtotal | | | $77,400 |
| WSST (@7.6%) | | | $5,882 |
| TOTAL | | | $83,282 |

12–IN WELL (600 gpm)

| Item Description | Quantity | Unit Price | Total Price |
|---|---|---|---|
| Mob./Demob. | 1 | $2,000 | $2,000 |
| Surface Seal | 1 | $1,500 | $1,500 |
| 12–Inch Drilling | 150 | $45 | $6,750 |
| 12–inch Drive Shoe | 1 | $400 | $400 |
| 12–inch Casing | 150 | $20 | $3,000 |
| Screen Assembly | 1 | $4,000 | $4,000 |
| Authorized Hourly | 100 | $90 | $9,000 |
| Test Pump Rental, Installation, Rem | 1 | $1,000 | $1,000 |
| Pump Test Hourly | 8 | $75 | $600 |
| Extra Materials | 1 | $500 | $500 |
| Pump (600 gpm) | 1 | $6,000 | $6,000 |
| Pump controls, plumping etc | 1 | $7,000 | $7,000 |
| Pump Building | 1 | $15,000 | $15,000 |
| Engineering | | | $10,000 |
| Subtotal | | | $66,750 |
| WSST (@7.6%) | | | $5,073 |
| TOTAL | | | $71,823 |

Exhibits

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## Legend

Qvt – Vashon Till
Qva – Vashon Advance Outwash
Qw – Whidbey Formation
Qdb – Double Bluff  Qu – Undifferentiated Glacial

– Aquifer

1 – Gravel
2 – Sand
3 – Silt/Clay
4 – Till
R – Rock
W – Wood

**EXHIBIT 3-1**
**GEOLOGIC CROSSECTION**
**Crossection A-A'**

**Skagit CWSP  JU9007**

Pacific Groundwater Group

129138

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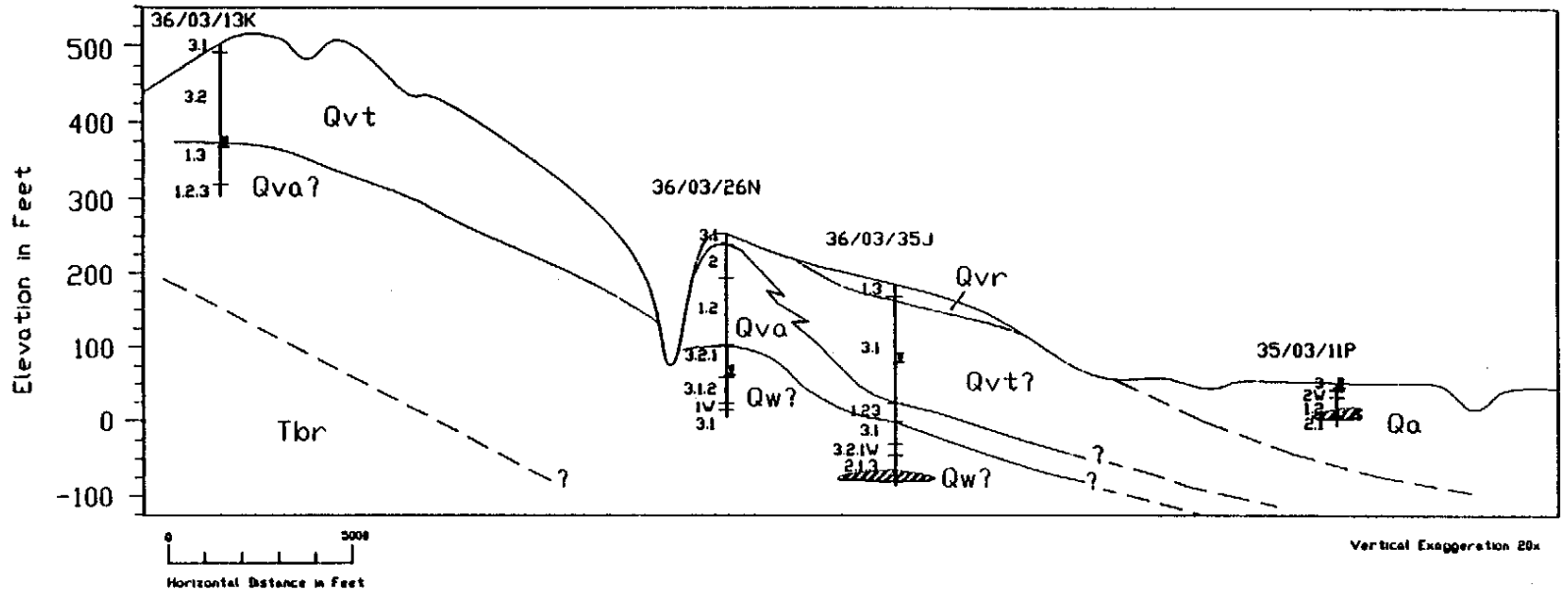
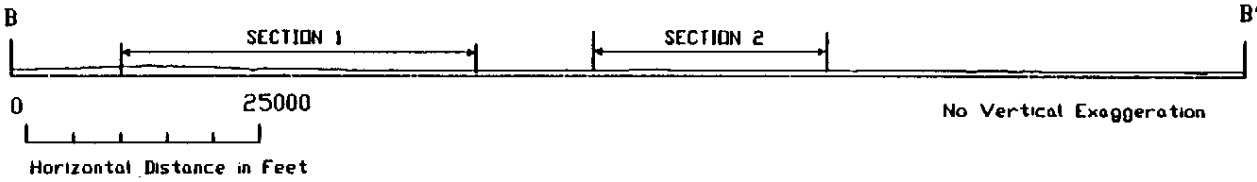
SECTION 1




## Legend

Qa – Alluvium
Qvr – Vashon Ressional Outwash
Qvt – Vashon Till
Qva – Vashon Advance Outwash
Qu – Undifferentiated
Qw? – Whidbey Formation?
Tbr – Tertiary Bedrock
– Aquifer

1 – Gravel
2 – Sand
3 – Silt/Clay
4 – Till
R – Rock
W – Wood

**EXHIBIT 3-2**
**GEOLOGIC CROSSECTION**
**Crossection B-B' Section 1**

**Skagit CWSP JU9007**

Pacific Groundwater Group

17938

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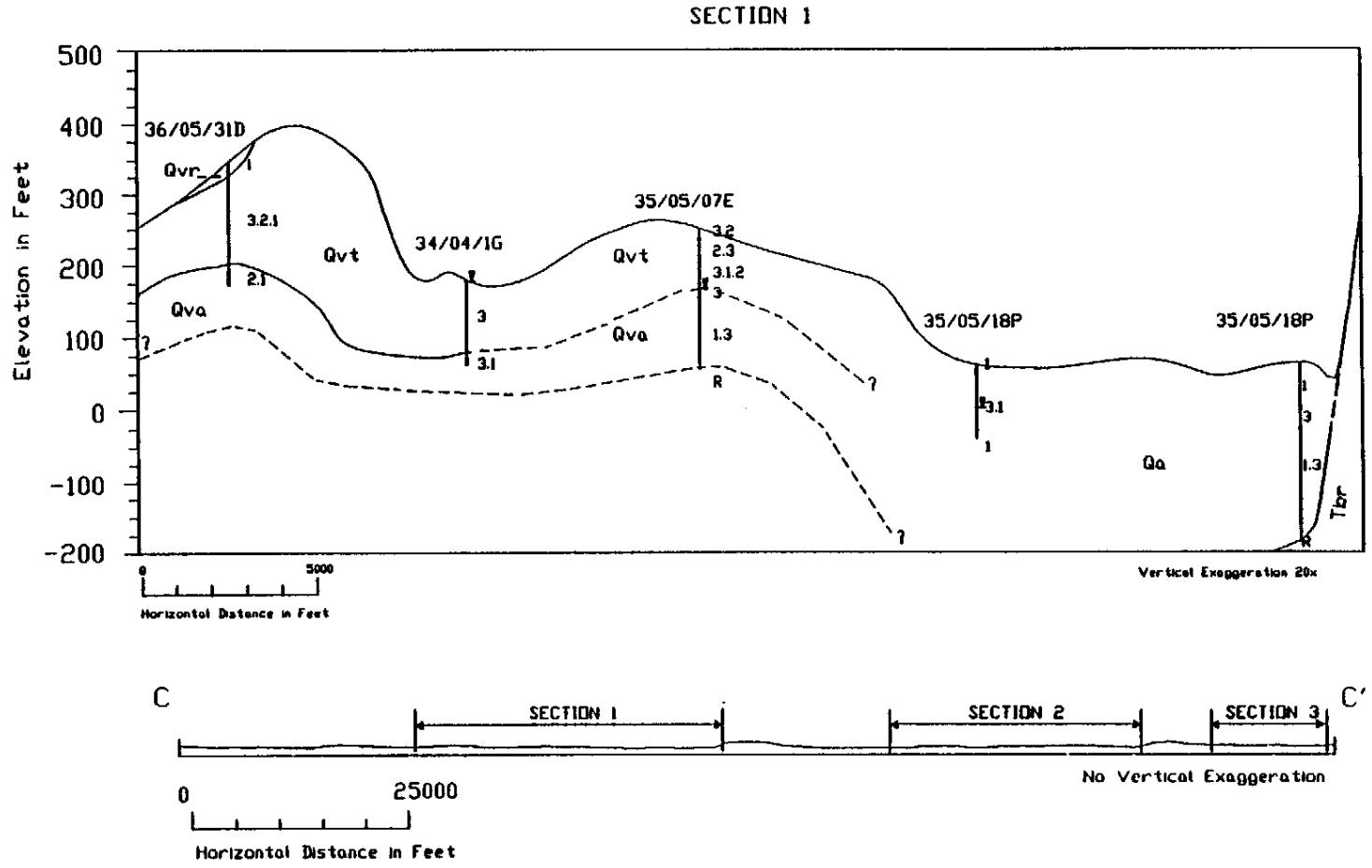
12938




## Legend

Qa – Alluvium
Qvr – Vashon Ressional Outwash
Qvt – Vashon Till
Qva – Vashon Advance Outwash
Qw? – Whidbey Formation?
Tbr – Tertiary Bedrock
Qu – Undifferentiated
– Aquifer

1 – Gravel
2 – Sand
3 – Silt/Clay
4 – Till
R – Rock
W – Wood

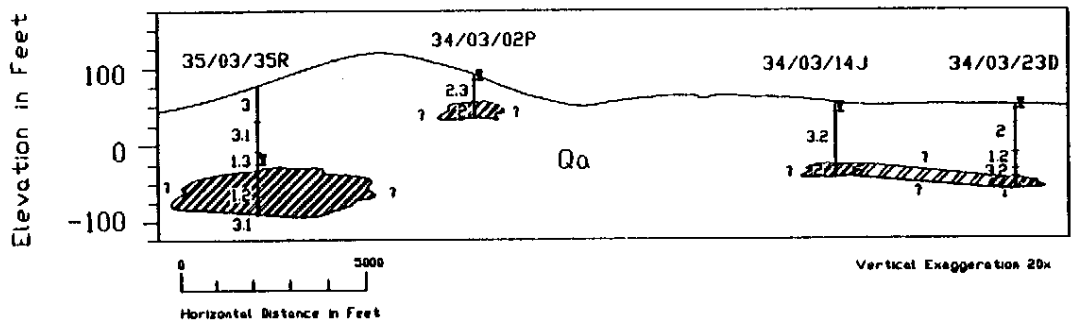
**EXHIBIT 3-4**
**GEOLOGIC CROSSECTION**
**Crossection C-C' Section 1**

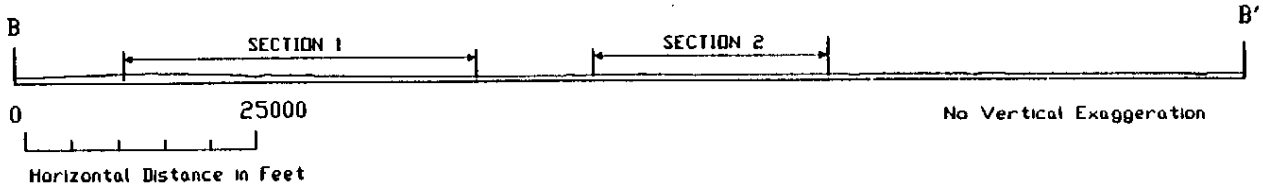
**Skagit CWSP JU9007**

Pacific Groundwater Group

BK0094PG4316

SECTION 2




## Legend

Qa – Alluvium
Qvr – Vashon Ressional Outwash
Qvt – Vashon Till
Qva – Vashon Advance Outwash
Qu – Undifferentiated
Qw? – Whidbey Formation?
Tbr – Tertiary Bedrock
– Aquifer

1 – Gravel
2 – Sand
3 – Silt/Clay
4 – Till
R – Rock
W – Wood

**EXHIBIT 3-3**
**GEOLOGIC CROSSECTION**
**Crossection B-B' Section 2**

**Skagit CWSP JU9007**

Pacific Groundwater Group

17938

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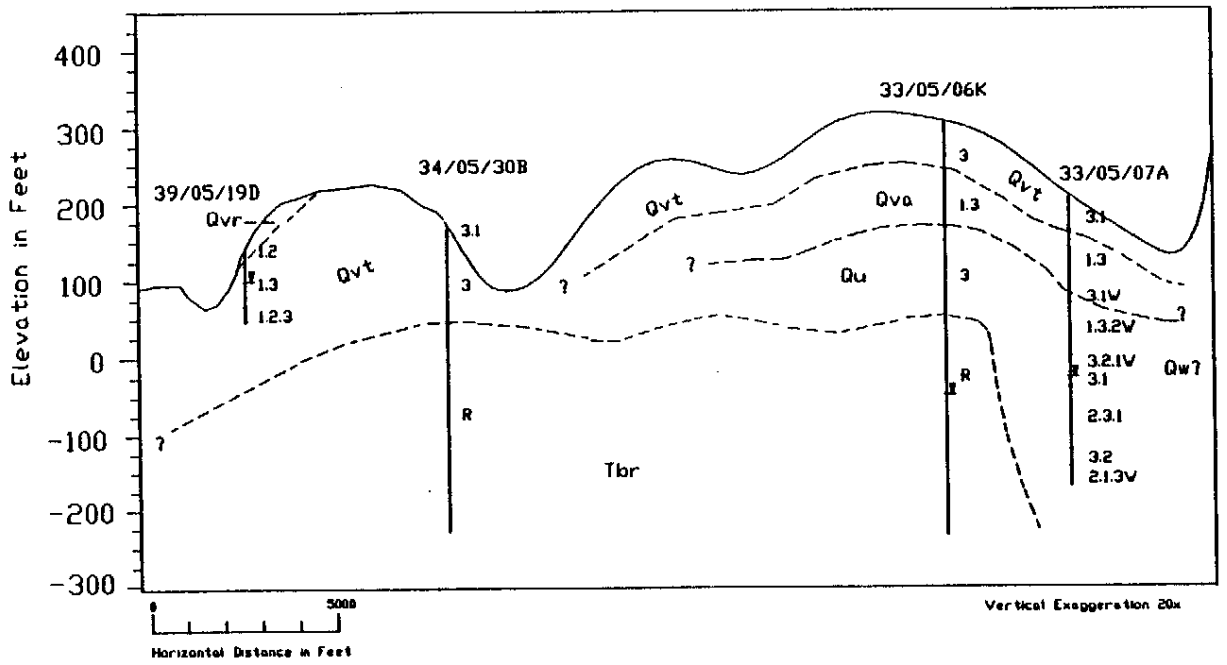
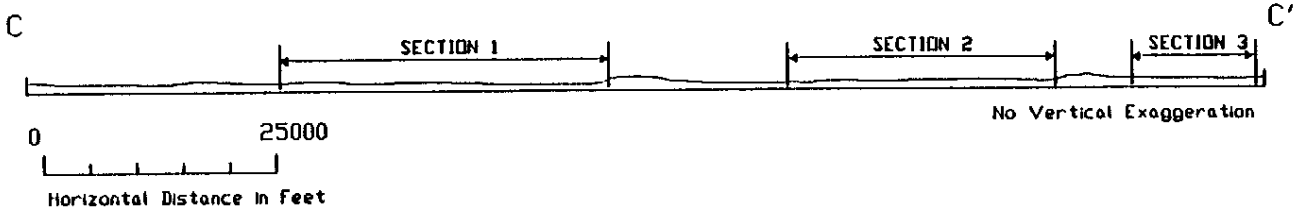
1279338

SECTION 2




## Legend

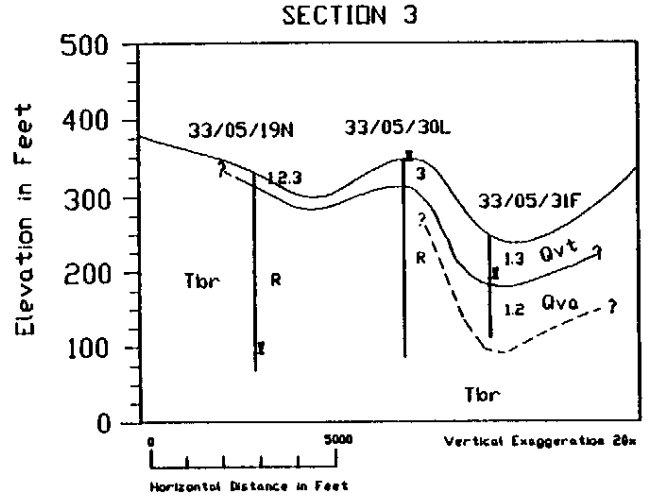
Qa – Alluvium
Qvr – Vashon Ressional Outwash
Qvt – Vashon Till
Qva – Vashon Advance Outwash
Qw? – Whidbey Formation?
Tbr – Tertiary Bedrock
Qu – Undifferentiated
– Aquifer

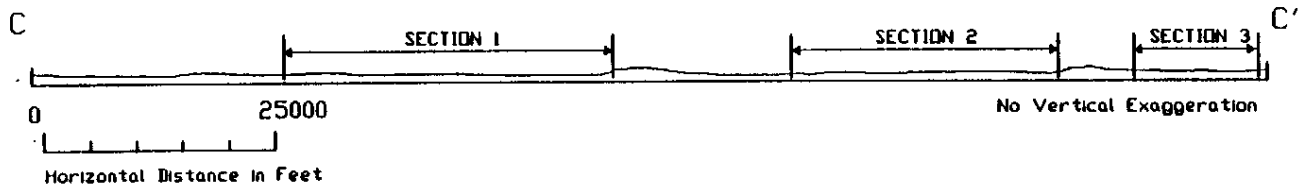
1 – Gravel
2 – Sand
3 – Silt/Clay
4 – Till
R – Rock
W – Wood

**EXHIBIT 3-5**
**GEOLOGIC CROSSECTION**
**Crossection C-C' Section 2**

**Skagit CWSP JU9007**

Pacific Groundwater Group




BK0094PG4318

## Legend

Qa – Alluvium
Qvr – Vashon Ressional Outwash
Qvt – Vashon Till
Qva – Vashon Advance Outwash
Qw? – Whidbey Formation?
Tbr – Tertiary Bedrock
Qu – Undifferentiated
– Aquifer

1 – Gravel
2 – Sand
3 – Silt/Clay
4 – Till
R – Rock
W – Wood

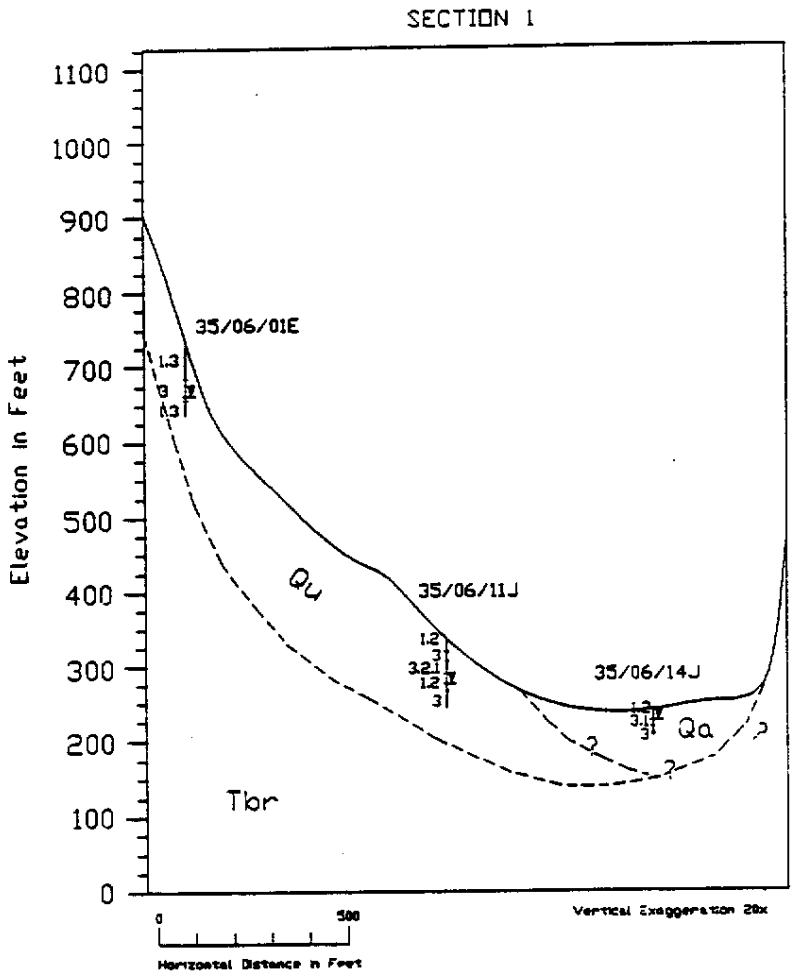
**EXHIBIT 3-6**
**GEOLOGIC CROSSECTION**
**Crossection C-C' Section 3**

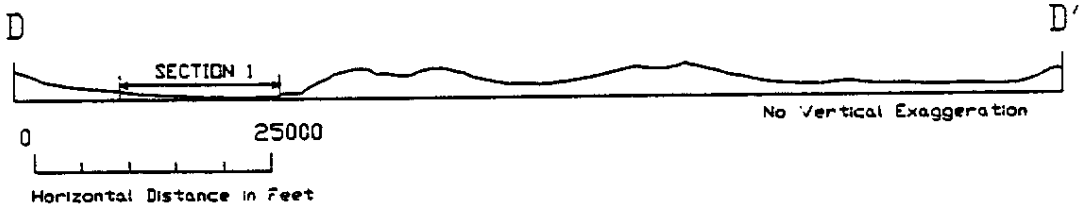
**Skagit CWSP JU9007**

Pacific Groundwater Group

17938

17938 17938




## Legend

Qa - Alluvium
Qvr - Vashon Ressional Outwash
Qvt - Vashon Till
Qva - Vashon Advance Outwash
Qu - Undifferentiated
Qw? - Whidbey Formation?
Tbr - Tertiary Bedrock
- Aquifer

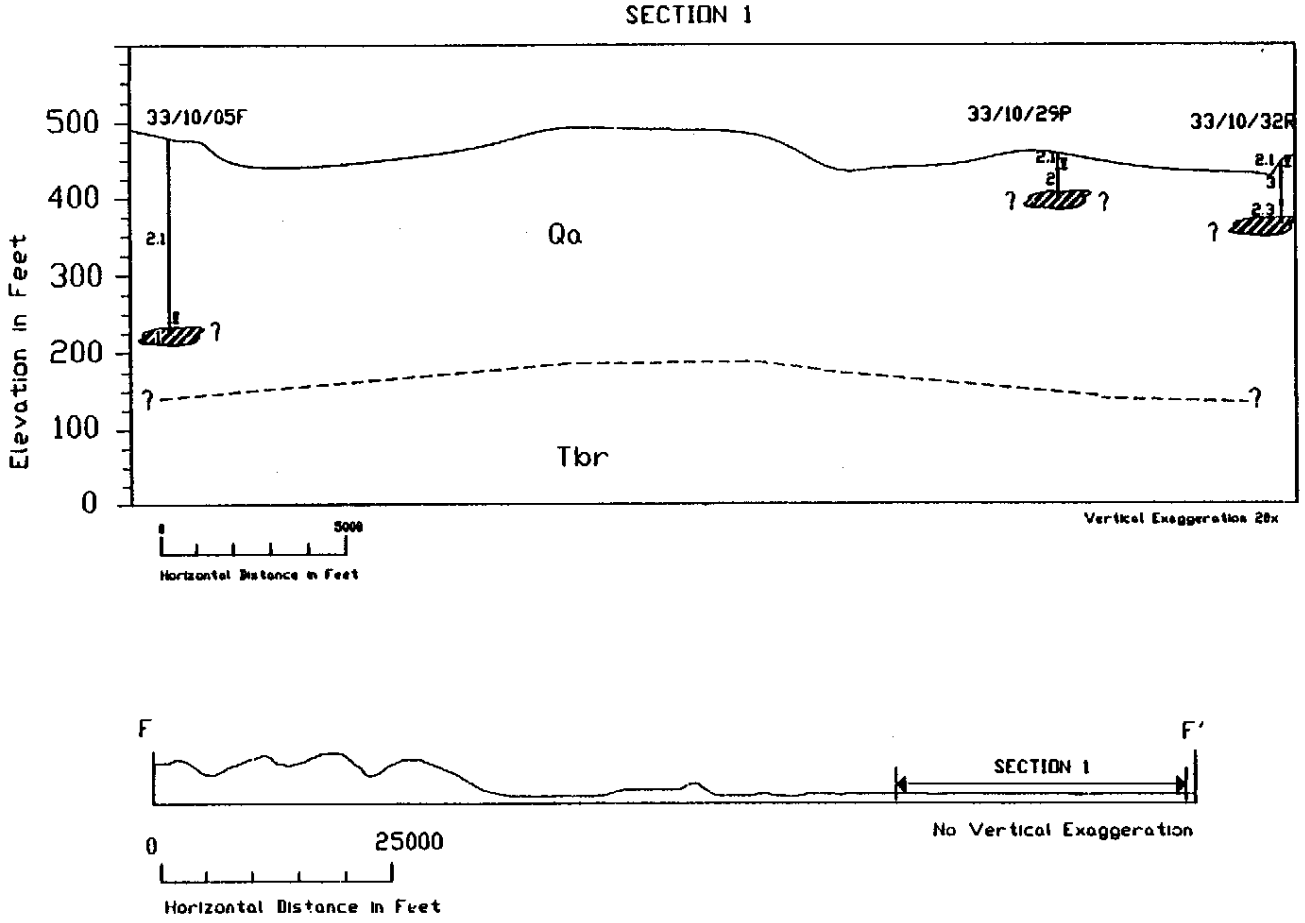
1 - Gravel
2 - Sand
3 - Silt/Clay
4 - Till
R - Rock
W - Wood

EXHIBIT 3-7
GEOLOGIC CROSSECTION
Crossection D-D' Section 1

Skagit CWSP JU9007

Pacific Groundwater Group

BK0094PG4319




BK0094PG4320

## Legend

Qa – Alluvium
Qvr – Vashon Ressional Outwash
Qvt – Vashon Till
Qva – Vashon Advance Outwash
Qu – Undifferentiated
Qw? – Whidbey Formation?
Tbr – Tertiary Bedrock
– Aquifer

1 – Gravel
2 – Sand
3 – Silt/Clay
4 – Till
R – Rock
W – Wood

**EXHIBIT 3-8**
**GEOLOGIC CROSSECTION**
**Crossection F-F' Section 1**

**Skagit CWSP JU9007**

Pacific Groundwater Group

17938

17938

Appendix



BK0094PG4321

Table AT-1 – Summary of Well Yield Data Available in USGS Database 17938

| Well Number | Latitude | Longitude | Surface Altitude ft msl | Owner | Boring Depth ft | Well Depth ft | Well Diam in | SWL Depth ft | Pump Rate gpm | Specific Capacity gpm/ft | Aquifer Elevation ft msl | Est. Maximum Short-Term Well Yield gpm |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 35N/04E-05E | 483313 | 1221954 | 72.00 | WEIDBAMP JOHN | 49.0 | 37.0 | 6 | 4 | 200 | 119.8 | 35 | 2600 |
| 35N/03E-11P | 483200 | 1222331 | 16.00 | YOUNGQUIST 1 JOHN | 53.0 | 47.0 | 8 | 3 | 490 | 78.4 | -31 | 2300 |
| 35N/04E-07B | 483238 | 1222025 | 42.00 | SAMISH RVR PK 1 | 35.0 | 35.0 | 10 | 5 | 500 | 55.6 | 7 | 1100 |
| 34N/03E-20R01 | 482502 | 1222643 | 5.00 | HART | | 27.0 | 36 | 8 | 100 | 50.0 | -22 | 630 |
| 35N/03E-24E01 | 483036 | 1222229 | 20.00 | BURLINGTON | | 74.0 | 8 | 9 | 167 | 41.8 | -54 | 1800 |
| 35N/03E-11P | 483201 | 1222328 | 15.00 | YOUNGQUIST 2 JOHN | 46.0 | 43.0 | 8 | 5 | 400 | 32.0 | -28 | 820 |
| 35N/03E-11R03 | 483203 | 1222212 | 25.00 | ROUTON HOWARD | 72.0 | 72.0 | 8 | 8 | 250 | 27.8 | -47 | 1200 |
| 35N/04E-05G01 | 483316 | 1221912 | 70.00 | STATE DEPT OF | | 44.0 | | 14 | 450 | 22.5 | 26 | 450 |
| 35N/04E-05D | 483322 | 1221955 | 70.00 | DEPT FISH | 44.0 | 44.0 | 12 | 14 | 450 | 22.5 | 26 | 450 |
| 35N/03E-22Q01 | 483001 | 1222425 | | COOPER ROBERT L | 42.0 | 42.0 | 8 | 5 | 200 | 22.2 | -42 | 560 |
| 34N/02E-03K01 | 482735 | 1223212 | 144.00 | SKAGIT-PUD | 200.0 | 200.0 | 8 | 132 | 142 | 20.3 | -56 | 920 |
| 35N/08E-15E | 483130 | 1214548 | 195.00 | EDWARDS EDWARD | 61.0 | 60.5 | 6 | 16 | 15 | 18.1 | 135 | 530 |
| 35N/05E-21J02 | 483019 | 1220945 | | MULDER JAN | 42.0 | 42.0 | 8 | 30 | 60 | 17.1 | -42 | 140 |
| 34N/02E-03L01 | 482740 | 1223214 | 90.00 | LARSON J | 128.0 | 108.0 | | 74 | 3 | 12.5 | -18 | 290 |
| 35N/05E-30M01 | 482927 | 1221316 | 45.00 | SKAGIT PUD | 50.0 | 50.0 | 12 | 9 | 250 | 12.5 | -5 | 340 |
| 34N/02E-15L01 | 482602 | 1223236 | 240.00 | JOHNSON CHARLES | 201.0 | 200.0 | 6 | 184 | 12 | 12.0 | 40 | 130 |
| 36N/04E-05D01 | 483840 | 1221950 | 420.00 | RHONE | | 97.0 | 6 | 75 | 12 | 12.0 | 323 | 180 |
| 34N/02E-15R01 | 482545 | 1223148 | 234.00 | SWIN-TRIBE | 230.0 | 143.0 | 6 | 113 | 53 | 10.1 | 91 | 200 |
| 35N/04E-29E01 | 472939 | 1221952 | 20.00 | DYKSTRA DOUWE | 39.0 | 38.0 | 8 | 7 | 100 | 10.0 | -18 | 210 |
| 35N/07E-10A | 483238 | 1215242 | 288.00 | GRAHAM JACK | 127.0 | 127.0 | 6 | 95 | 60 | 10.0 | 161 | 220 |
| 34N/02E-26C01 | 482448 | 1223113 | 273.00 | DAN GASPER | 46.0 | 46.0 | 6 | 33 | 10 | 10.0 | 227 | 90 |
| 34N/02E-26F01 | 482432 | 1223115 | 281.00 | EDWARDS REGGIE | 43.0 | 40.2 | 6 | 25 | 10 | 10.0 | 241 | 100 |
| 34N/02E-23P01 | 482457 | 1223118 | 262.00 | MCCLOUD VERN | 46.0 | 46.0 | 6 | 39 | 10 | 10.0 | 216 | 49 |
| 35N/11E-16D02 | 483129 | 1222327 | 365.00 | DNR,CASCADE ISL M2 | 70.0 | 60.0 | 6 | 20 | 30 | 9.6 | 305 | 250 |
| 35N/11E-16D01 | 483134 | 1222332 | 360.00 | DNR,CASCADE ISL M1 | 70.0 | 70.0 | 6 | 23 | 30 | 9.1 | 290 | 280 |
| 35N/04E-18A01 | 483135 | 1222012 | 35.00 | SKAGIT CO | | 27.0 | 6 | 6 | 18 | 9.0 | 8 | 130 |
| 34N/02E-03G01 | 482755 | 1223157 | 15.03 | SKAGIT-PUD | 19.0 | 18.5 | 8 | 1 | 75 | 8.9 | -3 | 110 |
| 36N/04E-27A01 | 483504 | 1221619 | 239.00 | PROSSER | | 28.0 | 6 | 10 | 15 | 7.5 | 211 | 90 |
| 35N/04E-10C01 | 483233 | 1221654 | 800.00 | ANDERSON | | 24.0 | 6 | 6 | 25 | 6.3 | 776 | 75 |
| 34N/02E-26F02 | 482428 | 1223115 | 265.00 | SCOLERI CARMAN | 161.0 | 161.0 | 6 | 135 | 10 | 5.0 | 104 | 87 |
| 36N/03E-24J01 | 483542 | 1222127 | 300.00 | MCTAGART | | 173.0 | 6 | 151 | 10 | 5.0 | 127 | 73 |
| 34N/02E-25C01 | 482445 | 1223011 | 125.00 | CHARLES NORVAL | 30.0 | 30.0 | 6 | 14 | 10 | 5.0 | 95 | 53 |
| 36N/04E-33K01 | 483355 | 1221739 | 100.00 | RUTHFORD | | 26.0 | 6 | 10 | 15 | 5.0 | 74 | 53 |
| 34N/02E-35E01 | 482333 | 1223143 | 206.00 | BAILEY GEORGE | | 108.0 | | 88 | 15 | 4.8 | 98 | 64 |
| 35N/03E-12D01 | 483207 | 1222238 | 70.00 | KING | | 170.0 | 6 | 135 | 18 | 4.5 | -100 | 110 |
| 34N/02E-02N01 | 482727 | 1223132 | 86.00 | SWIN-TRIBE | 100.0 | 89.8 | 6 | 69 | 18 | 4.5 | -4 | 62 |
| 33N/02E-03A04 | 482257 | 1223152 | 45.00 | DAMEN DAISY | 33.0 | 28.0 | 6 | 5 | 16 | 3.2 | 17 | 49 |
| 34N/03E-23D01 | 482534 | 1222347 | 15.00 | DRALLE EARL | 107.0 | 107.0 | 8 | 11 | 200 | 3.1 | -92 | 200 |
| 35N/05E-27E01 | 482958 | 1220921 | 50.00 | WINTER BOB | 50.0 | 50.0 | 6 | 31 | 30 | 3.0 | 0 | 38 |
| 34N/02E-23F01 | 482527 | 1223114 | 245.00 | CAYOU ROGER | 135.0 | 135.0 | 6 | 108 | 9 | 3.0 | 110 | 54 |
| 36N/04E-20N | 483518 | 1221942 | 180.00 | MORRISON ROBERT | 84.0 | 84.0 | 6 | 34 | 15 | 3.0 | 96 | 100 |
| 34N/02E-34H01 | 482340 | 1223207 | 35.00 | WAGNER PAUL F | | 53.0 | | | 50 | 2.8 | -18 | 99 |
| 36N/04E-20F01 | 483548 | 1221922 | 260.00 | WEST | | 15.0 | 6 | 8 | 8 | 2.7 | 245 | 13 |
| 36N/04E-26C01 | 483503 | 1221532 | 215.00 | MEITZLER | | 59.0 | 6 | 43 | 10 | 2.5 | 156 | 27 |
| 36N/04E-32N01 | 483335 | 1221947 | 85.00 | MCINNES | | 82.0 | 6 | 40 | 12 | 2.4 | 3 | 67 |
| 35N/08E-09F01 | 483218 | 1214649 | 190.00 | THEODORATUS GEOR( | 53.0 | 53.0 | 8 | 15 | 40 | 2.1 | 137 | 53 |
| 34N/02E-23L02 | 482502 | 1223115 | 250.00 | MCLEOD HECTOR | 49.0 | 49.0 | 6 | 37 | 25 | 2.1 | 201 | 17 |
| 34N/02E-23L01 | 482505 | 1223112 | 254.00 | IRVINE ALBERT | 100.0 | 93.0 | 6 | 68 | 10 | 2.0 | 161 | 33 |
| 33N/04E-25K01 | 481903 | 1221352 | 250.00 | CHENEY | | 88.0 | 6 | -1 | 40 | 1.9 | 162 | 110 |
| 34N/02E-34R09 | 482314 | 1223156 | 50.00 | JORGENSON | 80.0 | 80.0 | 6 | 49 | 15 | 1.7 | -30 | 35 |
| 36N/01E-26H01 | 483448 | 1223809 | 100.00 | CHARLES STUART | 134.0 | 134.0 | 6 | 116 | 15 | 1.5 | -34 | 18 |
| 34N/02E-27D10 | 482447 | 1223300 | 29.00 | | 78.0 | 75.0 | | | 15 | 1.5 | -46 | 75 |
| 34N/02E-34R01 | 482307 | 1223153 | 32.00 | EVERITT G L | 35.0 | 35.0 | 6 | 2 | 14 | 1.4 | -3 | 31 |
| 34N/04E-22Q01 | 482502 | 1221627 | | HALD MORRIS C | | 262.0 | | 185 | 20 | 1.3 | -262 | 68 |
| 33N/04E-05K | 482236 | 1221918 | 10.00 | MCCAULEY ROBERT | 120.0 | 108.0 | | 8 | 50 | 1.3 | -98 | 83 |
| 33N/02E-02D02 | 482254 | 1223148 | 90.00 | SILVERMAN BARBARA | 99.0 | 99.0 | 6 | 79 | 8 | 1.1 | -9 | 15 |
| 35N/03E-11R01 | 483002 | 1222242 | 18.00 | ROUTON L H | 197.0 | 197.0 | 4 | 12 | 20 | 1.1 | -179 | 140 |
| 34N/02E-22E01 | 482519 | 1223304 | 98.00 | CHARLES RAY | 109.0 | 107.0 | 6 | 83 | 7 | 1.0 | -9 | 16 |
| 34N/02E-27K04 | 482411 | 1223230 | 44.00 | SNEE-OOSH | 54.5 | 54.0 | 6 | 21 | 10 | 0.8 | -10 | 18 |
| 34N/02E-22N02 | 482458 | 1223305 | 36.00 | ERICKSON DR. | 64.0 | 64.0 | 6 | 12 | 20 | 0.8 | -28 | 28 |
| 34N/02E-27K01 | 482410 | 1223229 | 48.00 | SNEE-OOSH | 89.0 | 89.0 | 6 | 6 | 14 | 0.7 | -41 | 39 |
| 34N/02E-35L01 | 482320 | 1223116 | 235.00 | SWORD JAMES | 289.0 | 130.0 | 6 | 109 | 4 | 0.7 | 105 | 10 |
| 36N/04E-08N01 | 483701 | 1221951 | 305.00 | SCIDMORE | | 44.0 | 6 | 9 | 10 | 0.7 | 261 | 16 |
| 34N/02E-15C01 | 482630 | 1223238 | 193.00 | CAMPBELL LARRY | 165.0 | 150.0 | 6 | 109 | 20 | 0.6 | 43 | 17 |
| 34N/02E-27D01 | 482440 | 1223301 | 21.00 | WAGNER PAUL F | | 108.0 | | 4 | 30 | 0.6 | -87 | 42 |
| 34N/02E-27D11 | 482439 | 1223259 | 26.00 | BEDINGFELD DAVID | 141.0 | 141.0 | | 7 | 30 | 0.5 | -115 | 45 |
| 34N/02E-27K03 | 482409 | 1223229 | 46.00 | SNEE-OOSH | | 48.0 | | 45 | | 0.5 | -2 | 11 |
| 34N/02E-22N01 | 482457 | 1223304 | 34.00 | MISNER ROBERT | 52.0 | 52.0 | 4 | 9 | 7 | 0.5 | -18 | 13 |

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Table AT-1 – Summary of Well Yield Data Available in USGS Database (Cont'd)

| Well Number | Latitude | Longitude | Surface Altitude ft msl | Owner | Boring Depth ft | Well Depth ft | Well Diam in | SWL Depth ft | Pump Rate gpm | Specific Capacity gpm/ft | Aquifer Elevation ft msl | Est. Maximum Short-Term Well Yield gpm |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 35N/03E-32N01 | 482822 | 1222733 | 30.00 | JENSEN ELMER | 77.0 | 76.0 | 6 | 37 | 12 | 0.4 | -46 | 11 |
| 34N/02E-21J09 | 482509 | 1223310 | 25.00 | SKOMERZA GLENN | 93.0 | 93.0 | 6 | 17 | 24 | 0.4 | -68 | 22 |
| 34N/02E-35R01 | 482310 | 1223039 | 80.00 | SHLTER-BAY | 91.0 | 91.0 | 6 | 46 | 7 | 0.4 | -11 | 12 |
| 34N/02E-34R10 | 482302 | 1223150 | 65.00 | SNELSON GREG | 130.0 | 125.0 | 6 | 60 | 15 | 0.4 | -60 | 16 |
| 34N/02E-22N05 | 482453 | 1223301 | 34.00 | ASHLAND SIGNE | 47.0 | 47.0 | | 9 | 7 | 0.3 | -13 | 8 |
| 34N/02E-27D03 | 482438 | 1223300 | 25.00 | HOVRUD OLA | | 112.0 | 4 | 12 | 10 | 0.3 | -87 | 19 |
| 34N/02E-22N03 | 482458 | 1223303 | 32.00 | HULBERT PAT | 42.0 | 42.0 | 6 | 8 | 7 | 0.3 | -10 | 6 |
| 34N/02E-27R02 | 482358 | 1223209 | 113.00 | CLIFTON ROBERT | 88.0 | 85.0 | 6 | 33 | 9 | 0.3 | 28 | 9 |
| 34N/03E-06A01 | 482816 | 1222757 | 3.00 | TIEMERSMA | | 108.0 | 6 | 5 | 17 | 0.3 | -105 | 18 |
| 34N/02E-22E03 | 482522 | 1223503 | 120.00 | SMITH HENRY | 133.0 | 132.0 | 6 | 107 | 5 | 0.3 | -12 | 4 |
| 35N/01E-14B01 | 483144 | 1223839 | 25.00 | YOUNG RODGER | 81.0 | 81.0 | 6 | 20 | 10 | 0.3 | -56 | 10 |
| 34N/02E-22N06 | 482455 | 1223302 | 40.00 | HULBERT MRS. ROBT. | 78.0 | 77.0 | 6 | 20 | 8 | 0.2 | -37 | 9 |
| 34N/02E-21H10 | 482524 | 1223319 | 45.00 | EVANS KEN | 76.0 | 76.0 | 6 | 34 | 7 | 0.2 | -31 | 6 |
| 33N/05E-08L01 | 482138 | 1221145 | 250.00 | CARLSON | | 130.0 | 6 | 60 | 10 | 0.2 | 120 | 9 |
| 33N/02E-03H02 | 482238 | 1223151 | 38.00 | CRIBB BEN H | 92.0 | 92.0 | 6 | 25 | 8 | 0.2 | -54 | 8 |
| 34N/02E-34B01 | 482354 | 1223223 | 13.00 | DAN MORRIS | | 112.0 | 6 | -3 | 6 | 0.2 | -99 | 15 |
| 35N/03E-15D02 | 483148 | 1222512 | 10.00 | JENSEN | | 103.0 | | 11 | 15 | 0.2 | -93 | 10 |
| 34N/02E-27R03 | 482358 | 1223211 | 111.00 | CLIFTON ROBERT | 72.0 | 72.0 | 6 | 39 | 4 | 0.2 | 39 | 4 |
| 34N/02E-27L02 | 482421 | 1223241 | 50.00 | WAGNER PAUL | 113.0 | 112.0 | 6 | 12 | 15 | 0.2 | -62 | 11 |
| 34N/02E-35H04 | 482338 | 1223039 | 170.00 | EFEIR MAUDE | 110.0 | 110.0 | 6 | 64 | 4 | 0.1 | 60 | 4 |
| 34N/02E-27R01 | 482355 | 1223207 | 100.00 | LOMBARD F L | 73.0 | 73.0 | 6 | 21 | 5 | 0.1 | 27 | 5 |
| 34N/02E-27Q02 | 482400 | 1223221 | 46.00 | SHOREWOOD | | 117.0 | | -0 | 12 | 0.1 | -71 | 9 |
| 34N/02E-34A04 | 482348 | 1223210 | 37.00 | NELLES JOE | 95.0 | 95.0 | 6 | 30 | 6 | 0.1 | -58 | 5 |
| 34N/02E-34A01 | 482346 | 1223211 | 36.00 | THORP LOUIS | 92.0 | 89.0 | 6 | 30 | 5 | 0.1 | -53 | 4 |
| 34N/02E-27F02 | 482423 | 1223246 | 42.00 | REEF-POINT | 103.0 | 98.0 | 6 | 18 | 7 | 0.1 | -56 | 5 |
| 34N/02E-27L01 | 482420 | 1223305 | 40.00 | REEF PT. | 99.0 | 99.0 | 6 | 6 | 7 | 0.1 | -59 | 6 |
| 34N/02E-27D06 | 482438 | 1223252 | 68.00 | HUGHES L H | 183.0 | 177.0 | 6 | 31 | 9 | 0.1 | -109 | 9 |
| 34N/02E-34R02 | 482304 | 1223152 | 43.00 | SMITH C. P | 95.0 | 95.0 | 6 | 38 | 3 | 0.1 | -52 | 2 |
| 34N/02E-34A02 | 482345 | 1223210 | 38.00 | ANDERSON LEROY | 99.0 | 99.0 | 6 | 30 | 3 | 0.04 | -61 | 2 |
| 34N/02E-34A05 | 482348 | 1223205 | 50.00 | LAMMERS ARBERTA | 160.0 | 128.0 | 6 | 38 | 3 | 0.04 | -78 | 2 |
| 33N/02E-03H01 | 482239 | 1223151 | 41.00 | BALICH MAX | 113.0 | 113.0 | 6 | 28 | 2 | 0.04 | -72 | 2 |

Mean Well Yield GPM 190

Median Well Yield GPM 42

# Table AT-2 – Summary of Selected Well Yield Information

17938

## Wells Used in Mainland Cross Sections (Ecology Files)

| PGG Well No. | Well No. | SWL Depth ft | Aquifer Depth ft | Pump Test Type | Pumping Rate gpm | Drawdown FT | Test Time hrs | Est. Maximum Short-Term Well Yield gpm |
|---|---|---|---|---|---|---|---|---|
| 1 | 36N/03E-13K | 139 | 198 | B | 10 | 0.5 | 1 | 800 |
| 2 | 36N/03E-26N | 181 | 216 | P | 20 | 3 | NA | 200 |
| 3 | 36N/03E-35J | 123 | 242 | P | 50 | 100 | 6 | 40 |
| 4 | 35N/03E-11P | 4 | 31 | P | 490 | 6 | 1 | 1000 |
| 5 | 35N/03E-35R | 138 | 174 | B | 25 | 7 | 1 | 90 |
| 6 | 34N/03E-02P | 7 | 41 | P | 250 | 25 | 4 | 200 |
| 7 | 34N/03E-14J | 11 | 77 | A | 100 | 20 | NA | 200 |
| 8 | 34N/03E-35P | 5 | 67 | P | 150 | 15 | 1 | 400 |
| 9 | 34N/03E-23D | 11 | 97 | B | 200 | 65 | NA | 200 |
| 10 | 33N/03E-10J | NA | 17 | NA | NA | NA | NA | – |
| 11 | 36N/05E-19B | 105 | 137 | A | 15 | 132 | 1 | 2 |
| 12 | 36N/05E-31D | 77 | 162 | P | 68 | 22 | 6 | 200 |
| 13 | 36N/05E-18D | 32 | 58 | B | 25 | 2 | 3 | 200 |
| 14 | 36N/05E-07L | 140 | 178 | A | 80 | 175 | 1 | 10 |
| 15 | 35N/05E-30J | NA | 18 | NA | NA | NA | NA | – |
| 16 | 35N/05E-18P | 61 | 100 | B | 60 | 61 | NA | 30 |
| 17 | 35N/05E-06J | NA | 135 | P | 10 | 140 | 1 | – |
| 18 | 35N/05E-07E | 80 | 198 | A | 20 | 193 | 1 | 8 |
| 19 | 34N/04E-01G | 1 | 111 | B | 6 | 99 | NA | 4 |
| 20 | 34N/05E-30B | NA | 400 | NA | NA | NA | NA | – |
| 21 | 34N/05E-19D | 39 | 93 | A | 4 | 90 | 1 | 2 |
| 22 | 33N/05E-06K | 360 | 437 | B | 10 | 80 | NA | 6 |
| 23 | 33N/05E-07A | 235 | 377 | A | 50 | NA | NA | – |
| 24 | 33N/05E-19N | 242 | 260 | B | 0.3 | 15 | 1 | 0 |
| 25 | 33N/05E-31F | 60 | 135 | P | 350 | 7 | 24 | 3000 |
| 26 | 33N/05E-30L | 0 | 300 | NA | NA | NA | NA | – |
| 27 | 33N/06E-35A | 12 | 38 | A | 60 | 35 | 1 | 30 |
| 28 | 33N/06E-26M | 18 | 134 | B | 3 | 112 | NA | 2 |
| 29 | 33N/06E-22P | 10 | 60 | B | 4 | 33 | 4 | 4 |
| 30 | 35N/06E-14J | 15 | 48 | B | 24 | 3 | 6 | 200 |
| 31 | 35N/06E-11S | 60 | 69 | B | 10 | 1 | 3 | 60 |
| 32 | 35N/06E-01E | 73 | 100 | A | 40 | 95 | NA | 8 |
| 33 | 35N/08E-24A | 26 | 52 | A | 75 | 46 | 1 | 30 |
| 34 | 35N/08E-15D | 40 | 70 | P | 15 | 1 | 4 | 300 |
| 35 | 36N/08E-35L | 63 | 92 | A | 15 | 20 | NA | 10 |
| 36 | 35N/10E-30G | 80 | 287 | A | 10 | 280 | 1 | 5 |
| 37 | 34N/10E-18F | 14 | 36 | A | 20 | 7 | NA | 40 |
| 38 | 34N/10E-19P | 14 | 40 | A | 15 | 6 | NA | 40 |
| 39 | 34N/10E-29E | 19 | 37 | B | 20 | 10 | NA | 20 |
| 40 | 33N/10E-32R | 7 | 75 | P | 30 | 33 | 2 | 40 |
| 41 | 33N/10E-29P | 21 | 55 | P | 38 | 0 | 12 | – |
| 42 | 33N/10E-05F | 240 | 251 | B | 6 | 10 | NA | 4 |

MEAN YIELD (MAINLAND) GPM 217

MEDIAN YIELD (MAINLAND) GPM 40

## Wells in Guemes Data Base (Garland File)

| PGG Well No. | Well No. | SWL Depth ft | Aquifer Depth ft | Pump Test Type | Pumping Rate gpm | Drawdown FT | Test Time hrs | Est. Maximum Short-Term Well Yield gpm |
|---|---|---|---|---|---|---|---|---|
| 43 | 35N/01E-02F | 57 | 79 | B | 15 | 0 | 1 | – |
| 44 | 35N/01E-01A | 135 | 151 | P | 12 | 0 | 6 | – |
| 45 | 35N/01E-01K | 108 | 200 | A | 5 | 90 | NA | 3 |
| 46 | 35N/01E-01M | 160 | 185 | A | 12 | 12 | NA | 20 |
| 47 | 35N/01E-01R | 90 | 223 | B | 12 | 66 | 1 | 20 |
| 48 | 35N/01E-02G | 88 | 130 | A | 30 | 20 | NA | 40 |
| 49 | 35N/01E-11A | 65 | 107 | B | 45 | 10 | NA | 100 |
| 50 | 35N/01E-11H | 168 | 190 | B | 3 | 43 | NA | 1 |
| 51 | 35N/01E-12N | 90 | 140 | A | 7 | 30 | NA | 8 |
| 52 | 35N/01E-11N | 42 | 55 | A | 15 | 8 | NA | 20 |
| 53 | 35N/01E-11Q | 68 | 101 | B | 20 | 20 | 4 | 20 |
| 54 | 35N/01E-11 | 20 | 76 | B | 10 | 40 | 4 | 9 |
| 55 | 35N/01E-12H | 120 | 220 | B | 4 | 80 | 2 | 3 |
| 56 | 35N/01E-12N | 38 | 75 | A | 20 | 1 | NA | 500 |
| 57 | 35N/01E-12K | 28 | 30 | B | 10 | 2 | 2 | 7 |

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Table AT-2 – Summary of Selected Well Yield Information (Cont'd)

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| PGG Well No. | Well No. | SWL Depth ft | Aquifer Depth ft | Pump Test Type | Pumping Rate gpm | Drawdown FT | Test Time hrs | Est. Maximum Short-Term Well Yield gpm |
|---|---|---|---|---|---|---|---|---|
| 58 | 35N/01E-12K | 100 | 117 | B | 3 | 15 | NA | 2 |
| 59 | 35N/01E-12 | 23 | 159 | B | 45 | 45 | NA | 90 |
| 60 | 35N/01E-12 | 70 | 255 | B | 6 | 170 | NA | 4 |
| 61 | 35N/02E-08K | 46 | 76 | A | 4 | 32 | NA | 3 |
| 62 | 35N/02E-08S | 0 | 189 | B | 4 | NA | 1 | – |
| 63 | 35N/02E-06N | 160 | 20 | B | 1 | NA | NA | – |
| 64 | 35N/02E-06G | 60 | 150 | B | 7 | 85 | NA | 5 |
| 65 | 35N/02E-07A | 71 | 108 | B | 30 | 40 | NA | 20 |
| 66 | 35N/02E-08H | 47 | 115 | B | 15 | 60 | NA | 10 |
| 67 | 36N/01E-25N | 68 | 72 | B | 10 | 2 | 4 | 10 |
| 68 | 36N/01E-26H | 116 | 129 | B | 15 | 10 | 2 | 10 |
| 69 | 36N/01W-26 | 163 | 184 | B | 20 | 1 | 1 | 300 |
| 70 | 36N/01E-26P | 20 | 26 | P | 5 | 0.5 | 4 | 40 |
| 71 | 36N/01W-35E | 133 | 150 | A | 20 | 15 | NA | 20 |
| 72 | 36N/01E-35G | 147 | 158 | B | 8 | 10 | NA | 6 |
| 73 | 36N/01E-36K | 108 | 200 | B | 5 | 90 | NA | 3 |
| 74 | 36N/01E-26R | 149 | 156 | B | 10 | 0.5 | 1 | 90 |
| 75 | 35N/01E-12N | 80 | 99 | B | 2 | 15 | 2 | 2 |
| 76 | 35N/01E-12H | 67 | 121 | B | 32 | 57 | NA | 20 |
| 77 | 35N/01E-12F | 90 | 115 | B | 5 | 24 | NA | 3 |
| 78 | 35N/02E-07C | 57 | 99 | B | 6 | 35 | NA | 5 |
| 79 | 36N/01E-36P | 26 | 41 | B | 15 | 11 | NA | 10 |
| 80 | 36N/01E-36P | 7 | 44 | B | 8 | 35 | 1 | 6 |
| 81 | 36N/01E-36C | 59 | 66 | P | 15 | 1 | 3 | 70 |
| 82 | 36N/01E-36C | 29 | 37 | B | 10 | 4 | NA | 10 |
| 83 | 36N/01E-26R | 167 | 189 | B | 10 | 4 | 2 | 40 |
| 84 | 36N/01E-26K | 101 | 152 | B | 20 | 24 | NA | 30 |

MEAN YIELD (GUEMES) GPM 42

MEDIAN YIELD (GUEMES) GPM 6.5

# Saltwater in Guemes Island wells prompts study proposal

(4) 2075

By TIM CHRISTIE
Staff Writer

MOUNT VERNON — Skagit County officials and Guemes Island residents know saltwater is getting into wells on the island's fringes. What they don't know is why it's happening or what can be done about it.

To find out, the U.S. Geological Survey has proposed a $202,000 comprehensive ground water study for the island. Survey officials have pledged $101,000, and the state Department of Ecology has offered $50,500 through the state's Centennial Clean Water Fund.

Now a committee of island residents is asking the Skagit County Commissioners to provide the remaining $50,500 as a match for the state money.

Commissioners Bill Vaux and Robby Robinson took no action Monday after meeting with county Health Department officials and island residents, but promised to have an answer by the Feb. 22 deadline for applying for the state funds.

"We're saying, where are we going to get $50,000?" Commission Chairman Vaux said after the meeting.

The Department of Ecology has identified at least six pockets of saltwater intrusion along the south, west and northwest coasts of the island. The problem is probably worse during the summer months when the island population increases, water consumption rises and little rain falls, said John Thayer, the county's environmental health director.

A layer or lens of fresh water floats on top of saltwater, Thayer said. When the fresh water lens is drawn down too rapidly, saltwater gets into wells.

Thayer guessed more than 125 homes are affected by saltwater intrusion in wells.

Saltwater doesn't run out of the home's taps, but there is an excess concentration of chlorides in the drinking water, Thayer said. Chloride is an element of salt, which dissolves in water.

"I have not heard anybody complain that the chloride level is so great that the taste is obnoxious," Thayer said. "They are not in danger from a public health standpoint."

Information from the USGS study is needed to make informed decisions about land-use planning and ground-water quality protection, say members of the Guemes Island Water Resource Committee. The committee represents the two main community organizations — the Guemes Island Property Owners Association and the Guemes Island Environmental Trust.

"The alarm bells are going off, saying you're pumping too much water," said Joseph Miller, a committee member.

That could mean residents are either pumping water in the wrong places or that the island has reached its population limit, beyond which there aren't sufficient supplies

See GUEMES, Page A4

BK0094 PG4326

Mount Vernon, WA
(Skagit Co.)
Skagit Valley Herald
(Cir. D. 16,500)

FEB 12 1991

Allen's P. C. B Est. 1888

# Guemes well study proposed

Continued from Page A3

of water, he said.

"The main question we hope to answer is whether we have a resource problem or a distribution problem," Miller said. "If there is a sufficient resource, it becomes a distribution problem."

County Finance Director Mike Woodmansee said today the commissioners have not yet talked to him about finding an extra $50,500 in the county budget. He said he'll find out from them how urgent the need is and whether it can wait until the next budget year.

"We have a budget process that should be followed. If the project has so much merit that it overrides our normal standards, then we do what we can do," he said.

"If something is going to have a significant effect on property values or people then we usually step up and make whatever budget changes we have to make."

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# Appendix I
# Recommended Cultus Mountain In-Stream Flows

BK0094PG4327

Table Instream Flows Required for Skagit PUD # 1 Diversions
Agreement reached in Agency Meeting October 6, 1997

Mundt Creek Stream Flows
Required at Diversion (RM 3.4)

| Month | Flows (CFS) |
|---|---|
| October | 7.6 |
| November | 9.4 |
| December | 9.4 |
| January | 6.4 |
| February | 6.4 |
| March 1-15 | 6.4 |
| March 16-31 | 9.4 |
| April | 9.4 |
| May | 9.4 |
| June | 9.4 |
| July | 7.6 |
| August | 7.6 |
| September | 7.6 |

Salmon Creek Stream Flows
Required at Diversion (RM 4.3)

| Month | Flows (CFS) |
|---|---|
| October | 4.0 |
| November | 4.0 |
| December | 4.0 |
| January | 4.0 |
| February | 4.0 |
| March | 4.0 |
| April | 4.0 |
| May | 1.4 |
| June | 1.4 |
| July | 1.4 |
| August | 1.4 |
| September | 4.0 |

Turner Creek Stream Flows
Required at Diversion (RM 4.2)

| Month | Flows (CFS) |
|---|---|
| October | 7.9 |
| November | 7.9 |
| December | 7.9 |
| January | 7.9 |
| February | 5.4 |
| March | 5.4 |
| April | 7.9 |
| May | 7.9 |
| June | 4.9 |
| July | 4.9 |
| August | 4.9 |
| September | 4.9 |

Gilligan Creek Stream Flows
Required at Diversion (RM 3.2)

| Month | Flows (CFS) |
|---|---|
| October | 23.8 |
| November | 27.7 |
| December | 27.7 |
| January | 19.8 |
| February | 19.8 |
| March 1-15 | 19.8 |
| March 16-31 | 27.7 |
| April | 31.7 |
| May | 31.7 |
| June | 31.7 |
| July | 39.6 |
| August | 39.6 |
| September | 39.6 |

# Appendix J
# Environmental Checklist, 1999 CWSP

# ENVIRONMENTAL CHECKLIST

## A. BACKGROUND

**1. Name of proposed project, if applicable:**

Skagit County Coordinated Water System Plan (CWSP).
A county initiated, non-project action to update the 1993 Anacortes-Fidalgo Island Coordinated Water System Plan. This update is required every five years as prescribed in Chapter 246-293-280 WAC.

**2. Name of Applicant:**

Skagit County

**3. Address and phone number of applicant and contact person:**

Skagit County Planning and Permit Center
200 West Washington Street
Mount Vernon, WA 98273
(360)336-9416

**Contact:** R. Christensen

**4. Date checklist prepared:**

September 10, 1998

**5. Agency requesting checklist:**

Skagit County Health Department

**6. Proposed timing or schedule (including phasing, if applicable):**

Approval of plan by the end of 1998; update every 5 years thereafter.

**7. Do you have any plans for future additions, expansion or further activity related to or connected with this proposal? If yes, explain.**

Yes. Water system purveyors who have defined their systems as expanding will update their respective individual comprehensive water system plans for consistency with the CWSP within one year from presentation to the County Commissioners, estimated fall, 1999.

**8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

There are none.

**9. Do you know of pending applications for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

There are none.

**10. List any government approvals or permits that will be needed for your proposals, if known.**

The Coordinated Water System Plan will be reviewed by the Board of County Commissioners with at least one public hearing. Once it is approved by the Commissioners it is forwarded to the State Department of Health for approval pursuant to Chapter 70.116 RCW.

**11. Give a complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist which ask you to describe certain aspects of your proposal. You do not need to repeat those answers of this page.**

The Skagit County Coordinated Water System Plan creates processes which organize development of water utilities and integrates water system development with land use planning within the Critical Water Supply Service Area which in Skagit County is all of Skagit County.

**2. Location of the proposal. Please give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any. If a proposal would occur over a range of area, please provide the range or boundaries of the site(s). Please provide a legal description, site plan, vicinity map, and topographic map if possible. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. (Indicate if maps or plans have been submitted as part of a permit application.)**

Applies to all lands and to all land use and development and to all structures and facilities in Skagit County except incorporated areas, Federal lands, tribal and trust lands.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): flat, rolling, hilly, steep, slopes, mountainous, other.

Not applicable

b. What is the steepest slope on the site (approximate % slope)?

Not applicable

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, please specify and note any prime farmland.

Not applicable

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Not applicable

e. Describe the purposes, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Not applicable

f. Could erosion occur as a result of clearing, construction, or use? If so, general describe.

Not applicable

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction, and when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable

b. Are there any off-site sources of emissions or odor which may affect your proposal? If so, generally describe.

Not applicable

c. What are the proposed measures to reduce or control emissions or other impacts, if any:

Not applicable

3. Water

a. Surface:

1) Is there any surface water on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, associated wetlands)? If yes, describe type, provide names, and, if known, state what stream or river it flows into.

Not applicable

2) Will the project require any work over or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable

4) Will surface water withdrawals or diversions be required by the proposal? Give general description, purpose, and approximate quantities if known.

Not applicable

5) Does the proposal lie within a 100-year floodplain? Note location on the site plan, if any.

Not applicable

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable

b. Ground:

1) Will ground water be withdrawn or recharged? Give general description, purpose, and approximate quantities if known.

Not applicable

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or human the system(s) are expected to serve.

Not applicable

c. Water Runoff (including storm water):

1) Describe the source of runoff and storm water and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into waters? If so, please describe.

Not applicable

2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Not applicable

4. Plants

a. Check or circle types of vegetation found on the site:
deciduous tree: alder, maple, aspen, other
evergreen tree: fir, cedar, pine, other
shrubs
grass
pasture
crop or grain
wet soil plants: cattail, buttercup, bulrush, skunk cabbage,
water plants: water lily, eelgrass, milfoil, other
other types of vegetation

BK0094PG4334

**b. What kind and amount of vegetation will be removed or altered?**

Not applicable

**c. List threatened or endangered species known to be on or near the site**

Not applicable

**d. List proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

Not applicable

**5. Animals**

**a. Circle any birds and animals which have been observed on or known to be on or near the site:**

**birds: hawk, heron, eagle, songbirds, other**
**mammals: dear, bear, elk, beaver, other**
**fish: salmon, trout, shellfish, other**

**b. List any threatened or endangered species known to be on near the site.**

Not applicable

**c. Is the site part of a migration route? If so, explain.**

Not applicable

**d. Proposed measures to preserve or enhance wildlife, if any:**

Not applicable

**6. Energy and Natural Resources**

**a. What kinds of energy(electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Not applicable

**b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

Not applicable

**c. What kinds of energy conservation features are included in the plans of this proposal?**

Not applicable

**d. What are the proposed measures to reduce or control energy impacts, if any?**

Not applicable

**7. Environmental Health**

**a. Are there any environmental health hazards, exposure to toxic chemicals, including risk of fire and explosion, spill, or hazardous waste, that occur as a result of this proposal? If so, describe.**

Not applicable

**b. Describe special emergency services that might be required.**

Not applicable

**c. What are the proposed measures to reduce or control environmental health hazards, if any:**

Not applicable

**8. Land and shoreline Use**

**a. What is the current use of the site and adjacent properties?**

Not applicable

**b. Has the site been used for agricultural purposes? If so, describe.**

Not applicable

**c. Describe any structures on the site.**

Not applicable

**d. Will any structures be demolished? If so, what?**

Not applicable

**e. What is the current zoning classification of the site?**

Not applicable

**f. What is the current comprehensive plan designation of the site?**

Not applicable

**g. If applicable, what is the current shoreline master program environment designation of the site?**

Not applicable

**h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.**

Not applicable

**i. What are proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

Not applicable

**j. Approximately how many people would reside or work in the completed project?**

Not applicable

**k. Approximately how many people would the completed project displace?**

Not applicable

**l. What are proposed measures to avoid or reduce displacement or other impacts, if any:**

Not applicable

**9. Housing**

**a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

Not applicable

**b. Approximately now many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

Not applicable

**c. What are proposed measures to reduce or control housing impacts, if any:**

Not applicable

**10. Noise**

**a. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

Not applicable

**b. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

Not applicable

**c. What are the proposed measures to reduce or control noise impacts, if any:**

Not applicable

**11. Aesthetics**

**a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Not applicable

**b. What views in the immediate vicinity would be altered or obstructed?**

Not applicable

**c. What area the proposed measures to reduce or control aesthetic impacts, if any?**

Not applicable

**12. Light and Glare**

**a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

Not applicable

**b. Could light or glare from the finished project be a safety hazard or interfere with views?**

Not applicable

**c. What existing off-site sources of light or glare may affect your proposal?**

Not applicable

**d. What are the proposed measures to reduce or control light and glare impacts, if any:**

Not applicable

13. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Not applicable

b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable

c. What are the proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable

14. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

Not applicable

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on the site.

Not applicable

c. What are the proposed measures to reduce or control impacts, if any.

Not applicable

15. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Not applicable

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Not applicable

c. How many parking spaces would the completed project have? How many would the project eliminate?

Not applicable

d. Will the proposal require any new roads or streets, or improvements to any existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable

e. Will the project use or occur in the immediate vicinity of water, rail, or air transportation? If so, generally describe.

Not applicable

f. How many vehicular trips per day would be generated by the completed projects? If known, indicate when peak volumes would occur.

Not applicable

g. What are proposed measures to reduce or control transportation impacts, if any:

Not applicable

16. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, health care, schools, other)? If so, generally describe.

Not applicable

b. What are proposed measures to reduce or control direct impacts on public services, if any.

Not applicable

17. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

Not applicable

b. Describe the utilities which are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable

C. **SIGNATURE**

**The above answers are true to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.**

**Signature:**_____

**Date Submitted:** September 1998

D. SUPPLEMENT SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

**Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.**

**When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.**

**1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The CWSP responds to growth and related water demand. The CWSP does not create the projected increase in population and attendant environmental impacts. The CWSP uses OFM population figures and accepted formulas for creating population projection figures. The CWSP has an objective to be efficient and prudent with public resources, e.g. the joint plan of operation encourages efficiency and a sharing of the resource.

**2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

The CWSP has no effect on these resources. Implementation of certain aspects of the CWSP may have some effect, but such actions would be subject to individual environmental review.

**3. How would the proposal be likely to deplete energy or natural resources?**

The CWSP has no effect on these resources. Implementation of certain aspects of the CWSP may have some effect, but such actions would be subject to individual environmental review.

**4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

All elements of the CWSP must be found to be consistent with local land use plans, policies, and development programs to be approvable. Specific actions proposed for implementation under the CWSP would be subject to environmental review.

**Proposed measures to protect such resources or to avoid or reduce impacts are:**

None.

**5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

All elements of the CWSP must be found to be consistent with local land use plans, policies, and development programs to be approvable. Specific actions proposed for implementation under the CWSP would be subject to environmental review.

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

None.

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

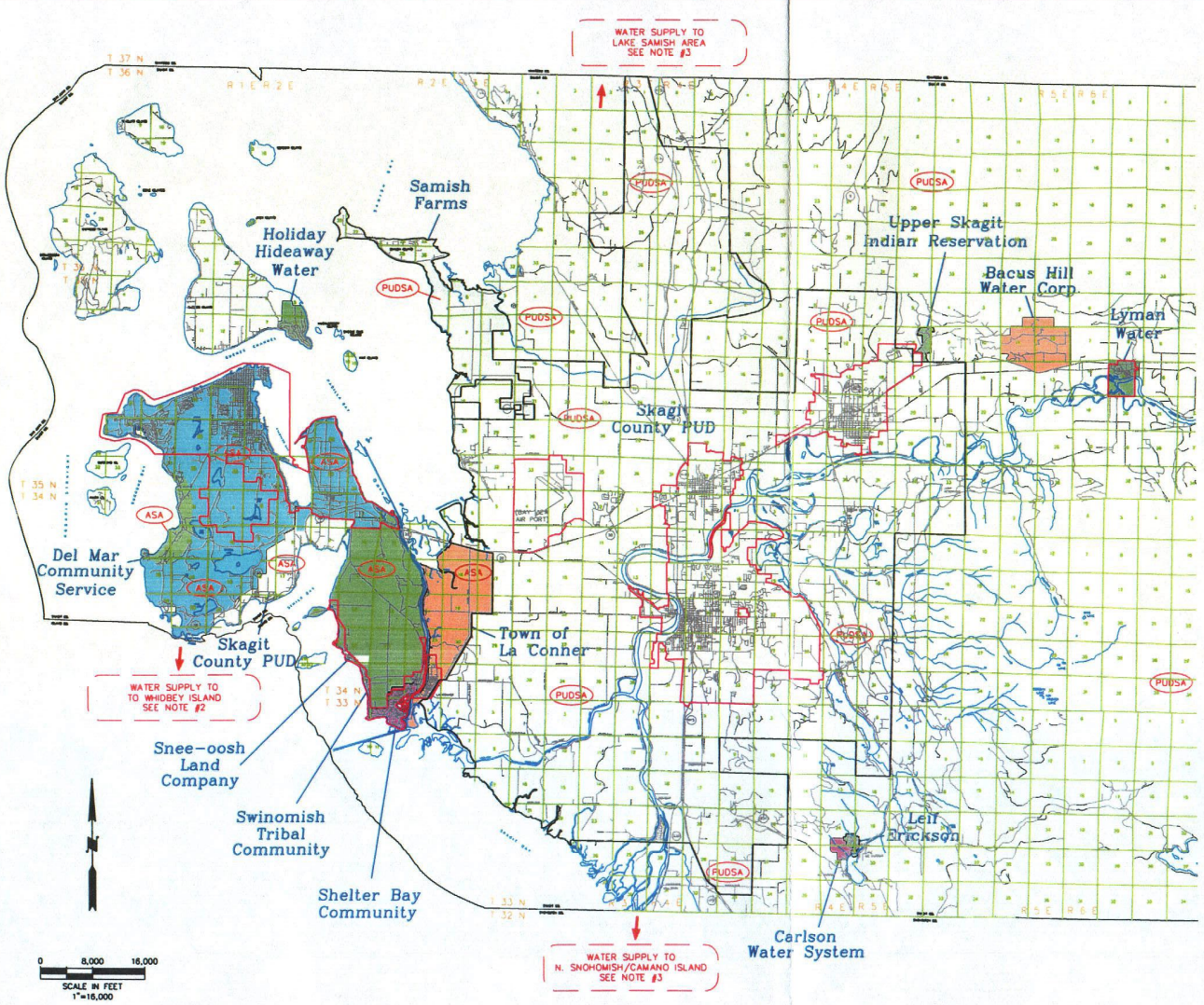
The CWSP will provide clarity concerning water service to specific areas, thereby supporting growth planned under existing zoning and land use plans.

**Proposed measures to reduce or respond to such demand(s) are:**

None.

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The CWSP is in the format called for by Chapter 70.116 RCW and has had both state and local agency review throughout its development. There is no conflict expected.




**Note #1**
The existing systems shown shall have first priority for water service to new developments proposed outside of designated service areas when they are adjacent (i.e. within one-half mile) to the proposed development. Should they decline service and in all other non-designated areas, the Skagit County PUD No. 1 is responsible for providing new water service consistent with the conditions of the CWSP throughout the entire Skagit County and adjacent counties as noted below and in the CWSP. The PUD may initially provide service through the use of groundwater, with eventual expansion of the Central Judy Reservoir and Skagit River Water System Network.

**Note #2**
As provided for in the Anacortes Water System Plan/Skagit County CWSP, Anacortes provides water supply to North Whidby Island, the City of Oak Harbor, the Naval Air Base and other areas identified in the Island County CWSP.

**Note #3**
As provided for in the Skagit County PUD #1's Water System Plan/Skagit County CWSP, the PUD may provide water supply service to the Stanwood/Camano Island area and the Lake Samish Area in Whatcom County.

**Note #4**
The Anacortes and Skagit County PUD #1 Supply Systems are intertied to enable both utilities to supplement or serve water to the other's service area for operational or emergency purposes.

**Note #5**
A more specific service area boundary map is on file at the County & is recorded in the Utility's Water System Plan.

## Legend

- County Boundary
- Hydrology
- Roads
- Urban Growth Area Boundary
- Designated Service Areas (color varies)
- Skagit County PUD
- See Note #1 — PUD Satellite System Management and Supply Area
- ASA — Anacortes Supply Area
- PUDSA — PUD Cultus MTS Supply Area

# EXHIBIT 3-1
## Skagit County Designated Service Areas for Expanding Water Systems
### Map 1 of 2

June 1999

ECONOMIC AND ENGINEERING SERVICES, INC.

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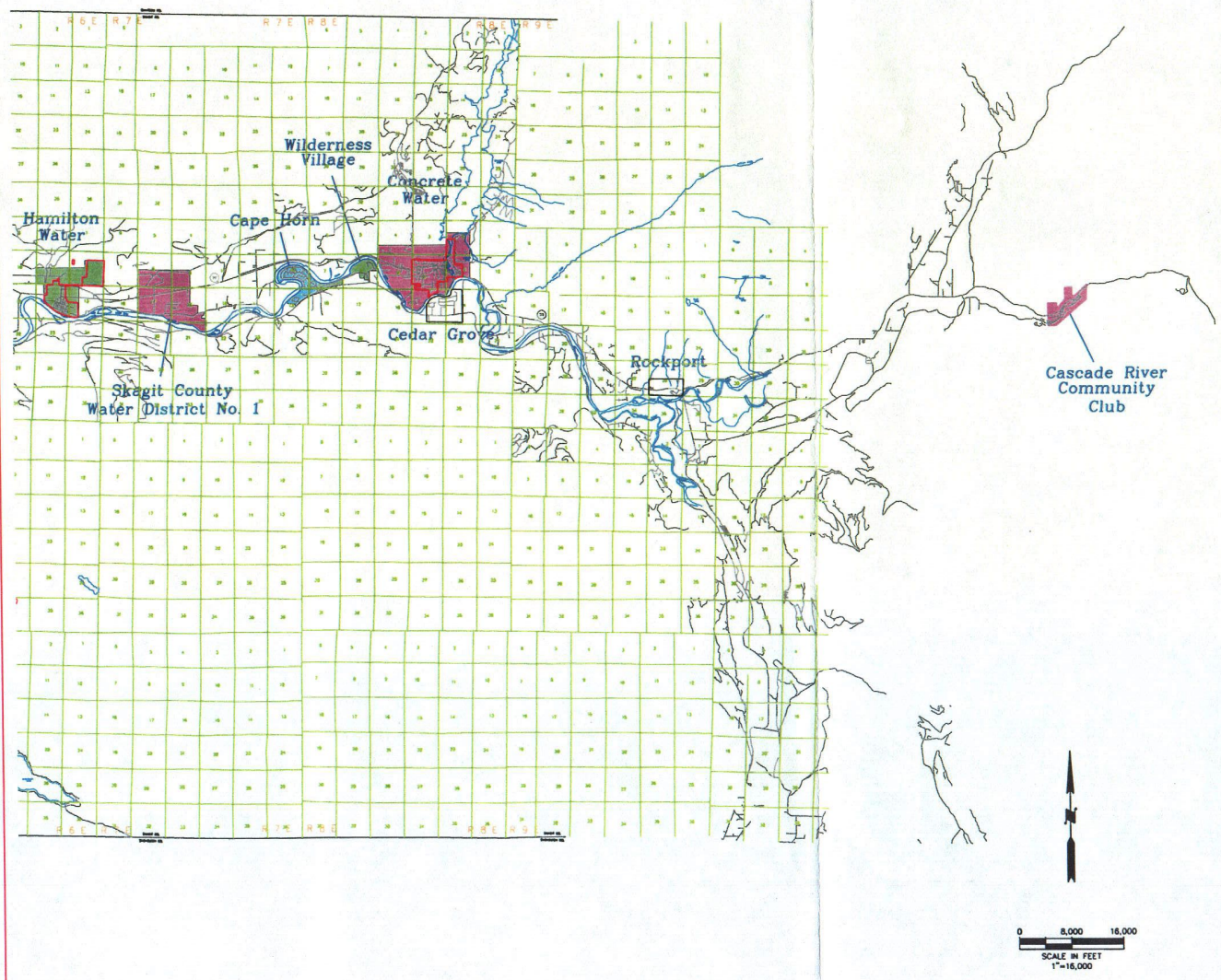


**Note #1**
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**Note #3**
As provided for in the Skagit County PUD #1's Water System Plan/Skagit County CWSP, the PUD may provide water supply service to the Stanwood/Camano Island area and the Lake Samish Area in Whatcom County.

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A more specific service area boundary map is on file at the County & is recorded in the Utility's Water System Plan.

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- County Boundary
- Hydrology
- Roads
- Urban Growth Area Boundary
- Designated Service Areas (color varies)
- Skagit County PUD
- See Note #1 — PUD Satellite System Management and Supply Area
- ASA — Anacortes Supply Area
- PUDSA — PUD Cultus MTS Supply Area

# EXHIBIT 3-1
## Skagit County
## Designated Service Areas for Expanding Water Systems
**Map 2 of 2**

June 1999

ECONOMIC AND ENGINEERING SERVICES, INC.

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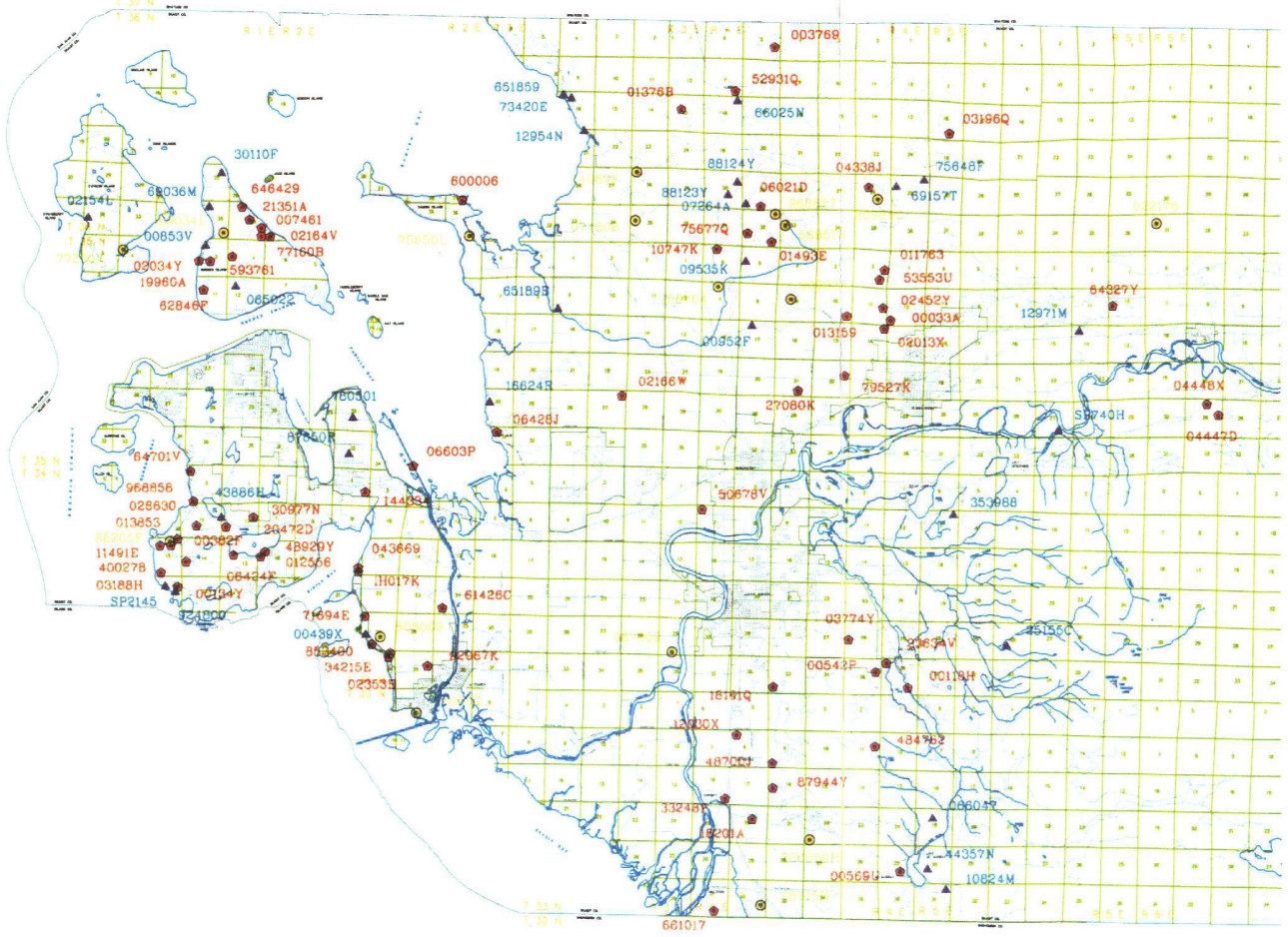


## Legend

- County Boundary
- Hydrology
- Roads
- Urban Growth Area Boundary
- Group B
- Non-Expanding Community
- Non-Expanding Non-Community

0 8,000 16,000
SCALE IN FEET
1"=16,000

# EXHIBIT 3-2
## Skagit County
## Non-Expanding & Group "B" Water Systems
Map 1 of 2

June 1999

ECONOMIC AND ENGINEERING SERVICES, INC.

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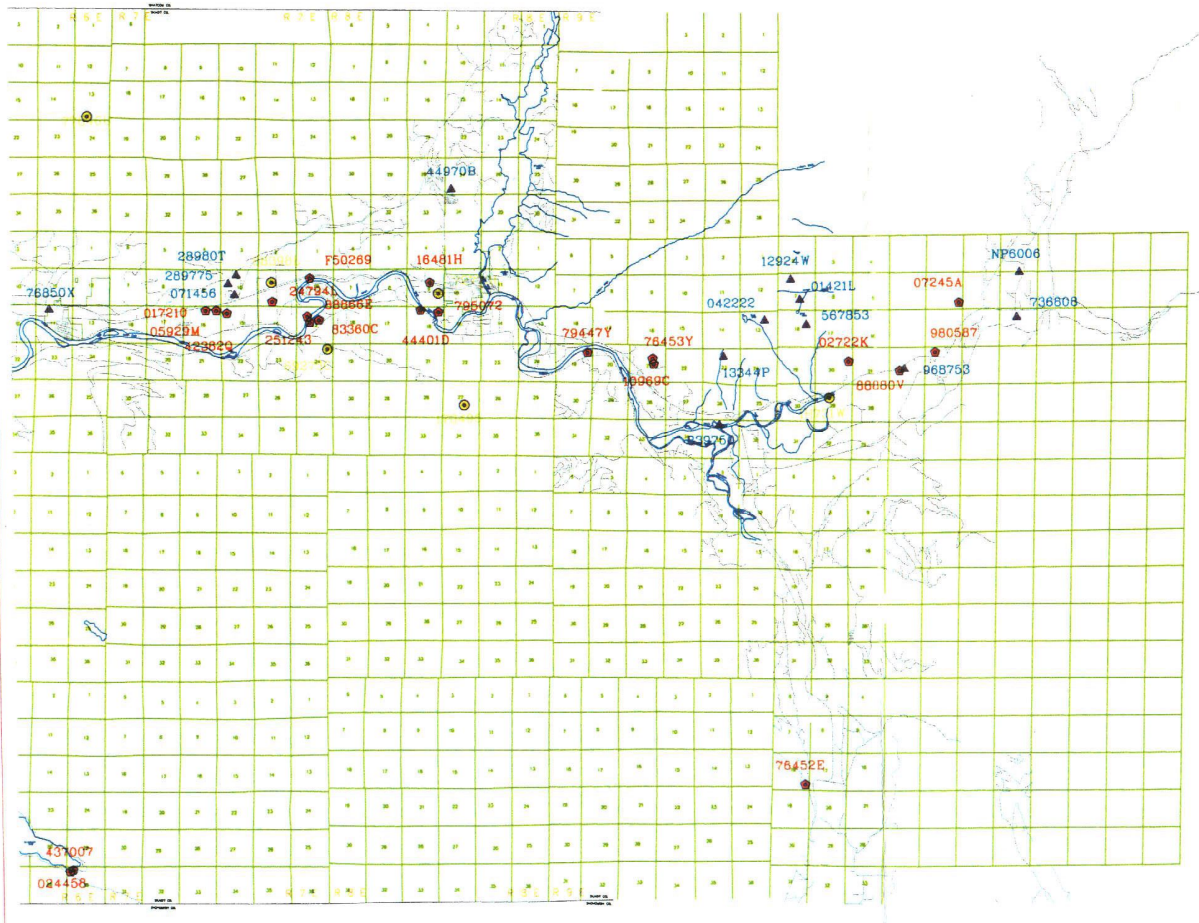


## Legend

- County Boundary
- Hydrology
- Roads
- Urban Growth Area Boundary
- Group B
- Non-Expanding Community
- Non-Expanding Non-Community

0 8,000 16,000
SCALE IN FEET
1"=16,000

# EXHIBIT 3-2
## Skagit County
## Non-Expanding & Group "B" Water Systems

Map 2 of 2

June 1999

ECONOMIC AND ENGINEERING SERVICES, INC.

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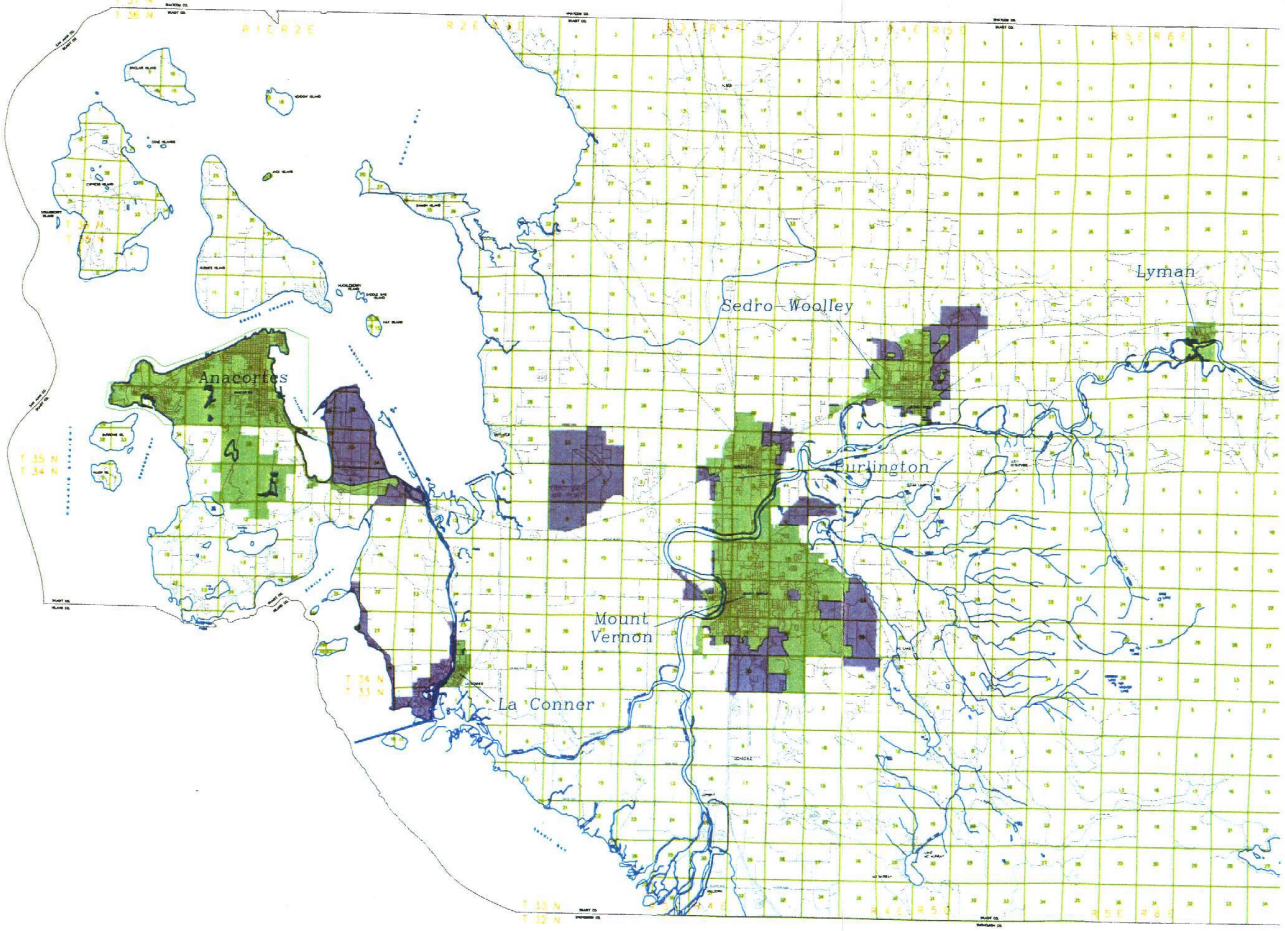


Legend

- County Boundary
- Hydrology
- Roads
- Urban Growth Areas
- City Limits

N

0 8,000 16,000
SCALE IN FEET
1"=16,000

EXHIBIT 7-2
Skagit County
Urban Growth Areas

Map 1 of 2

June 1999

ECONOMIC AND ENGINEERING SERVICES, INC.

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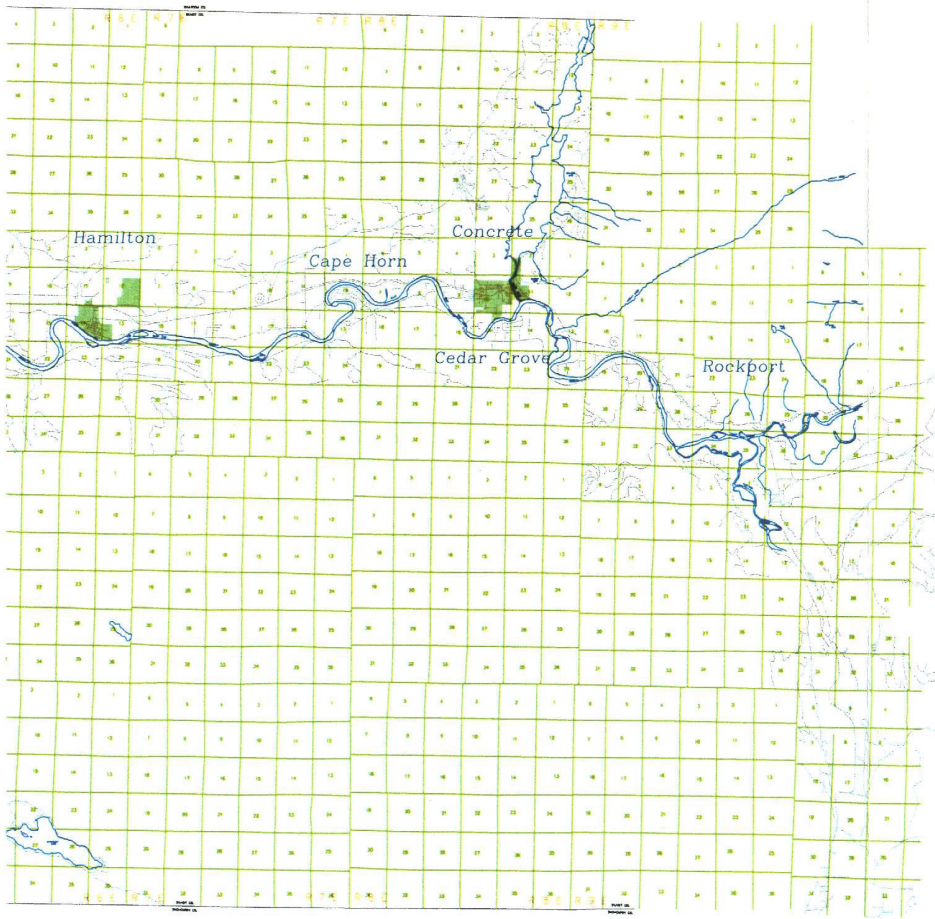


## Legend

- County Boundary
- Hydrology
- Roads
- Urban Growth Areas
- City Limits

N

0 8,000 16,000
SCALE IN FEET
1"=16,000

# EXHIBIT 7-2
## Skagit County
## Urban Growth Areas

Map 2 of 2

June 1999

ECONOMIC AND ENGINEERING SERVICES, INC.

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17938

# Attachment N

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ORDINANCE NO. 17804 17938

AN INTERIM ORDINANCE RENEWING THE PROVISIONS OF ORDINANCE NO. 17568, ESTABLISHING AN INTERIM URBAN GROWTH AREA FOR BAYVIEW RIDGE AND ESTABLISHING USE RESTRICTIONS AND REQUIREMENTS FOR PUBLIC FACILITIES AND SERVICES AND A COMMITMENT TO COMPLETE A SUBAREA PLAN

WHEREAS, on April 12, 1999, Skagit County and the Friends of Skagit County (a petitioner in Western Washington Growth Management Hearings Board (WWGMHB) Case No. 97-2-0060c) entered into a Settlement Agreement recognizing that there are significant public benefits to allowing the Commercial and Industrial portions of the Bayview Ridge UGA to be removed from under a January 23, 1998 order of invalidity in the above case, provided that Skagit County impose certain development and phasing requirements on an interim basis; and

WHEREAS, on September 14, 1999, in accordance with the terms of the April 12, 1999 Settlement Agreement, Skagit County adopted Interim Ordinance No. 17568, an Interim Ordinance Establishing an Interim Urban Growth Area for Bayview Ridge and Establishing Use Restrictions and Requirements for Public Facilities and Services and a Commitment to Complete a Subarea Plan, to be effective on the date the WWGMHB lifted invalidity for the Bayview Ridge UGA; and

WHEREAS, on September 23, 1999, the WWGMHB, based on a signed stipulation between Skagit County and Friends of Skagit County, rescinded its January 23, 1998 order of invalidity for all portions of the Bayview Ridge UGA and for associated development regulations provided (in part) that Ordinance No. 17568, or its equivalent, remain in place until a subarea plan for the Bayview Ridge UGA is completed; and

WHEREAS, on January 17 and 24, 2000, Skagit County published a legal notice calling for a public hearing and requesting public comments on the proposed renewal of Ordinance No. 17568; and

WHEREAS, on March 13, 2000, the Skagit County Board of Commissioners held a public hearing to receive public testimony and/or written correspondence on the proposed renewal of Ordinance No. 17568, and afterwards, met in open session to review, discuss and deliberate on the proposal; and

WHEREAS, Skagit County has received State grant monies to prepare a draft subarea plan and implementing regulations for the Bayview Ridge UGA and such work has commenced.

NOW, THEREFORE BE IT ORDAINED that the Skagit County Board of Commissioners hereby incorporates by reference and renews the findings and provisions of Ordinance No. 17568, an Interim Ordinance Establishing an Interim Urban Growth Area for Bayview Ridge and Establishing Use Restrictions and Requirements for Pubic Facilities and Services and a Commitment to Complete a Subarea Plan; and

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cc: Planning, J. Moffat

17938

17804

**NOW, THEREFORE BE IT FURTHER ORDAINED** that this ordinance shall remain effective for a period of six months from the date signed, unless earlier replaced by a permanent ordinance, and shall be renewed as necessary to assure that its provisions remain in effect until Skagit County adopts a subarea plan for the Bayview Ridge UGA.

**WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE** this 13th day of MARCH, 2000.

**BOARD OF COUNTY COMMISSIONERS**
**SKAGIT COUNTY, WASHINGTON**

SKAGIT COUNTY COMMISSIONERS SEAL COURT STATE OF WASHINGTON

Harvey Wolden, Chairman

Ted W. Anderson, Commissioner

Robert Hart, Commissioner

**ATTEST:**

Patti Chambers, Clerk of the Board

**APPROVED AS TO FORM:**

John R. Moffat, Chief Civil Deputy
Skagit County Prosecutor's Office

**APPROVED AS TO CONTENT:**

Gary R. Christensen, Assistant Director
Planning and Permit Center

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17938

NOTICE OF ADOPTION OF ORDINANCE NO. 17568

**An Interim Ordinance Establishing an Interim Urban Growth Area for Bayview Ridge and Establishing Use Restrictions and Requirements for Public Facilities and Services and a Commitment to Complete a Subarea Plan**

Notice is hereby given that on September 14, 1999, the Skagit County Board of Commissioners adopted Ordinance No. 17568. The Ordinance establishes an interim urban growth area for Bayview Ridge and establishes use restrictions and requirements for public facilities and services and a commitment to complete a subarea plan for the area.

Ordinance No. 17568 addresses, in part, compliance orders in Abenroth, et al., vs. Skagit County, et al., Western Washington Growth Management Hearings Board Case No. 97-2-0060c, regarding potential non-industrial uses, appropriate uses within the airport runway overlay areas, the necessary phasing of development within the industrial areas and sufficient capital facilities planning for the UGA. Ordinance No. 17568 will take effect the date the Western Washington Growth Management Hearings Board lifts invalidity on the Bayview Ridge UGA and shall be effective for a period of six months thereafter.

Copies of Ordinance No. 17568 are available at the Skagit County Planning and Permit Center, 200 West Washington Street, Mount Vernon, WA 98273, (360) 336-9410.

Gary Christensen, Assistant Director
Planning and Permit Center

Transmitted to the Skagit Valley Herald on September 21, 1999
To be published on September 23, 1999

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17938

ORDINANCE NO. 17568

**An Interim Ordinance Establishing an Interim Urban Growth Area for Bayview Ridge and Establishing Use Restrictions and Requirements for Public Facilities and Services and a Commitment to Complete a Subarea Plan**

**WHEREAS,** pursuant to the Growth Management Act (RCW 36.70A), the Skagit County Board of Commissioners adopted the Skagit County Comprehensive Plan (Ordinance #16550) and its implementing development regulations (Ordinance #16559), both of which became effective on June 1, 1997; and

**WHEREAS,** the Skagit County Comprehensive Plan designated urban growth areas (UGA) pursuant to RCW 36.70A.110 including an area commonly referred to as the Bayview Ridge UGA; and

**WHEREAS,** petitions were filed with the Western Washington Growth Management Hearings Board (WWGMHB) pursuant to RCW 36.70A.290 that raised many issues regarding the comprehensive plan's and development regulation's compliance with the goals and requirements of the Growth Management Act (GMA), and

**WHEREAS,** the WWGMHB consolidated the many issues under Case No. 97-2-0060c; and

**WHEREAS,** on January 23, 1998, the WWGMHB entered a Final Decision and Order in Case No. 97-2-0060c and found the Bayview Ridge UGA out of compliance and in substantial interference with the goals of GMA and further invalidated the Bayview Ridge UGA with the exception of property owned by the Port of Skagit County, and

**WHEREAS,** Skagit County subsequently moved the WWGMHB to lift invalidity on the property shown as C/I in the Bayview Ridge UGA outside of the Port of Skagit County ownership and several individual property owners within the invalidated portions of the Bayview Ridge UGA intervened in the motion to lift invalidity; and

**WHEREAS,** the WWGMHB refused to lift invalidity on the portions of the Bayview Ridge UGA outside of the Port of Skagit County ownership, listing ongoing concerns regarding potential non-industrial uses, appropriate uses within the airport runway overlays areas, the necessary phasing of development within the industrial areas and sufficient capital facilities planning for the UGA; and

**WHEREAS,** on December 18, 1998, the WWGMHB lifted invalidity on a portion of the Bayview Ridge UGA (property owned by John Brink within Short Plat No. 91-089) pursuant to a settlement entered between the property owner and the Friends of Skagit County; and

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17568

**WHEREAS,** on April 12, 1999, Skagit County and the Friends of Skagit County (a petitioner in WWGMHB Case No. 97-02-0060c) entered into a Settlement Agreement recognizing that there are significant public benefits to allowing the C/I portions of the Bayview Ridge UGA to be removed from invalidity, provided that Skagit County imposescertain development and phasing requirements on an interim basis; and

**WHEREAS,** Skagit County has consulted with, sought comment on, and considered the merits of correspondence received on the various draft versions of the proposed interim ordinance for the Bayview Ridge UGA from the following affected and interested parties, such as, but not limited to: WA State Department of Community, Trade, and Economic Development; Friends of Skagit County; Port of Skagit County; City of Burlington, City of Anacortes; Skagit County Fire Districts #2, 6, and 12; Skagit County Drainage District #19; Skagit County Fire Marshall; Skagit County Public Utility District #1; John Brink; Norm Dahlstedt; John Bouslog, and Jack Wallace; and

**WHEREAS,** because the interim ordinance proposes to reinstate a portion of the final Bayview Ridge UGA that was adopted as part of the 1997 Comprehensive Plan for which SEPA review has already been completed, Skagit County, as SEPA lead agency for this proposal has determined that SEPA has already been completed for this proposal pursuant to WAC 197-11-600; and

**WHEREAS,** on August 5, 1999, Skagit County published a legal notice calling for a public hearing and requesting public comments on the proposed Bayview Ridge interim UGA ordinance; and

**WHEREAS,** on August 24, 1999, the Skagit County Board of Commissioners held a public hearing to receive public testimony and/or written correspondence on the proposed Bayview Ridge interim UGA ordinance; and

**WHEREAS,** on September 9, 1999, the Skagit County Board of Commissioners met in open session to review, discuss and deliberate on the proposed Bayview Ridge interim UGA ordinance; and

**WHEREAS,** the Skagit County Board of Commissioners hereby makes the following findings:

1. The County Commissioners hereby incorporate by reference the findings contained in the memorandum from Mike Woodmansee dated September 8, 1999 and the memorandum from Jay Derr and Gary Christensen dated September 8, 1999 in response to comments received on the proposed interim ordinance. The Commissioners find that a flat officer per X acres standard, without regard for the type of land use or the amount of development on the acreage is not as complete a

17568

measure of adequate public safety service as a standard based on the actual experience and workload of the public safety staff.

2. While additional capital facilities planning is underway, the interim ordinance development standard restrictions and, more specifically, the commitment by property owners, as a condition of development in the interim, to participate in a future funding program for additional urban levels of service, adequately protects the urban growth area from interim development that would ultimately be inconsistent with future urban development and level of service provisions.

3. The intent of the distinction between uses permitted in the BR-I zone and the additional heavy industrial uses permitted by special use permit in the BR-I Heavy Industrial Use Special Use Overlay zone is to locate those industrial uses that have the potential for more than a minimal level of environmental disturbance to the adjacent properties for operational impacts such as noise, vibration, dust, smoke, fumes or glare in the heavy industrial use overlay area.

4. The 235 acre building credit system is imposed on an interim basis, to insure development does not exceed that allocated by Countywide Planning Policy 1.1 for properties outside of Port of Skagit County ownership and is not included as a statement of expectation for the amount of interim development. With the subarea planning schedule imposed by this ordinance, and considering the progress already completed on identifying appropriate urban levels of service for this area, it is highly unlikely that interim development under this ordinance will exceed this building credit limit.

5. The alternative pedestrian circulation plan in the Port of Skagit County ownership provides sufficient alternative means for pedestrian movement and provides added protection for the significant wetlands and wildlife habitat found on the Port property. Therefore, the Skagit County Board of Commissioners finds that this alternative pedestrian circulation plan meets the requirements that otherwise would be met by requiring standard curb, gutter and sidewalk, as otherwise required by the relevant street standards. The Skagit County Board of Commissioners, therefore, adopts the alternative language in the proposed ordinance, incorporating that pedestrian circulation plan into the acceptable urban levels of service and facilities for development pursuant to this ordinance.

**NOW, THEREFORE, BE IT ORDAINED** that the Skagit County Board of Commissioners hereby adopts the Interim Ordinance establishing the Bayview Ridge UGA as set forth in Exhibit 1, along with the Map attached thereto, all of which is attached hereto and incorporated by reference.

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**NOW, THEREFORE, BE IT FURTHER ORDAINED** that this ordinance shall take effect the date the Western Washington Growth Management Hearings Board lifts invalidity on the Bayview Ridge UGA and shall be effective for a period of six months thereafter.

**WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE this** 14th **day of** September, **1999.**

**BOARD OF COUNTY COMMISSIONERS**
**SKAGIT COUNTY, WASHINGTON**

Ted W. Anderson, Chairman

Robert Hart, Commissioner

Harvey Wolden, Commissioner

**ATTEST:**

Patti Chambers, Clerk of the Board

**APPROVED AS TO FORM ONLY:**

John R. Moffat, Chief Civil Deputy
Skagit County Prosecutor's Office

**APPROVED AS TO CONTENT:**

Gary R. Christensen, AICP, Assistant Director
Planning and Permit Center

17938 **Exhibit 1** 17568

**An Interim Ordinance Establishing an Interim Urban Growth Area for Bayview Ridge and Establishing Use Restrictions, Requirements for Public Facilities and Services and a Commitment to Complete a Subarea Plan**

**Section 1: Repeal of Bayview Ridge UGA Designation and Map adopted in 1997 and Adoption of Interim Bayview Ridge UGA Designation.**

The Bayview Ridge UGA map, map 3(d) of the Skagit County Comprehensive Plan Map Portfolio, adopted by Ordinance No. 16550 on May 19, 1997 and the Bayview Ridge UGA adopted by Ordinance No. 16958, dated April 14, 1998, are hereby repealed and replaced with the Bayview Ridge Interim UGA Map attached to this Ordinance as Attachment A. The Bayview Ridge Interim UGA, shown on Attachment A, shall have a Comprehensive Plan designation of Industrial (I).

**Section 2: Adoption of New Zoning Districts and Map for Bayview Ridge Interim UGA.**

The portion of the Bayview Ridge Interim UGA shown as AVR shall retain the existing Aviation Related ("AVR") zoning and the balance of the UGA is rezoned to "BR-I". These interim zoning designations are shown on Attachment B, Zoning Districts. The provisions for principal and accessory uses in these zones are set forth in Section 8 below. The area of BR-I shown on Attachment B with shading, is subject to a Heavy Industrial Special Use Overlay Zone and the provisions for special uses in the BR-I, AVR and the Heavy Industrial Overlay are set forth in Section 9 below. The airport environs zone, for purposes of Skagit County Code 14.04.171, shall be as shown on Attachment B.

**Section 3: Limitation on Development in Bayview Ridge Interim UGA to 235 Acres of Buildable Area, and Establishment of Building Credit System**

(1) **Limitation on Development in Bayview Ridge UGA:**

(a) To address potential concerns regarding the size of the Interim UGA based upon the Countywide Planning Policy 1.1 ("CPP") allocation of undeveloped commercial/industrial land, development in this Interim UGA outside of property owned by Port of Skagit County and John Brink shall be limited to 235 acres of "Buildable Land" until the Subarea Plan and implementing development regulations for the Interim UGA, described in Section 18 below, is adopted by Skagit County. Once adopted, that Subarea Plan and those implementing development regulations, including any acreage limitations or revised final UGA area shall replace this ordinance. During the period of this Interim Ordinance, the property

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owned by the Port of Skagit County and the property owned by John Brink that were not subject to the Hearings Board Order of Invalidity on the date this Ordinance was adopted shall not be subject to the 235-acre limitation of this Section 3.

(b) "Buildable Land" shall include the total acreage of the parcel or parcels of land in the complete building permit application that is required to accommodate the proposed building, together with any land area required to meet the requirements of Skagit County Code for access, parking, yards, setbacks, landscaping, lot coverage, floor area ratio and on site sewage system requirements, as applicable;

(c) The amount of area not available for development due to presence of critical areas or required buffers, as defined in the Skagit County Critical Areas Ordinance, SCC 14.06 and the amount of land within the parcel or parcels to be dedicated or conveyed to the County or other public entity for roads, utilities, parks or other government facilities and services shall not be included in any calculation of "Buildable Land" for purposes of this building credit system.

(2) **Building Credit System**: Buildable Land, up to the 235-acre limit described above, shall be available for development on a first come, first served basis, using the following "Building Credit" system.

(a) When the County has determined that a complete building permit application has been filed, the applicant shall be entitled to a building credit reservation of the amount of Buildable Land within the complete permit application. The County shall not accept applications for, nor issue building credit reservations for more than 235 acres of Buildable Land within the Interim Bayview UGA. This building credit reservation shall be converted to actual Building Credit only if/when the building permit has been issued.

(b) Building credit reservations shall be awarded on a first come, first served basis, once the application is determined to be complete. If an application is deemed incomplete, then the applicant shall not be entitled to a building credit reservation until the application has been deemed complete. Once granted, the building credit reservation shall remain in effect until the applicant either withdraws the application or the County makes a final decision on the building permit pursuant to the provisions of SCC 15.04 adopting by reference UBC 106.4.1.

(c) If the building permit is approved, the applicant shall be allocated a building credit for the amount of buildable area in the application when the building permit is issued. If the applicant does not pick up the building permit within 180 days from the date the permit is approved by the County, the applicant shall lose the building credit reservation and that amount of buildable area credit shall be available to other permit applicants.

(d) If the building permit is denied, no building credit shall be allocated.

(e) If the building permit application is withdrawn, no building credit shall be allocated.

(f) Any allocated Building Credit shall run concurrently with and expire consistent with the provisions of the building permit with which it is associated. Once the County has adopted the Subarea Plan and Implementing Regulations described in Section 18, this Building Credit system shall no longer be required and shall be replaced with the applicable provisions of the Subarea Plan and Implementing regulations.

(g) The County shall monitor building permit applications and Buildable Land for the Bayview Ridge Interim UGA, shall keep track of the amount of Building Credit Reservations and Building Credits that have been allocated, and shall not accept applications for building permits that exceed the maximum 235 acres of Buildable Land until after adoption of the Subarea Plan and Implementing Regulations described in Section 18. This information shall be made available to the public upon request.

**Section 4: Reservation of Residential Population Allocation from CPP 1.1.**

The residential population allocation for the Bayview Ridge UGA from CPP 1.1 shall be reserved until the County has completed the Subarea Plan process described in Section 18 below and determined whether or not urban residential lands are needed or appropriate in this UGA.

**Section 5: Interim Bayview Ridge Residential Comprehensive Plan Designations.**

Until completion of the Subarea Plan process, the area previously shown as Bayview Ridge UGA Residential ("the Bayview Ridge Residential Area") shall be divided into two comprehensive plan designations, as shown on Attachment A, with the northwestern portion being designated Rural Reserve ("RRV") and the southeastern portion, which corresponds to the area already developed, being designated Rural Intermediate ("RI").

**Section 6: Interim Bayview Ridge Residential Development Regulations.**

Until completion of the Subarea Plan process, the area of the Bayview Ridge RRV designation shall be zoned Rural ("RU"), and governed by the provisions of Skagit County Code 14.04.100 modified by Ordinance 16559 and extensions thereof and the area designated RI shall be zoned Rural Intermediate ("RI") and governed by the provisions of Skagit County Code 14.04.105 as modified by Ordinance 16559 and the extensions thereof.

**Section 7: Development Restrictions on Interim Bayview Ridge Residential Area.**

Because the Bayview Ridge Residential Area is within one mile of the Bayview Ridge Interim UGA identified in Section 1, this property may only be subdivided

BK0094 PG0360

pursuant to the provisions of the Land Division policies of the 1997 Comprehensive Plan, p. 4-35 through 4-40, the Interim Short CaRD Ordinance No. 17418, as now adopted or hereafter amended and any Long CaRD ordinance adopted by the County as part of its GMA implementing regulations. In addition to the policies and requirements for clustering in the Comprehensive Plan and the CaRD ordinance, residential development shall also be clustered and designed to address airport environs concerns from Skagit County Code 14.04.171 and 14.04.172 and clustered to maximize separation from industrially designated lands.

**Section 8: Permitted and Accessory Uses in Bayview Ridge Interim UGA Zones.**

(1) **Permitted and Accessory Uses in AVR:** All property within the Bayview Ridge Interim UGA currently zoned AVR shall be governed by the permitted and accessory uses provisions of Skagit County Code 14.04.075(2) and (3).

(2) **Permitted Uses in BR-I:** All property within the Bayview Ridge Interim UGA zoned BR-I shall be limited to the following list of permitted uses, and is subject to the use restrictions as further provided subsection (3) below:

(a) Agricultural uses, on an interim basis until industrial development; provided that residences shall not be allowed as a principal use.

(b) Commercial uses, including offices, but excluding retail uses such as the sales of goods or services, except that incidental retail sales and services are permitted as accessory uses under subsection (4) below.

(c) Manufacture, processing, treatment, storage, fabrication, assembly or packaging of any product from natural or synthetic materials.

(d) Warehousing, distribution and storage facilities not open to retail customers.

(e) Repair and storage facilities for equipment, including heavy equipment, marine equipment, boats, airplanes and trucks.

(f) Research, development and testing facilities

(g) Personal Wireless Service facilities as governed by Ordinance No. 17419 and SCC 14.04.153.

(h) Other light industrial uses not already described above.

(3) **Limitations on Permitted Uses in BR-I:** Permitted uses shall not include uses that meet the criteria for a special use permit in the Heavy Industrial Overlay, except if the use meets the criteria for continuation and expansion of an existing non-conforming use, all as further described in Section 9 below.

(4) **Accessory Uses in BR-I:** All property within the Bayview Ridge Interim UGA zoned BR-I shall be permitted to have accessory uses and accessory buildings that are appurtenant to a principal permitted use, such as:

(a) caretakers' quarters,

(b) eating and drinking establishments serving facilities and employees located in the Bayview Ridge Interim UGA,

(c) on-site child day care or adult day care,

(d) on-site recreational facilities,
(e) incidental retail sales of products manufactured, processed, or assembled on-site,
(f) outdoor storage of processed and unprocessed natural materials, waste materials or other similar materials used in conjunction with a permitted, accessory or special uses in quantities that total less than 500 cubic yards, and
(g) on-site hazardous waste treatment and storage facilities that are an accessory use to an otherwise permitted use on the site, provided such facilities comply with the State Hazardous Waste Siting Standards and County and State Environmental Policy Act requirements.

**Section 9: Special Uses in Bayview Ridge Interim UGA Zones; Continuation of Non-conforming Heavy Industrial Use.**

(1) Special uses allowed by Skagit County Code 14.04.150(2) are not permitted in the following zones. Allowed special uses in these zones are as permitted by this section.

(2) **Special Uses in AVR**: For property zoned AVR, the following special uses shall be permitted subject to Hearing Examiner review and recommendation pursuant to Skagit County Code 14.04.150(4):
(a) major utility developments
(b) power generation facilities except no nuclear, coal or coke power generation
(c) fire stations

(3) **Special Uses in BR-I**: For property zoned BR-I, the following special uses shall be permitted, subject to Hearing Examiner review and recommendation pursuant to Skagit County Code 14.04.150(4):
(a) race tracks
(b) auto wrecking/junk yards
(c) major utility developments
(d) power generation facilities except no nuclear, coal or coke power generation
(e) storage of unlicensed and/or inoperable vehicles
(f) fire stations
(g) outdoor storage of processed and unprocessed natural materials, waste materials or other similar materials used in conjunction with a permitted, accessory or special use in quantities that total greater than or equal to 500 cubic yards.

(4) **Special Uses in Heavy Industrial Overlay**: For property shown on Attachment B to this Ordinance as having the Heavy Industrial Use Special Use Overlay, the following additional special uses shall be permitted, subject to a Hearing Examiner review and recommendation pursuant to Skagit County Code 14.04.150(4), provided that the Hearing Examiner must find that the proposed

special use onsite operations do not pose any demonstrable threat of contamination to the adjacent AG-NRL designated lands, provided that all other applicable local, state and federal regulations regarding environmental disturbance are met, and provided that permanent land disposal of hazardous waste, oil refinery, mineral smelting and other similar operations shall not be allowed.

(a) solid waste processing, recycling and transfer facilities

(b) on-site and off-site hazardous waste treatment and storage facilities that are a principle use of the property are permitted provided that such facilities comply with the State Hazardous Waste Siting standards and County and State Environmental Policy Act requirements

(c) all uses classified as a Group H occupancies as specified under Section 301 of the Uniform Building Code

(5) **Continuation and Limited Expansion of Nonconforming Heavy Industrial Uses.**

Any existing use currently in operation or for which a complete building permit application has been filed on or before January 23, 1998 (the date of the Order of Invalidity) which meets the definition of a special use allowed in the Heavy Industrial Special Use Overlay, as set forth in subsection (3) above, but is located outside of the Heavy Industrial Special Use Overlay area shown on Attachment B, shall be allowed to continue, and to expand consistent with the requirements in section 10 below for any expansion, to the limits of the boundaries of the legal lot of record that the use is located on, as that legal lot of record exists as of the date of this Ordinance; provided that any expansion shall require a Hearing Examiner Special Use Permit, pursuant to Skagit County Code 14.04.150(4).

**Section 10: Development Standards for Bayview Ridge Interim UGA and Adjacent Residential Zones**

(1) **Development Standards for BR-I**: For properties zoned BR-I, the development standards from Skagit County Code 14.04.060(5) and the special provisions of Skagit County Code 14.04.060(6) shall apply, unless otherwise noted below.

(a) In addition, all new buildings shall be constructed with fire protection equivalent to or greater than a Type V, 1-hour construction or, alternatively, shall provide a fully automatic sprinkler system pursuant to the provisions of the Uniform Building Code.

(b) The maximum height shall not exceed 40 feet or the height limitations of SCC 14.04.172, whichever is less.

(c) No new industrial use shall be permitted in the Bayview Ridge Interim UGA if, at the time of complete application, the annual number of calls per officer to the County Sheriff's Office exceeds 408.

(d) Where applicable, the requirements of the airport environs zone of SMC 14.04.171 shall apply.

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(2) **Development Standards for AVR**: For properties zoned AVR, the development standards from Skagit County Code 14.04.075(5) and the special provisions of Skagit County Code 14.04.075(6) shall apply, including, by reference, the airport environs zone requirements of Skagit County Code 14.04.171.

(a) In addition, all new buildings shall be constructed with fire protection equivalent to or greater than a Type V, 1-hour construction or, alternatively, shall provide a fully automatic sprinkler system pursuant to the provisions of the Uniform Building Code.

(b) The maximum height shall not exceed 40 feet or the height limitations of SCC 14.04.172, whichever is less.

(c) No new industrial use shall be permitted in the Bayview Ridge Interim UGA if, at the time of complete application, the annual number of calls per officer to the County Sheriff's Office exceeds 408.

(3) **Buffering of Industrial and Non-industrial land**: A substantially sight-obscuring buffer shall be required on any industrially designated land located adjacent to non-industrially designated land as a condition of any industrial development approval on that land. Provisions for a substantially sight obscuring buffer on any non-industrially designated land adjacent to industrially-designated land shall be required as a condition of any proposed CaRD development on that non-industrially designated land. The requirement for the sight obscuring buffer shall pertain to the first of the adjacent industrial/non-industrial parcels described above to develop, and if such a buffer already exists between adjacent industrial/non-industrial parcels, duplication of such buffer is not required. For purposes of this subsection, "adjacent" includes lands separated only by a road or easement.

**Section 11: Urban Standards for Port of Skagit County Property within the Bayview Ridge Interim UGA.**

(1) Because the Port of Skagit County has adopted urban level of service standards for its ownership within the Interim Bayview Ridge UGA and because the Port's property was not subject to a Finding of Invalidity or a Finding of Noncompliance from the Western Washington Growth Management Hearings Board, development on property owned by the Port of Skagit County on or before January 23, 1998, shall be subject to the requirements of this Section and not the requirements of Sections 12-16.

(2) Any proposed development on property owned by the Port of Skagit County shall be reviewed for consistency with and conditioned to require provision of the Port urban level of service standards adopted by the Port on June 15, 1999 and attached to this Interim Ordinance as Attachment C. The Port shall provide the County with adequate assurances that these levels of service are actually being accomplished consistent with Attachment C.

(3) The County Public Works Director shall grant an exception to the requirements for curb, gutter and sidewalk on property with the Port ownership if the Director determines such exception is necessary to protect wetlands and their required buffers under the County's Critical Areas Ordinance and if, as an alternative to sidewalks along the street, the Port has constructed or will have constructed prior to occupancy, the pedestrian trail system in the vicinity of the proposed development consistent with the trail system adopted by the Port in Resolution No. 99-09 on August 3, 1999 and attached to this Ordinance as Attachment D.

(4) As long as a development on Port property complies with the requirements of this Section 11, the Port shall not be required to sign the agreements not to protest future infrastructure and service improvements detailed in Sections 12-16 as a condition of development approval.

(5) Any development on property owned by the Port for which a complete application is filed after the effective date of the Subarea Plan and implementing regulations described in Section 18 shall be subject to the requirements of that Subarea Plan and implementing regulations.

**Section 12: Street Standards for Bayview Ridge Interim UGA.**

As a condition of any development approval, including but not limited to, subdivision approvals, for any of the listed permitted, accessory or special uses, within the Bayview Ridge Interim UGA, other than for interim agricultural uses, the property owner shall construct streets which the County determines are consistent with the City of Burlington Street Standards found in Burlington Municipal Code 12.28, as these may be amended. In addition, as a condition of development approval and for all property owned by the same owner in the Interim UGA, the owner shall sign an agreement not to protest a future LID or other pro rata sharing of costs to upgrade or install additional urban standard street improvements, street lights and/or sidewalks within 20 years, if such are determined necessary as part of urban level of service standards in the Subarea Plan process for the Bayview UGA described in Section 18 below. Credit for prior contributions and improvements that are included in the Subarea facilities plan shall be provided as set forth in Section 17 below.

**Section 13: Water Service in the Bayview Ridge Interim UGA.**

As a condition of any development approval for any of the listed permitted, accessory or special uses within the Bayview Ridge Interim UGA, other than for interim agricultural uses, the property owner shall obtain a certificate of water availability for the proposed use from Skagit PUD #1 and connect to the PUD #1 water system. Fire flow requirements shall be as specified in the Skagit County Coordinated Water System Plan. In addition, as a condition of development approval, and for all property owned by the same owner in the Interim UGA, the owner shall sign an agreement not to protest a future LID or other pro rata sharing of costs to upgrade the water system in the future

or to install additional urban standard water lines or facilities within 20 years, if such are determined necessary as part of water level of service standards in the Subarea Plan process for the Bayview Ridge Interim UGA described in Section 18 below or are required to meet the owner's water capacity demands based on PUD #1's development regulations (design criteria). Credit for prior contributions and improvements that are included in the Subarea facilities plan shall be provided as set forth in Section 17 below.

**Section 14: Storm Drainage in the Bayview Ridge Interim UGA.**

As a condition of any development approval for any of the listed permitted, accessory or special uses, other than for interim agricultural uses, the property owner shall construct surface and storm water management improvements as determined by the County to be consistent with the City of Burlington surface water management standards found in Burlington Municipal Code 14.800 through 14.804, as these may be amended. In addition, as a condition of development approval, and for all property owned by the same owner in the Interim UGA, the owner shall sign an agreement not to protest a future LID or other pro rata sharing of costs to upgrade the surface water management system or install additional urban standard storm water management improvements within 20 years, if such are determined necessary as part of surface or stormwater management standards in the Subarea Plan process for the Bayview Ridge Interim UGA described in Section 18 below. Credit for prior contributions and improvements that are included in the Subarea facilities plan shall be provided as set forth in Section 17 below.

**Section 15: Sanitary Sewer Service in Bayview Ridge Interim UGA**

As a condition of development approval for any of the listed permitted, accessory or special uses, other than for interim agricultural use, if the property on which a proposed use is located is within 200 feet of an existing City of Burlington sewer line, the owner must obtain confirmation of sewer availability from the City of Burlington prior to development approval and must connect to the existing sewer line. If the proposed use is located beyond that 200-foot limit, the use may apply for a waiver to operate on an approved holding tank, pursuant to the requirements of Skagit County Code 12.05.130 and .260 and the Washington State Department of Health Standards and Guidance for Holding Tank Sewage Systems, in the interim, subject to the following:

(1) the owner's management plan submitted to the County Health Officer pursuant to SCC 12.05.130(3)(b) must contain a provision for proper disposal of holding tank contents at a certified facility;

(2) owners utilizing holding tanks shall record a covenant that if the property is sold, the tanks will be certified to be empty and non-hazardous unless the new owner gives written agreement to accept responsibility for any tank contents;

(3) the required holding tank sewage system for the proposed industrial use is sized for no more than 2 Units Volume of Sewage Flow, as defined by Skagit County

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Code 12.05.030 (900 gpd); per 20 acres of existing legal parcel area, provided that any existing legal lot of record within the Bayview Ridge Interim UGA smaller than 10 acres as of the date of the interim ordinance shall be entitled to construct a holding tank sewage system sized for no more than 1 Unit Volume of Sewage Flow (450 gpd), as long as all requirements of Skagit County Code 12.05 can otherwise be met;

(a) Between 6 and 12 months after commencement of the operation and once approximately every 2 years thereafter until public sewer is connected the County shall evaluate either public water record use or all holding tank pumping records to evaluate the actual Sewage Volume and verify its consistency with the limits of subsection (3). If the County relies on holding tank pumping records, the County shall require the property owner to certify that the records constitute all of the holding tank pumping services for the property. Allowed sewage volume shall be calculated as equal to water use unless the property owner requests separate metering of domestic water and irrigation water to insure a more accurate accounting of water use that will end up in the sewage system.

(b) The County shall make the results of this monitoring available for public review and inspection.

(c) The costs of this monitoring may be charged to the property owner or industrial user.

(d) If the results of any monitoring reflects a problem with the permitted quantity described in this section, then the County shall:

(i) immediately commence enforcement actions pursuant to existing state and local regulations and expeditiously pursue enforcement actions in Superior Court;

(ii) commence an increased frequency monitoring program to more closely monitor the user and the system for compliance consistent with Skagit County Code 12.05.170 and with subsection (3)

(iii) shall pursue any other remedies that are available at law to an entity as if it were providing public sewer service to the site; and

(iv) if deemed necessary to protect the public health and safety, the County may advance the schedule to install public sewer to the site.

(4) as a condition of any development approval, and for all property owned by the same owner in the Interim UGA, the property owner agrees for all property owned in said UGA not to protest an LID or other pro-rata sharing in any costs to upgrade and extend public sewer to the property within 20 years. Credit for prior contributions and improvements that are included in the Subarea facilities plan shall be provided as set forth in Section 17 below;

(5) as a condition of development approval, and for all property owned by the same owner in the Interim UGA, the property owner shall agree to convey any necessary utility easements for future installation of public sewer; and

(6) no expansion of the industrial use or operation shall be permitted that would be inconsistent with the limitations imposed by subsection (3) above.

**Section 16: Other Public Facilities and Services in Bayview Ridge Interim UGA**

As a condition of any development approval for any of the listed permitted, accessory or special uses, other than for interim agricultural uses in the Bayview Ridge Interim UGA, and for other property owned by the same owner in the Interim UGA, the property owner shall sign an agreement not to protest a future LID or other pro rata sharing of costs to upgrade or install additional urban standard public facilities and services identified in the Subarea Plan process for the Bayview Ridge Interim UGA described in Section 18 below within 20 years, including, but not limited to fire/emergency and police/sheriff services and facilities. Credit for prior contributions and improvements that are included in the Subarea facilities plan shall be provided as set forth in Section 17 below.

**Section 17: Credit for Prior Contributions and Infrastructure Improvements**

All of the agreements not to protest a LID or other pro rata cost sharing arrangement described in Sections 12 through 16 above shall include credit for any contributions or facility construction already made or completed by the individual property owners (or their predecessor in interest) for the particular urban public facility or service contemplated by the Subarea Plan or LID, including, but not limited to construction of urban standard roads or utilities or dedication of property for public facilities.

**Section 18: Future Subarea Plan for Final Bayview Ridge UGA**

The County shall prepare a Subarea Plan process with implementing development regulations for the land within the Bayview Ridge UGA as shown on the map attached hereto as Attachment D. This Subarea Plan process shall include, at a minimum, the following:

(1) further assessment of the land capacity needs for industrial lands and whether or not urban residential lands are needed or appropriate;

(2) locational and infrastructure phasing requirements to insure appropriate sequencing of future industrial development and to facilitate efficient use and development of the industrial properties if any additional industrial land is added to the final Bayview Ridge UGA beyond those industrial lands included in this stipulation;

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(3) resolution of the airport overlay restrictions necessary to avoid incompatible land uses in areas affected by the flight paths of the two runways;

(4) urban level of service standards and capital facilities planning for all necessary public facilities and services for this area prepared in collaboration with all special purpose districts in the planning area and specifying a time frame for installation or provision of urban public facilities and services consistent with the required timeframes in the Growth Management Act, the Comprehensive Plan, concurrency policies and any adopted County concurrency ordinance and shall include provision of urban services to developed urban uses within 6 years;

(5) a sewer capital facilities plan that requires installation of public sewer to serve the entire UGA, that specifies a proposed sewer alignment sufficient to serve all of the Bayview Ridge UGA and includes a program to fund acquisition of any necessary easements;

(6) requirement of a substantially sight obscuring buffer between planned areas of non-industrial use and planned areas of industrial uses to protect the character and values of the uses or development and to minimize the potential for land use conflicts;

(7) possible revisions to the boundaries of the Bayview Ridge UGA described in subsection 1A above; and

(8) completion of the Subarea Plan and implementing regulations on or before June 1, 2001.

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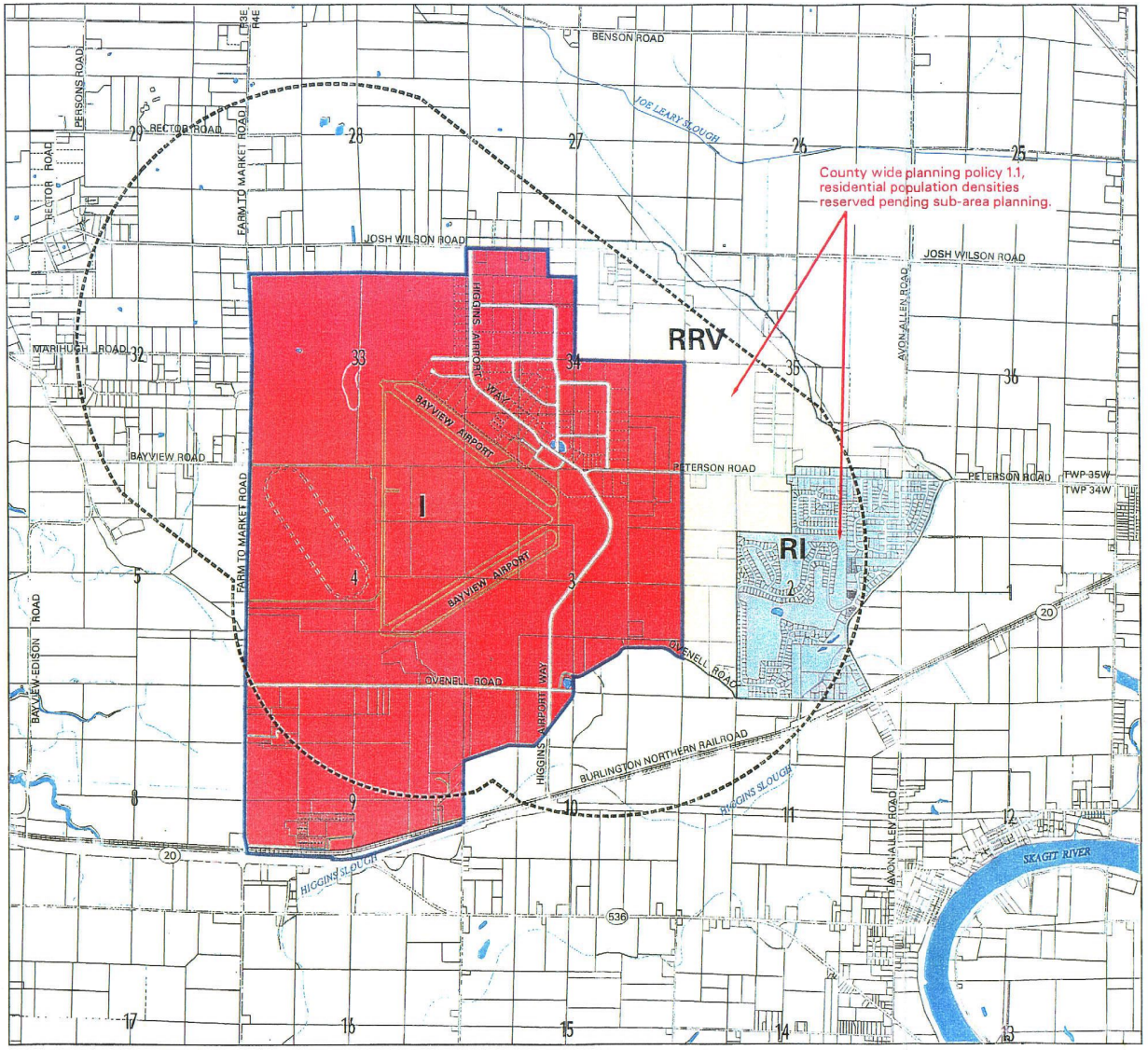


## LEGEND

17938

- Urban Growth Area
- Airport Environs Zone
- Industrial (I)
- Rural Reserve (RRV)
- Rural Intermediate (RI)

ATTACHMENT A

August 5, 1999

0 mi. 1/2 mi. 1 mi.

Skagit County Mapping GIS Geographic Information System

# BAYVIEW RIDGE

## URBAN GROWTH AREA

## COMPREHENSIVE PLAN LAND USE DESIGNATIONS

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MAP

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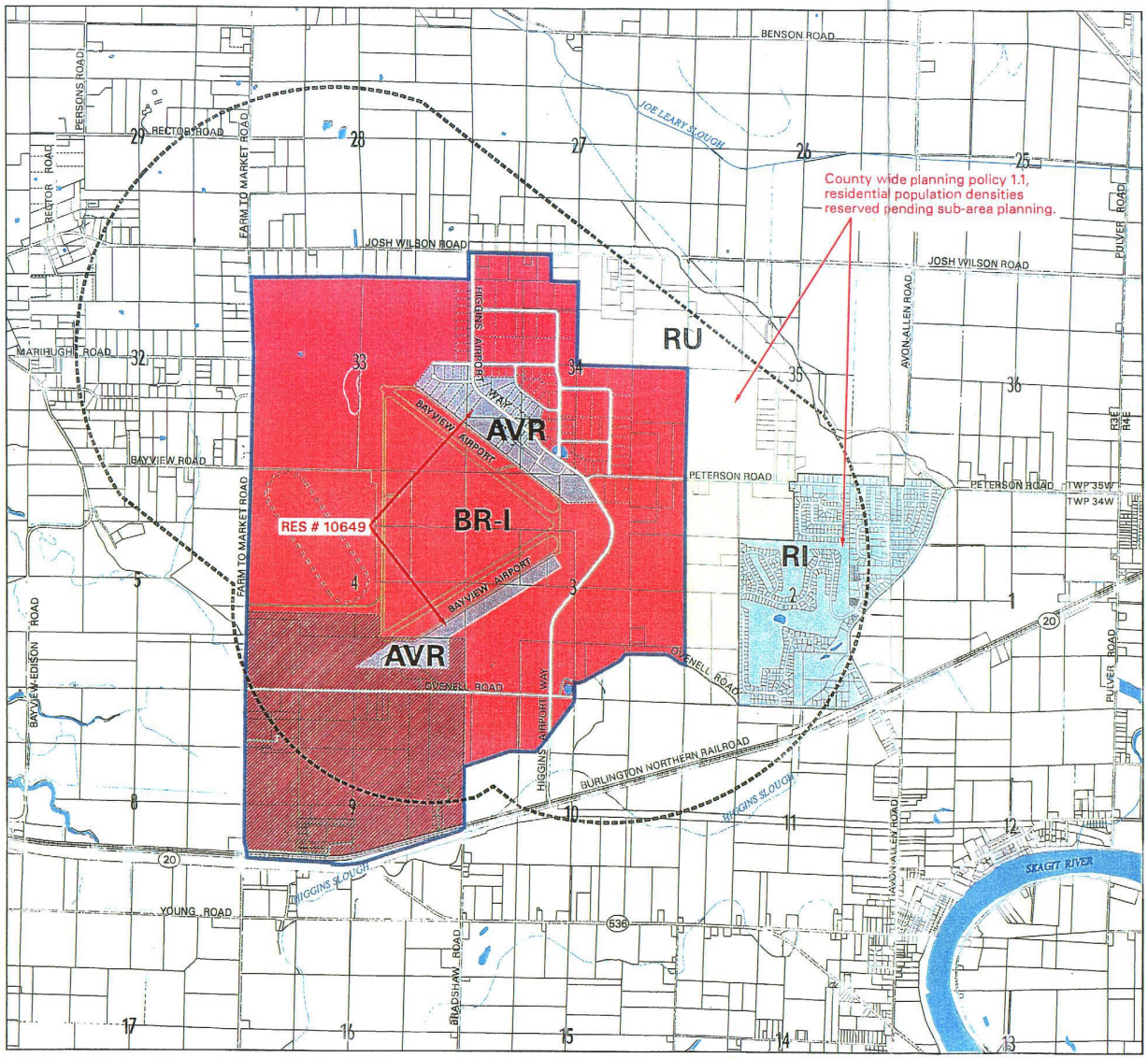


## LEGEND

17938

- Urban Growth Area
- Airport Environs Zone
- Area Eligable For Heavy Industrial Special Uses
- Bayview Ridge Industrial (BR-I)
- Aviation Related (AVR)
- Rural (RU)
- Rural Intermediate (RI)

ATTACHMENT B

August 5, 1999

0 mi. 1/2 mi. 1 mi.

Skagit County Mapping GIS Geographic Information System

# BAYVIEW RIDGE
## URBAN GROWTH AREA
## ZONING DISTRICTS

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ATTACHMENT C

PORT OF SKAGIT COUNTY
RESOLUTION NO. 99 – 08

A RESOLUTION of the Port Commission of the Port of Skagit County adopting urban levels of service and facility standards for the Port owned property located in the Bayview Ridge UGA.

WHEREAS, the Port of Skagit County ("the Port") owns about 1800 acres of property at its Bayview Business and Industrial Park ("the BBIP") which has been in the process of commercial/industrial development with urban services since the 1970s, when the first infrastructure was constructed; and

WHEREAS, since 1994 the Port has worked closely with Skagit County ("the County") as the County developed its Skagit County Comprehensive Plan as required by the Growth Management Act ("the GMA") to ensure compliance with the GMA; and

WHEREAS, since 1994 the Port has developed its own Port of Skagit County Comprehensive Plan for the Port's 1800 acres of property, said Plan consisting of the following:

- Skagit WIN Phase I, II, III 1994 – 1997;
- Sewer Agreement with the City of Burlington dated April 24, 1975;
- Airport Masterplan for the Skagit Regional Airport, dated June 1995;
- Stormwater Management Masterplan dated October 1998; and
- Water System Plan for Public Utility District No. 1 dated December 1994.

WHEREAS, approximately 250 acres of the Port's property at the BBIP has been identified for commercial/industrial development over the next twenty years, as a result of Port planning, the Overall Economic Development and Planning Update for Skagit County dated December 1995, and the Skagit County Comprehensive Plan; and

WHEREAS, the remaining Port property at the BBIP is comprised of critical areas, open space, airport runways, and existing developed/leased property; and

WHEREAS, the Port's 1800 acres of property at the BBIP, which has been designated as an Urban Growth Area ("a UGA") by the County, and validated by the Western Washington Growth Management Hearings Board (January 23, 1998), presently comprises all of the Bayview Ridge UGA; and

WHEREAS, since the designation/validation of the Port's UGA, the Port has been engaged with the County and other service providers to ensure provision of urban levels of service and facility standards for the Port property at the BBIP; and

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WHEREAS, the Port found it was necessary to proceed with establishment of its own urban levels of service and facility standards since the County process has focused on the needs of invalidated properties outside of the existing Bayview Ridge UGA; and

WHEREAS, the Port initiated its own process:

1. In its capital facilities budget for 1999, the Port Commission included $15,000 to fund the establishment of urban levels of service and facility standards; and

2. At its regular meeting of February 16, 1999, the Port Commission discussed and authorized staff action on this issue; and

3. At its strategic planning work session on March 16, 1999, the Commission gave preliminary approval for the Port's 2000 – 2005 Six Year Capital Facilities Plan which includes capital projects to implement levels of service and facility needs.

WHEREAS, proposed levels of service and facility standards were presented to the Port Commission, and a public hearing was held on May 18, 1999; and

WHEREAS, the matter was further discussed at the Port Retreat on June 1, 1999 at which time the Port Commission further authorized staff to pursue engineering for year 2000 capital facilities projects to implement levels of service and facility standards consistent with those under consideration by the Port Commission; and

WHEREAS, the Port Commission should proceed with adoption of the levels of service and facility standards so that the Port can implement its budgeted for year 2000 capital facilities projects in furtherance of the Legislature's mandate to the Port of providing opportunities for economic development.

NOW THEREFORE, BE IT RESOLVED:

A. The Port hereby adopts urban levels of service and facility standards as summarized in the attached matrix (5/5/99).

B. The Port hereby adopts the urban levels of service and facility standards more particularly set out and/or referenced in the attached documents listed as follows:

1. Urban levels of service security standards as developed by the Port of Skagit County (5/5/99);

2. Urban levels of service fire protection standards as proposed by the City of Burlington's Fire Chief (1/21/99);

3. Urban levels of facility water standards as set forth in Water System Plan for Public Utility District No. 1 (12/94)

4. Urban levels of facility sewer standards as set forth in Contract with the City of Burlington dated April 24, 1975

5. Urban levels of facility stormwater standards set forth in:

   a. Surface Water Management: Title 14, Burlington Municipal Code; and

   b. Stormwater Management: Stormwater Management Master Plan prepared by David Evans and Associates, Inc. dated October 1998

6. Urban levels of facility street standards developed by the Port of Skagit County (5/5/99).

ADOPTED IN OPEN SESSION this 15th day of June, and duly authenticated by the signatures affixed hereto:

Commissioner

Commissioner

Commissioner

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# URBAN LEVELS OF SERVICE AND FACILITY STANDARDS

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## MATRIX

| Service/ Facility | Standard | Source | How Port Complies | Target Compliance Date |
|---|---|---|---|---|
| Police | 2/100 Acres Developed Industrial Property | Port of Skagit County | FT operation and security personnel on staff provide routine patrols | Current |
| Fire | 5 minute response time | City of Burlington suggested fire policy dated 1/21/99 | Locate fire truck and appropriate equipment on-site. Contract with Fire District 12, 2, or 6 to provide standard. Allow Port staff to respond to calls with contracted fire district. | 2 Years |
| Water | PUD No. 1 | Water System Plan for Public Utility District No. 1 - December, 1994 | Continue work with PUD No. 1 | Current |
| Sewer | City of Burlington/Port of Skagit County Contract | City of Burlington/Port of Skagit County Contract dated April 24, 1975 | Agreement with City of Burlington | 2 Years |
| Stormwater | City of Burlington | City of Burlington Surface Water Management Standards/Port of Skagit County Stormwater Management Master Plan – October 1998 | All new development required to provide water quality treatment to City of Burlington standards. Water quantity standard provided by Port. | Current |
| Streets | City of Burlington Street Standards/ Trail System (Pedestrian Circulation) | City of Burlington Street Standards | City of Burlington's street standards,with appropriate changes to protect wetlands for pedestrian circulation and stormwater in lieu of curbs,gutters and sidewalks. | 2 Years |

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PORT OF SKAGIT COUNTY 17568

URBAN LEVELS OF SERVICE
SECURITY STANDARDS

1. Standard

This document sets the requirements for security needs at the Port of Skagit County's Bayview Business & Industrial Park (BBIP).

- Two per hundred (100) acres of developed industrial property.

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PORT OF SKAGIT COUNTY 17568

URBAN LEVELS OF SERVICE
FIRE PROTECTION STANDARDS

1. Standard

This document sets forth the requirements for fire protection for the Port of Skagit County's Bayview Business & Industrial Park (BBIP).

- See attached (1/21/99, City of Burlington proposed standards)

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# Burlington Fire Department

## Memorandum

To: County Planners

January 21, 1999

From: John Pauls, Fire Chief

Subject: Levels of Service for Fire

LOS definitions including resources arriving within a prescribed time are commonly used throughout the fire service. The Skagit County CFP for the Bayview Ridge UGA has proposed levels of service be defined in terms of "fire apparatus per 1000 population". The City of Anacortes has recently proposed using "Firefighters per 100 population or 100 acres of commercial/industrial land". These methods do not address the critical element of response time in determining Level of Service (LOS). Additionally, cities other than Anacortes and Mt. Vernon will be unable to meet the "FF/1000 population or 100 acres" standard even for their existing incorporated areas. Burlington would need to hire 11 additional firefighters, without considering the Bayview Ridge UGA.

Any definition of level of service for fire and EMS responses must include the arrival of appropriate resources within a time that is acceptable to the jurisdiction. The appropriate resources will depend on the type of incident. Buried within this definition are minimum staffing requirements for each type of apparatus. These minimum staffing levels are directly related to requirements contained in WAC 296-305 (WA State Firefighter Safety Standard).

The Level of Service definition for the Burlington Fire Department has been established as stated below. For urban areas (the City) the LOS standard must be met 90 percent of the time; for suburban areas in Fire District # 6 the standard must be met 70 percent of the time; and in rural areas it must be met 50 percent of the time.

Level of Service Definitions:

Structure Fires:

1 Command and 1 Engine within 5 minutes of dispatch
1 Truck and 1 additional Engine within 10 minutes of dispatch

Vehicle Fires; Brush/Woods/Trash:

1 Command and 1 Engine within 5 minutes of dispatch
1 additional Engine within 10 minutes of dispatch

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Medical: 17568

1 BLS unit within 5 minutes of dispatch

Hazardous Condition: (Flammable; Toxic; Electrical)

1 Command and 1 Engine within 5 minutes of dispatch

Motor Vehicle Accidents; Pedestrian / Bicycle / MVA:

1 Command and 1 Engine within 5 minutes of dispatch

1 Rescue and 1 additional Engine within 10 minutes of dispatch

Illegal Burn; Smoke Investigation; Public Service Assist

1 Unit within 10 minutes of dispatch

Alarm Systems (Malicious; Malfunction; Unintentional)

1 Command and 1 Engine within 5 minutes of dispatch

Unfortunately, there is no simplistic approach for defining LOS for Fire. The arrival of appropriate resources at an emergency is dependant on the distribution and concentration of the resources. The method of staffing is also a factor. Jurisdiction should be able to use career, volunteer or a combination of staffing methods when delivering the appropriate LOS.

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PORT OF SKAGIT COUNTY

URBAN LEVELS OF FACILITY

WATER STANDARDS

1. Standard

This document sets forth the requirements for water standards for the Port of Skagit County's Bayview Business & Industrial Park (BBIP).

- Public Utility District provides urban levels of water service through its Water System Plan For Public Utility District No. 1, December 1994.

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PORT OF SKAGIT COUNTY

URBAN LEVELS OF FACILITY

SEWER STANDARDS

1. Standard

This document sets forth the requirements for sewer system standards for the Port of Skagit County's Bayview Business & Industrial Park (BBIP).

- Contract with City of Burlington dated April 24, 1975

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PORT OF SKAGIT COUNTY 17568

# URBAN LEVELS OF FACILITY
# STORMWATER STANDARDS

## 1. Standard

This document sets forth the requirements for stormwater system standards for the Port of Skagit County's Bayview Business & Industrial Park (BBIP).

- Surface Water Management: Title 14, Burlington Municipal Code
- Stormwater Management Master Plan dated October, 1998 (David Evans & Associates)

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# PORT OF SKAGIT COUNTY

## URBAN LEVELS OF FACILITY STREET STANDARDS[1]

I. Standard

This document sets forth the specifications and requirements for the construction of streets and a pedestrian circulation system within the Port of Skagit County's Bayview Business & Industrial Park (BBIP).

a. Improved right-of-way is required for access to all new construction projects.

b. All other new construction shall meet the right-of-way improvement standards specified in these street standards, unless, in the opinion of the executive director, improvements are not warranted at the time of development. In that case, the developer shall be required to do one of the following, as specified by the executive director.

c. The Level of Service (LOS) will not drop below Level C.

II. Standard Specifications:

Construction and maintenance of all streets and all associated appurtenances shall be in conformance with, and comply with, the 1998 Washington State Department of Transportation/American Public Works Association (WSDOT/APWA) standard specifications, WSDOT amendments and General Special Provisions (GSPs), and the APWA amendments, and as hereafter amended.

III. Street Classifications:

A. Generally.

All streets in the BBIP shall be functionally classified in one of the categories specified in Section III, B-E below:

B. Major Arterial (Principal).

Major arterials provide for the movement of traffic across and between large subparts of the urban region and serve predominately "through" trips with minimum

[1] These standards are modeled after the City of Burlington's Street Standards in effect 4/26/99.



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direct service to abutting land uses. Major arterial service is required by large industrial plants, major governmental centers, and similar land uses which comprise the top layer of hierarchy of trip generators. Major arterials shall form a closed, interconnected system linking together major traffic generators in the urban region, and functioning to collect and distribute traffic from freeways and state highways to less important arterial streets.

C. Secondary Arterial (Minor).

Secondary arterials provide for movement within the large subparts prescribed by major arterials. Secondary arterials may also serve "through" traffic, but provide more direct service to abutting land uses than do major arterials. Secondary arterial service is required by strip industrial development, parks and recreational areas, warehousing areas and similar land uses which comprise the middle layer of the trip generator hierarchy. Secondary arterials shall, whenever possible, be long, continuous streets with direct rather than meandering alignments.

D. Collector Arterial (Collector).

Collector arterials provide for movement within the smaller areas and may be bounded by higher class arterials. Collector arterials serve very little "through" traffic but serve a high proportion of local traffic requiring direct access to abutting land uses. Collector arterial service is required for the majority of land uses which generate measurably important traffic volumes such as small parks and recreation areas, and other areas which are not served by major or secondary arterials. Collector arterials need not be particularly long or continuous since this would tend to attract through trips.

E. Access Street (Access).

Access streets provide for movement within light industrial areas. Access streets serve no through traffic and may terminate in cul-de-sacs.

IV. Street Design Criteria

A. Plans Required.

Street improvements or new street construction shall require engineering plans with the following information:

1. Vicinity map showing the location of existing arterial streets adjoining the proposed improvement or within the immediate vicinity of the improvement;

2. Street plans for individual street sections shall contain at least the following information: BK0094PG4384

a. Width and location of existing streets adjoining the improvement,

b. Property lines, right-of-way lines and easement lines with dimensions and north arrow,

c. Location of street improvement and appurtenances including driveways, properly dimensioned and stationed along the centerline and location and stationing of all horizontal angle points and horizontal curve date,

d. Location of all existing and proposed overhead and underground utilities, including storm and sanitary sewers, water courses, structures within the right-of-way, trees, and all pertinent topographic features, including location and elevations of all survey bench marks,

e. Suitable title plate on each drawing with street name, name and address of developer, scale, date and the name, address and telephone number and stamp of the registered engineer or land surveyor responsible for the plan preparation;

3. Street profiles for individual street sections shall contain at least the following information:

a. Street centerline stationing and vertical elevations,

b. A two or three line profile showing the existing ground surface along the street centerline and street centerline profiles,

c. Slope of the street between grade changes and vertical curve information,

d. Centerline profile of intersecting streets a minimum of 100 feet each side of street improvement and profile of all driveways with grades greater than eight percent,

e. Suitable title plate on each drawing with street name, name and address of developer, vertical and horizontal

scale, date and the name, address, telephone number and stamp of the registered engineer or land surveyor responsible for the plan preparation;

4. Structural details shall include properly dimensioned details of street, cross sections, drainage facilities, retaining walls and all major structures to be constructed within the right-of-way.

B. **Geometric Design Standards – Generally.**

Streets shall be designed and constructed in accordance with the requirements set out in Section IV, C through G.

C. **Geometric Design Standards – General Requirements.**

Streets shall be designed and constructed in accordance with the following general requirements:

1. Streets shall be designed to provide vehicular access according to the street classification to, from and through the service area;

2. Street widths shall be adequate to provide access for emergency vehicles, fire fighting equipment, garbage trucks and Port/County service vehicles;

3. Whenever possible new streets shall align with the existing street grid. New streets shall intersect existing streets at an approximate 90-degree angle;

4. Vertical clearance of structures or vegetation above a paved roadway shall be 16-1/2 feet. Vertical clearance of structures or vegetation above a walkway surface shall be eight feet;

5. Lateral clearance between the edge of street shoulder and the closest part of any fixed object (excluding traffic control signs and breakaway supports) shall be at least three feet;

6. Traffic control devices shall conform to the Washington State Department of Transportation Manual on Uniform Traffic Control Devices, latest edition;

7. Roadway Geometrics. Street designs shall be based on accepted engineering practices and current standards of the

American Association of State Highway and Transportation Officials;

8. Design Year. Twenty years after the year construction is completed;

**D. Geometric Design Standards – Major Arterials.**

Major arterials shall be designed and constructed in accordance with the following requirements:

1. Access conditions; intersections at grade with traffic signals at all major intersections; traffic channelization at all major intersections or driveways; parking restricted within road right-of-way; access control to adjoining properties according to the following conditions:

   a. One driveway per lot or driveways spaced a minimum of 150 lineal feet apart,

   b. No driveways within 150 lineal feet of street intersections;

   c. Driveway width 24 feet minimum, 36 feet maximum;

2. Average daily traffic – 5,000 to 25,000 vehicles per day;

3. Right-of-way width: 80 feet minimum;

4. Traffic lane width criteria:

| | |
|---|---|
| Two Way Traffic | 12 Feet Minimum |
| Turn Lane | 12 Feet Minimum |
| Shoulders | 8 Feet Minimum |
| Bus Lane | 12 Feet Minimum |

5. Pavement width (two-way traffic):

   With Shoulders 56 Feet

6. Horizontal curvature: minimum centerline radius = 955 feet;

7. Maximum grade = 6 percent; minimum grade = 0.5 percent;

8. Road surface cross slope: 2.5 percent minimum;

E. Geometric Design Standards – Collector Arterials.

Secondary arterials shall be designed and constructed in accordance with the following requirements:

1. Access conditions: intersections at grade with traffic channelization at major intersections; driveways within 150 feet of an intersection may be prohibited if there are potential traffic hazards. The extent of the potential traffic hazard shall be determined by the Port executive director or his designee in his sole discretion;

2. Average daily traffic: 1,500 to 10,000 vehicles per day;

3. Right-of-way width: 60 feet minimum;

4. Traffic lane width criteria:

| | |
|---|---|
| Two Way Traffic | 11 Feet Minimum |
| Turn Lane | 12 Feet Minimum |
| Shoulders | 8 Feet Minimum |
| Parking Lane | 10 Feet Minimum |
| Bus Lane | 12 Feet Minimum |

5. Pavement width (two-way traffic):
With Shoulders 52 Feet

6. Horizontal curvature: minimum centerline radius = 820 feet;

7. Maximum grade = 6 percent; minimum grade = 0.5 percent;

8. Road surface cross slope: 2.5 percent minimum;

F. Geometric Design Standards – Collector Arterials.

Collector arterials shall be designed and constructed in accordance with the following requirements:

1. Access conditions: intersections at grade with stop signs at major cross streets; driveways within 150 feet of an intersection may be prohibited if there are potential traffic hazards. The extent of the potential traffic hazard shall be determined by the Port executive director in his sole discretion;

2. Average daily traffic: 1,000 to 5,000 vehicles per day;

3. Right-of-way width: 60 feet minimum;

4. Traffic lane width criteria:

| | |
|---|---|
| Two Way Traffic | 11 Feet Minimum |
| Parking Lane | 8 Feet Minimum |
| Bus Lane | 12 Feet Minimum |

5. Pavement width (two-way traffic):

| | |
|---|---|
| With shoulders | 44 Feet |

6. Horizontal curvature: minimum centerline radius = 715 feet;

7. Maximum grade = 7 percent; minimum grade = 0.4 percent;

8. Road surface cross slope = 2.78 percent minimum;

G. Geometric Design Standards – Access Streets.

Access streets shall be designed and constructed in accordance with the following requirements:

1. Access conditions: intersections at grade with stop signs at all major cross streets; driveways within 150 feet of an intersection may be prohibited if there are potential traffic hazards. The extent of the potential traffic hazard shall be

determined by the Port executive director or his designee in his sole discretion;

2. Average daily traffic: 500 vehicles per day or less;

3. Right-of-way width: 50 feet minimum;

4. Traffic lane width criteria:

| | |
|---|---|
| Two Way Traffic | 10 Feet Minimum |
| Parking Lane | 8 Feet Minimum |

5. Pavement width (two-way traffic):

| | |
|---|---|
| With shoulders (five feet each side) | 34 Feet Total Width |

6. Horizontal curvature: minimum centerline radius = 410 feet;

7. Maximum grade = 12 percent; minimum grade = 0.4 percent;

8. Road surface cross slope = 2.78 percent;

9. Cul-de-sacs:

| | |
|---|---|
| Length | 300 Feet Maximum |
| Diameter | 100 Feet |

H. **Structural Design Standards.**

All streets shall be designed to provide a useful life span of 20 years without excessive maintenance. Major, secondary and collector arterials shall be designed and stamped by a civil engineer registered in the state of Washington. Accepted engineering practices shall be employed in the street designs. Soil, drainage and traffic conditions shall be considered in the design.

V. <u>Pedestrian Circulation Design Criteria</u>

A. Purpose

The Port of Skagit County's Bayview Business & Industrial Park property contains significant areas of high [illegible] wetlands.

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Standard roadway sections that include curb, gutters and sidewalks will likely interrupt stormwater feeding some of those wetlands. Therefore, it is not appropriate to construct roadway sections with standard curb, gutters and sidewalks. However, it is desirable and appropriate to construct a pedestrian circulation system. Therefore, the following pedestrian circulation or trail standards are adopted.

B. Plans Required

Trail improvements or new trail construction shall require plans with the following information:

1. Vicinity map showing the location of existing facilities or structures adjoining the proposed improvement or within the immediate vicinity of the improvements.

2. Trail plans of individual trail sections shall contain at least the following information:

   a. Property lines, right-of-way lines and easement lines with dimensions and north arrow.

   b. Location of all existing and proposed overhead and underground utilities, including storm and sanitary sewers, water courses, trees and all pertinent topographic features, including location and elevations of all survey bench marks.

3. Trail cross sections, drainage facilities, retaining walls, and all major structures to be constructed.

C. Geometric Design Standards.

1. Width 10 Feet

17938

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ATTACHMENT D

PORT OF SKAGIT COUNTY
RESOLUTION NO. 99 – 09

A RESOLUTION of the Port Commission of the Port of Skagit County adopting urban level pedestrian circulation plan for the Port owned property located in the Bayview Ridge UGA.

WHEREAS, the Port of Skagit County ("the Port") owns about 1800 acres of property at its Bayview Business and Industrial Park ("the BBIP") which has been in the process of commercial/industrial development with urban services since the 1970s, when the first infrastructure was constructed; and

WHEREAS, since 1994 the Port has worked closely with Skagit County ("the County") as the County developed its Skagit County Comprehensive Plan as required by the Growth Management Act ("the GMA") to ensure compliance with the GMA; and

WHEREAS, since 1994 the Port has developed its own Port of Skagit County Comprehensive Plan for the Port's 1800 acres of property, said Plan consisting of the following:

- Skagit WIN Phase I, II, III 1994 – 1997;
- Sewer Agreement with the City of Burlington dated April 24, 1975;
- Airport Masterplan for the Skagit Regional Airport, dated June 1995;
- Stormwater Management Masterplan dated October 1998; and
- Water System Plan for Public Utility District No. 1 dated December 1994.

WHEREAS, approximately 250 acres of the Port's property at the BBIP has been identified for commercial/industrial development over the next twenty years, as a result of Port planning, the Overall Economic Development and Planning Update for Skagit County dated December 1995, and the Skagit County Comprehensive Plan; and

WHEREAS, the remaining Port property at the BBIP is comprised of critical areas, open space, airport runways, and existing developed/leased property; and

WHEREAS, the Port's 1800 acres of property at the BBIP, which has been designated as an Urban Growth Area ("a UGA") by the County, and validated by the Western Washington Growth Management Hearings Board (January 23, 1998), presently comprises all of the Bayview Ridge UGA; and

WHEREAS, since the designation/validation of the Port's UGA, the Port has been engaged with the County and other service providers to ensure provision of urban levels of service and facility standards for the Port property at the BBIP; and

WHEREAS, the Port found it was necessary to proceed with establishment of its own urban levels of service and facility standards since the County process has focused on the needs of invalidated properties outside of the existing Bayview Ridge UGA; and



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WHEREAS, the Port initiated its own process:

1. In its capital facilities budget for 1999, the Port Commission included $15,000 to fund the establishment of urban levels of service and facility standards; and

2. At its regular meeting of February 16, 1999, the Port Commission discussed and authorized staff action on this issue; and

3. At its strategic planning work session on March 16, 1999, the Commission gave preliminary approval for the Port's 2000 – 2005 Six Year Capital Facilities Plan which includes capital projects to implement levels of service and facility needs.

4. At its regular meeting of June 15, 1999, the Port Commission adopted Resolution Number 99-08, establishing urban levels of service and facility standards for the Port owned property within the Bayview Ridge Urban Growth Area.

NOW THEREFORE, BE IT RESOLVED:

A. The Port hereby adopts the attached Preliminary Trail Plan Port of Skagit County dated May, 1999 as amended by staff July 27, 1999 to establish an urban level of pedestrian circulation plan for Port's property within the Bayview Ridge Urban Growth Area.

ADOPTED IN OPEN SESSION this 3rd day of August, 1999, and duly authenticated by the signatures affixed hereto:

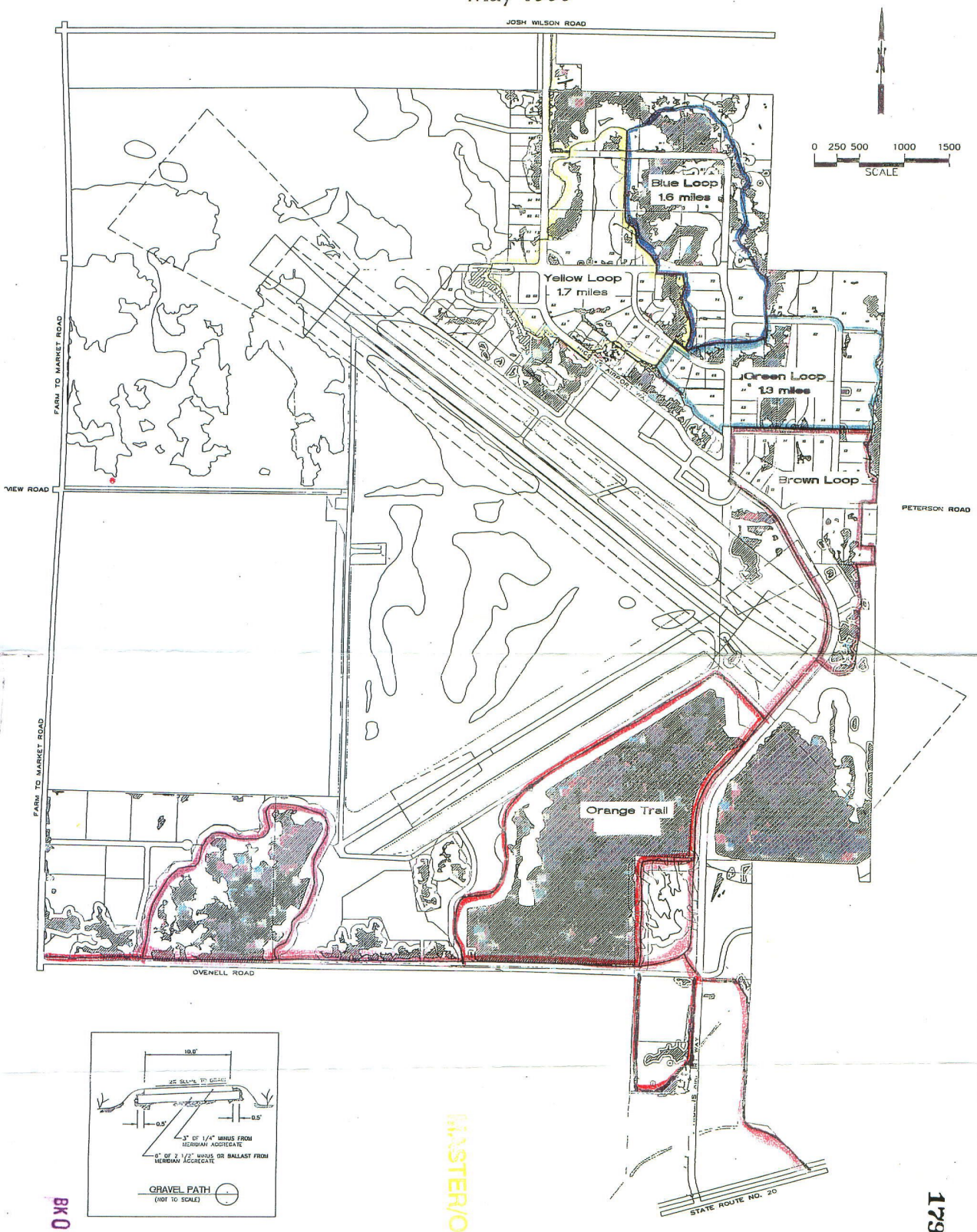
Commissioner

Commissioner

Commissioner

# Preliminary Trail Plan
# Port of Skagit County

May 1999







MASTER/ORIGINAL

As amended by staff July 27, 1999


J ENGINEERING & SURVEYING, P.L.L.C.
2716 Riverside Drive, Suite 104
Mount Vernon, WA 98273



Landscape Associates


Map information provided by Skagit County Mapping.

JOB NO. 4003, 5-17-99, 4003PTM.dwg

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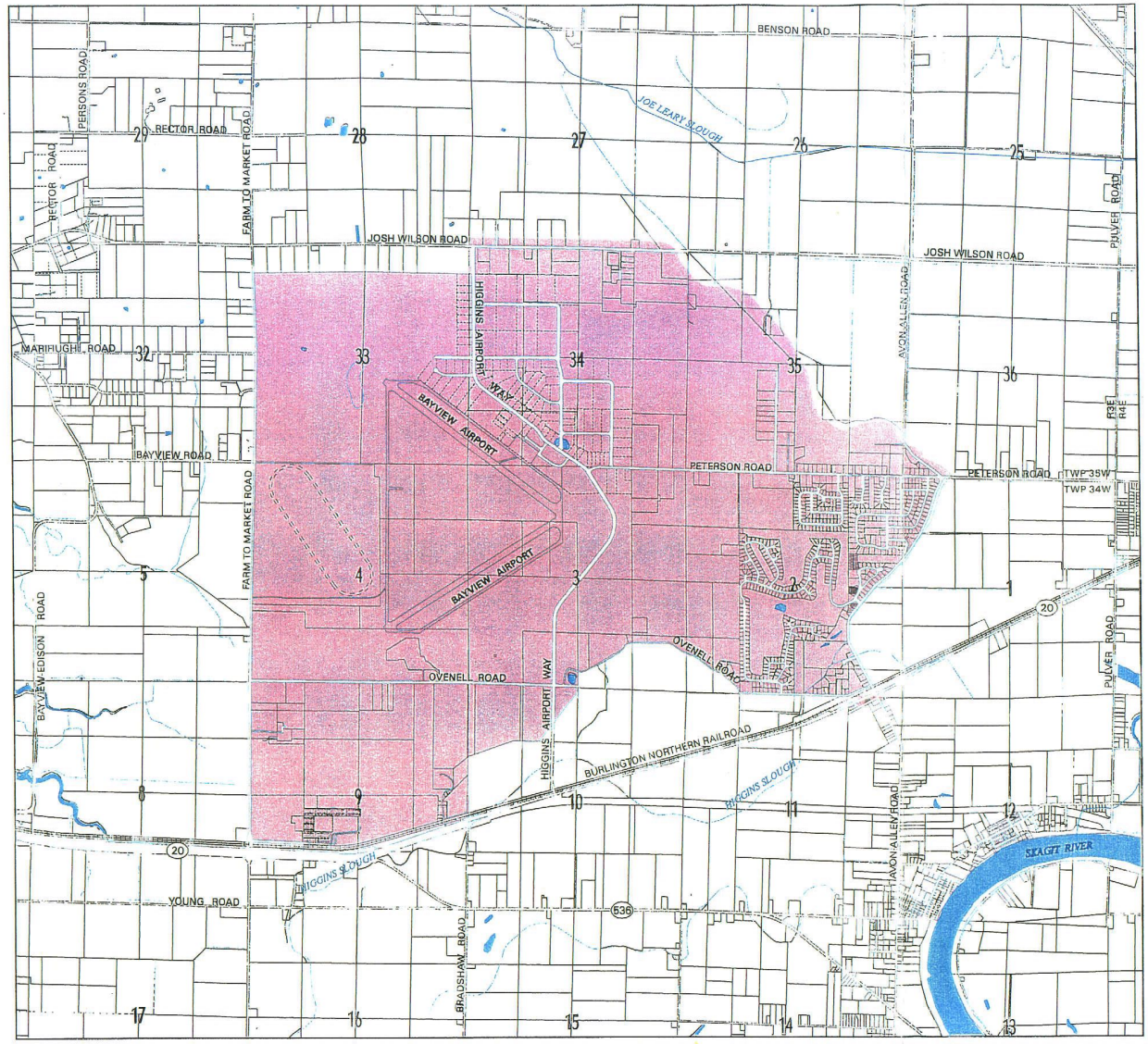


## LEGEND

**17938**

Location of Subarea Plan

MASTER/ORIGINAL

ATTACHMENT E

August 5, 1999

0 mi. 1/2 mi. 1 mi.

Skagit County Mapping GIS Geographic Information System

# BAYVIEW RIDGE SUBAREA PLAN

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17938

# Attachment O

ORDINANCE NO. 17896 17938

AN ORDINANCE REAFFIRMING INTERIM ORDINANCE NO. 17828 AND NO. 17712, AMENDING PORTIONS OF SKAGIT COUNTY CODE CHAPTER 14.06, CRITICAL AREAS ORDINANCE, SPECIFICALLY SECTION 14.06.095 "ONGOING AGRICULTURE ON LANDS DESIGNATED AGRICULTURE-NRL" AND SECTION 14.06.096 "STRATEGIC PLAN FOR PROTECTING WILD SALMONIDS".

**Whereas,** THE COUNTY ADOPTED THE CRITICAL AREA ORDINANCE (CAO), EFFECTIVE JUNE 13, 1996 UNDER THE AUTHORITY OF CHAPTERS 36.70 AND 36.70A, RCW AND ARTICLE 11 OF THE WASHINGTON STATE CONSTITUTION; AND

**Whereas,** FRIENDS OF SKAGIT COUNTY, SKAGIT AUDUBON SOCIETY AND THE SWINOMISH TRIBAL COMMUNITY FILED PETITIONS FOR REVIEW WITH THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD (WWGMHB) IN CASE NO. 96-2-0025 AND ON JANUARY 3, 1997, THE WWGMHB ISSUED A FINAL DECISION AND ORDER (FDO) IN CASE NO. 96-2-0025 ORDERING THE COUNTY TO DEVELOP ADDITIONAL BMPS TO REASONABLY REGULATE EXISTING AGRICULTURAL ACTIVITIES THAT ARE DAMAGING CRITICAL AREAS AND/OR THEIR BUFFERS; AND

**Whereas,** THE COUNTY ATTEMPTED TO ACHIEVE COMPLIANCE WITH THE GROWTH MANAGEMENT ACT (GMA) AND THE FDO BY ADOPTING ORDINANCE #16851AND THE PETITIONERS FILED BRIEFS CHALLENGING THE COUNTY'S ACTIONS; AND

**Whereas,** FOLLOWING A COMPLIANCE HEARING ON AUGUST 27, 1998, THE WWGMHB ISSUED A COMPLIANCE HEARING ORDER ON SEPTEMBER 16, 1998, ORDERING THAT "WITHIN 180 DAYS (THE COUNTY SHALL) ADOPT REQUIRED BENCHMARKS, TIMELINES AND MONITORING TO ENSURE THAT THE COUNTY'S VOLUNTARY BMPS ARE ACTUALLY PROTECTING CRITICAL AREAS. ALSO, ADOPT A REGULATORY APPROACH THAT WILL BE IMPLEMENTED IF THE VOLUNTARY APPROACH DOES NOT ACHIEVE REQUIRED RESULTS. THE COUNTY MUST USE BEST AVAILABLE SCIENCE (BAS) IN FORMULATING THESE ADDED SAFEGUARDS."; AND

**Whereas,** THE WWGMHB AT THE COMPLIANCE HEARING ALSO ORDERED THAT "WITHIN 360 DAYS (THE COUNTY SHALL) IMPLEMENT .096 ADOPTING A STRATEGIC PLAN CONSISTENT WITH THE STATE WILD SALMONID POLICY INCLUDING ANY NECESSARY ADDITIONAL CONTROLS ON ONGOING AGRICULTURE. THIS STRATEGIC PLAN MUST USE BAS TO PROTECT ANADROMOUS FISH."; AND

**Whereas,** IN AN ORDER ON RECONSIDERATION ISSUED OCTOBER 30, 1998, THE WWGMHB EXTENDED THE 180-DAY DEADLINE TO ADOPT THE REQUIRED BENCHMARKS, TIMELINES AND MONITORING TO SEPTEMBER 16, 1999; AND

**Whereas,** STAFF PREPARED A JUNE 8, 1999 DRAFT AMENDING SECTIONS .095 AND .096 OF THE CAO AND MET WITH THE BOARD OF COUNTY COMMISSIONERS ON JUNE 8, 1999 TO DISCUSS THE DRAFT AND THE BCC DIRECTED STAFF TO CONSIDER ALL OF THE STAKEHOLDERS AND ALL OF THE BAS; THEREFORE, THE STAFF PREPARED A SEPTEMBER 20, 1999 DRAFT; AND

**Whereas,** RCW 36.70A.390 ALLOWS FOR INTERIM OFFICIAL CONTROLS TO BE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS WITHOUT RECOMMENDATION FROM THE PLANNING COMMISSION PROVIDED A PUBLIC HEARING IS HELD ON THE ADOPTED REGULATIONS WITHIN SIXTY DAYS OF ADOPTION, AND FURTHER PROVIDED THAT FINDINGS OF FACT JUSTIFYING THE ACTION ARE ADOPTED AT OR IMMEDIATELY AFTER THE PUBLIC HEARING; AND

**Whereas,** THE BOARD OF COUNTY COMMISSIONERS SET A PUBLIC MEETING DATE OF SEPTEMBER 20, 1999 TO CONSIDER THE SEPTEMBER 20, 1999, DRAFT AND FOUND THAT THERE WERE SIGNIFICANT CHANGES FROM THE JUNE 8, 1999 DRAFT AND, THEREFORE, DECIDED TO HOLD A COMMENT PERIOD OPEN UNTIL SEPTEMBER 30, 1999, FOR PUBLIC COMMENTS CONCERNING THE SEPTEMBER 20, 1999, DRAFT PROPOSAL; AND

**Whereas,** THE BOARD OF COUNTY COMMISSIONERS MET IN A PUBLIC MEETING ON OCTOBER 5, 1999 WHERE IT DELIBERATED AND DISCUSSED BOTH THE JUNE 8, 1999, PROPOSAL AND THE SEPTEMBER 20, 1999, PROPOSAL; AND

cc: Planning, J. Moffat

BK0094PG4397

WHEREAS, ON OCTOBER 15, 1999, THE BOARD OF COUNTY COMMISSIONERS ADOPTED ORDINANCE NO. 17596, AN INTERIM ORDINANCE AMENDING SCC 14.06.095 AND .096, AND ADOPTED THE FOLLOWING FINDINGS IN SUPPORT THEREOF, WHICH ARE REAFFIRMED AS EDITED BELOW:

1. THE PROPOSED SECTIONS 14.06.095 AND 14.06.096 ARE INTENDED TO ADDRESS THE ORDER OF THE WWGMHB IN CASE NO. 96-2-0025, DATED SEPTEMBER 16, 1998, WHICH REQUIRED THE COUNTY TO DO THE FOLLOWING:

   a. AMEND THE CAO DEFINITIONS OF "AGRICULTURAL LAND" AND "ONGOING AGRICULTURE" TO MAKE IT CLEAR THAT THE AGRICULTURAL EXEMPTION ONLY APPLIES TO ONGOING AGRICULTURAL ACTIVITY IN DESIGNATED AGRICULTURAL LANDS. THE AMENDMENTS TO SECTION 14.06.090 AND THE DEFINITION IN SECTION 14.06.040 ADDRESS THIS CLARIFICATION.

   B. ADOPT BENCHMARKS, TIMELINES, AND MONITORING TO ENSURE THAT THE VOLUNTARY BMP'S ARE PROTECTING CRITICAL AREAS AND ADOPT A REGULATORY APPROACH THAT WILL BE IMPLEMENTED IF THE VOLUNTARY APPROACH DOES NOT ACHIEVE REQUIRED RESULTS. BEST AVAILABLE SCIENCE SHALL BE CONSIDERED IN FORMULATING THESE ADDED SAFEGUARDS.

   C. ADOPT A STRATEGIC PLAN FOR WILD SALMON RECOVERY DESCRIBED IN SECTION 14.04.096, INCLUDING ANY NECESSARY ADDITIONAL CONTROLS ON ONGOING AGRICULTURE.

2. THE PROPOSED SECTION 14.06.095 INCLUDES BENCHMARKS AND TIMELINES FOR ESTABLISHING NEW BUFFERS IN EXISTING AGRICULTURAL AREAS. IT ALSO INCLUDES COMMITMENT TO A MONITORING STUDY PROGRAM TO EVALUATE THE SUCCESS OF THE PROPOSED BUFFERS. THE ONGOING MONITORING PROGRAM DESCRIBED IN SECTION 14.06.095 AND 14.06.096 WILL PROVIDE VALUABLE, SITE SPECIFIC INFORMATION TO HELP THE COUNTY ASSESS THE EFFECTS OF THESE PROPOSED "MANAGED BUFFER" REQUIREMENTS. AS THE RESULTS OF THOSE STUDIES ARE COLLECTED, THE COUNTY WILL ASSESS WHETHER ADJUSTMENTS TO THESE REQUIREMENTS ARE APPROPRIATE. FURTHER, AS THE ONGOING REGIONAL NEGOTIATIONS REGARDING THE ENDANGERED SPECIES ACT (ESA) SALMON LISTING, AND ANY POTENTIAL 4(D) RULE ARE COMPLETED, THE COUNTY WILL MAKE FURTHER ADJUSTMENTS TO THESE REQUIREMENTS DEEMED APPROPRIATE OR NECESSARY. THESE REGULATORY AMENDMENTS REQUIREMENTS ARE AN APPROPRIATE FIRST STEP IN THE PROTECTING OF THE LISTED SPECIES. YET THE ADAPTIVE MANAGEMENT COMPONENT MINIMIZE THE POTENTIAL FOR ANY ULTIMATE INCONSISTENCIES WITH THE RESULTS OF THOSE REGIONAL ESA NEGOTIATIONS.

3. MOST SIGNIFICANTLY, RATHER THAN WAIT TO SEE IF VOLUNTARY MEASURES ARE WORKING, THE PROPOSED AMENDED SECTION 14.06.095 IMPOSES UP FRONT A PHASED-IN PROGRAM OF 50-FOOT BUFFERS IN THOSE AREAS OF EXISTING AGRICULTURE IDENTIFIED AS SALMON BEARING WATERS AS DEFINED IN 14.06.095. STREAM SECTIONS WITH SIGNIFICANT POTENTIAL TO BENEFIT THE SALMON SPECIES HAVE BEEN IDENTIFIED FOR INCLUSION IN THE INITIAL MANAGED BUFFER PROGRAM, WITH THE POTENTIAL TO ADD ADDITIONAL AREAS IN THE FUTURE.

4. THE PROPOSED REGULATIONS ALSO CONTINUE TO TAKE ADVANTAGE OF EXISTING CONSERVATION PLANS, AS WELL AS THE CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP). THE CREP PROGRAM IS A COST-SHARING PROGRAM FOR FENCING AND BUFFERS. IT IS SITE-SPECIFIC AND THE BUFFERS RANGE FROM 50 TO 150 FEET. ANY PERSON ENROLLED UNDER THE CREP IS NOT REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THIS ORDINANCE.

5. THE NEW SECTION 14.06.096 DESCRIBES A TIMELINE REFLECTING WHAT PARTS OF THE WILD SALMONID STRATEGY HAVE ALREADY BEEN IMPLEMENTED, WHAT ITEMS ARE UNDERWAY, AND WHAT THE PROJECTED TIMEFRAME IS FOR ADDITIONAL STUDIES AND RESTORATION PROJECTS IDENTIFIED AS MOST BENEFICIAL. WITH THE ONGOING REGIONAL EFFORTS UNDERWAY TO FURTHER DEFINE WHAT IS NECESSARY AND APPROPRIATE TO ADDRESS ESA DESIGNATION ISSUES, THIS PLAN, WHILE IT MAY UNDERGO FURTHER REFINEMENT DURING THOSE DISCUSSIONS, REPRESENTS A SIGNIFICANT COMMITMENT TO BOTH HABITAT PROTECTIONS AND RESTORATION.

6. THE COUNTY CONSIDERED A LARGE QUANTITY OF EVIDENCE PRESENTED BY INTERESTED PARTIES, INCLUDING THE AUDUBON SOCIETY, THE TRIBES AND THE AGRICULTURAL COALITION. WHILE SOME OF THE EVIDENCE PRESENTED COULD SUPPORT THE CONCLUSION THAT LARGER BUFFERS MAY BE "BETTER," THE INFORMATION PRESENTED DOES NOT NECESSARILY SUPPORT THE CONCLUSION THAT LARGER BUFFERS ARE ABSOLUTELY REQUIRED UP FRONT TO PROVIDE SUFFICIENT PROTECTION FOR THE STREAM HABITAT. IN FACT, SOME OF THE INFORMATION PRESENTED SUGGESTS THAT THE 50-FOOT "MANAGED BUFFER" MAY PROVIDE SUFFICIENT PROTECTION, IN A MORE TIMELY MANNER FOR THE SALMON HABITAT IN THE FORM OF RECRUITMENT OF LARGE WOODY DEBRIS, SHADING AND WATER QUALITY FILTRATION.

7. THE PROPOSED 50-FOOT "MANAGED BUFFER", WHERE MANAGED RE-VEGETATION PLANS CAN BE APPLIED TO GROWING AND THEN SELECTIVELY DEPOSITING LARGE WOODY DEBRIS IN THE STREAM CHANNELS, MAY IN FACT PRODUCE COMPARABLE OR FASTER RESULTS THAN A LARGER UNMANAGED BUFFER THAT IS LEFT TO NATURAL FORCES AND RANDOM FALL OF LARGE WOODY DEBRIS TO ENHANCE THE STREAM HABITAT. MANY OF THE STUDIES PRESENTED ON LARGE WOODY DEBRIS SUPPLY TO THE STREAM ARE BASED ON A RANDOM FALL ASSUMPTION IN THE MODEL, RATHER THAT A MANAGED GROWTH AND PLACEMENT THAT IS ENVISIONED IN THE MANAGED BUFFER APPROACH INCLUDED IN THIS ORDINANCE.

8. MANY OF THE STUDIES PRESENTED INDICATE THAT MOST OF THE WATER QUALITY FILTRATION FUNCTION CAN BE ACCOMPLISHED IN A BUFFER MUCH SMALLER THAN THE 125-300 FOOT BUFFERS AS IDENTIFIED IN SOME OF THE LITERATURE. THE PROPOSED ONGOING MONITORING PROGRAM WILL PROVIDE ACTUAL ON-SITE DATA THAT CAN THEN BE USED TO EVALUATE WHETHER ADJUSTMENTS SHOULD BE MADE TO THE BUFFER REQUIREMENTS AT A FUTURE DATE.

9. THE STUDIES PRESENTED SUGGEST THAT A MANAGED BUFFER COULD PROVIDE VALUABLE SHADE TO THE STREAM BEDS, ESPECIALLY THE NARROWER CHANNELS THAT ARE TYPICAL OF THE EXISTING AGRICULTURAL AREA IN A TIMEFRAME COMPARABLE TO AN UNMANAGED, UNTOUCHED LARGER BUFFER REQUIREMENT. AGAIN, THE ONGOING MONITORING EFFORTS DESCRIBED IN THIS ORDINANCE WILL PROVIDE VALUABLE INFORMATION TO ASSIST THE COUNTY IN EVALUATING WHETHER ADDITIONAL REQUIREMENTS ARE NECESSARY IN THE FUTURE.

10. A SIGNIFICANT FEATURE OF THE NEW REGULATIONS IS THE PROPERTY OWNERS' COMMITMENT TO ALLOW ACTIVE MANAGEMENT OF THE BUFFERS AND A MONITORED APPROACH TO HELP ENSURE ACCOMPLISHMENT OF SALMON HABITAT PROTECTION. THIS IS DISTINGUISHED FROM MOST REGULATORY APPROACHES THAT SIMPLY REQUIRE AN UNTOUCHED (AND TYPICALLY UNMANAGED) BUFFER THAT COULD TAKE LONGER TO ACCOMPLISH THE HABITAT ENHANCEMENT. THIS COMMITMENT EXCEEDS THE "FALL-BACK" REGULATORY APPROACH REQUESTED BY THE WWGMHB IN ITS SEPTEMBER 16, 1998, COMPLIANCE ORDER.

11. THE PROPOSED REGULATIONS HAVE EXEMPTED EXISTING AREAS WHERE THE STREAM BANK HAS ALREADY BEEN ALTERED BY ARMORING, AS IT IS MORE APPROPRIATE TO FOCUS THE EFFORTS ON THOSE HABITAT AREAS THAT HAVE NOT ALREADY BEEN SO ALTERED. ANY ATTEMPT TO REMOVE THAT ARMORING AT THIS TIME COULD, IN FACT, RESULT IN MORE DISRUPTION TO THE STREAM BANK, AND CORRESPONDING EROSION AND SEDIMENTATION THAT WOULD OUTWEIGH ANY SMALL BENEFITS THAT MIGHT OTHERWISE BE EXPECTED FROM NATURAL BANK AND VEGETATION RESTORATION AT THESE LOCATIONS.

12. THE PROPOSED LEASE PAYMENTS ARE INTENDED TO HELP COMPENSATE THE PROPERTY OWNERS FOR THE FINAL OBLIGATIONS AND FARM PRODUCTION LOSSES FROM THESE PROPOSED REGULATIONS, IN KEEPING WITH THE GOALS OF GMA AND THE COUNTY'S COMPREHENSIVE PLAN TO RESPECT PRIVATE PROPERTY RIGHTS. ALSO BY LEASING THE LAND THE COUNTY HAS THE ABILITY TO DIRECT ITS MANAGEMENT.

13. BECAUSE OF THE OFTEN NARROW FINANCIAL MARGINS IN AGRICULTURAL OPERATIONS AND BECAUSE OF THE SIGNIFICANT ACREAGE OF PRIME FARMLAND THAT IS AFFECTED BY CRITICAL AREA BUFFER REQUIREMENTS, THIS 50-FOOT "MANAGED BUFFERS" APPROACH AS CONTRASTED WITH A LARGER UNMANAGED BUFFER REQUIREMENT, PROVIDES AN IMPORTANT BALANCE BETWEEN THE GMA MANDATES TO PROTECT AGRICULTURAL LANDS AND TO PROTECT CRITICAL AREAS.

14. BECAUSE OF THE COMPLEX INTER-RELATIONSHIPS BETWEEN A VARIETY OF LAND USES ALONG STREAM CORRIDORS (URBAN, FORESTRY, AGRICULTURAL), AND OTHER FACTORS THAT CONTRIBUTE TO THE ULTIMATE POPULATION OF THE LISTED SPECIES (SUCH AS OCEAN HARVEST IMPACTS), ANY ONGOING MONITORING PROGRAM TO EVALUATE THE EFFECTIVENESS OF THESE REGULATORY REQUIREMENTS MUST BE CAREFULLY DESIGNED TO MEASURE THE IMPACTS OF THE ADJACENT LAND BASED AGRICULTURAL ACTIVITY SPECIFICALLY, RATHER THAN SIMPLY MEASURE INCREASES OR DECREASES IN NUMBERS OF FISH, SINCE COUNTING FISH ALONE DOES LITTLE TO IDENTIFY THE CAUSE OF THE IMPACT.

**Whereas**, PURSUANT TO RCW 36.70A.390, ON NOVEMBER 3, 1999, THE BOARD OF COUNTY COMMISSIONERS HELD A PUBLIC HEARING ON ORDINANCE #17596, AN ORDINANCE AMENDING PORTIONS OF SKAGIT COUNTY'S CAO, AS CODIFIED IN SKAGIT COUNTY CODE CHAPTER 14.06, CRITICAL AREA ORDINANCE, SPECIFICALLY SECTION 14.06.095, "ONGOING AGRICULTURE ON LANDS DESIGNATED AGRICULTURE-NRL," AND SECTION 14.06.096, "STRATEGIC PLAN FOR PROTECTING WILD SALMONIDS," AND HELD THE RECORD OPEN UNTIL NOVEMBER 5, 1999, FOR ADDITIONAL WRITTEN COMMENTS; AND

**Whereas,** THE BOARD OF COUNTY COMMISSIONERS MET IN A PUBLIC MEETING ON NOVEMBER 15, 1999, WHERE IT CONSIDERED THE PUBLIC COMMENTS AND DELIBERATED AND DISCUSSED THE MERITS OF ORDINANCE #17596; AND

**Whereas,** THE BOARD OF COUNTY COMMISSIONERS ORDAINED ON JANUARY 3, 2000 THAT SCC 14.06.095 AND 14.06.096 AS AMENDED BY ORDINANCE NO. 17596 AND REAFFIRMED BY ORDINANCE NO. 17712 SHALL REMAIN IN EFFECT UNTIL APRIL 5, 2000 UNLESS EXTENDED AS ALLOWED BY LAW AND THEREIN REAFFIRMED IN FINDINGS 1-14 ABOVE AND ADOPTED THE FOLLOWING ADDITIONAL FINDINGS:

15. THE GMA AND THE WWGMHB, IN THE COMPLIANCE HEARING ORDER FOR CASE # 96-2-0025, SUPPORTED THE PERFORMANCE STANDARDS IN .095 AND A VOLUNTARY APPROACH FROM THE AGRICULTURAL COMMUNITY TO PROVIDE PROTECTION OF THE RIPARIAN BUFFERS. THIS ORDINANCE PROVIDES FINANCIAL COMPENSATION FOR AGRICULTURAL PROPERTY OWNERS COMMITTING TO PLACING BUFFERS UP TO 125' WIDE ON SALMON BEARING WATERS BY LEASING THOSE BUFFER AREAS. THE LEASE COMPENSATION PROPOSED IN THIS ORDINANCE PROVIDES FOR A BUFFER OF UP TO 125 FEET. THE COUNTY IS ENCOURAGING PARTICIPATION IN THE LEASE PROGRAM BY PAYING PROPERTY OWNERS TO LEASE UP TO 125 FEET FOR BUFFER AREAS.

16. THE COMPLIANCE HEARING ORDER FOR CASE # 96-2-0025, ALSO STATED THAT "BENCHMARKS, TIMEFRAMES AND MONITORING MUST BE ESTABLISHED TO ENSURE THE BMPS ARE WORKING TO ACHIEVE NEEDED PROTECTION." THIS ORDINANCE REQUIRES 80% VOLUNTARY COMPLIANCE WITHIN A DEADLINE OF 540 DAYS. IF THAT 80% GOAL IS NOT ACHIEVED WITHIN THAT TIME FRAME, 100% REGULATORY COMPLIANCE IS REQUIRED, WITH PENALTIES AND A MONITORING PROGRAM WHICH WILL START 24 MONTHS FROM ADOPTION.

17. IN ADOPTING THIS PROGRAM, THE COUNTY REVIEWED THE INFORMATION PROVIDED BY INTERESTED PARTIES. SOME OF THE SCIENCE SUBMITTED ADVOCATED THAT SMALLER, INTENSELY-MANAGED BUFFERS MIGHT WORK AS WELL AS LARGER, UNMANAGED ONES. SCIENCE ALSO SUGGESTED THAT, CONSISTENT WITH THE REQUIREMENTS OF GMA, LOCAL CIRCUMSTANCES MUST BE CONSIDERED. SKAGIT COUNTY BELIEVES THAT SMALLER BUFFERS, IF ACTIVELY AND AGGRESSIVELY MANAGED, MAY PROVIDE AN ADEQUATE BUFFER SYSTEM.

18. BAS SPECIFIC TO THE IMPACT OF AGRICULTURAL LANDS AND ACTIVITIES ON SALMONID HABITAT IN THIS REGION HAS NOT BEEN DOCUMENTED. SUCH BAS, SPECIFIC TO THIS REGION, IS NECESSARY TO ENSURE PROTECTIONS LONG TERM FOR BOTH SALMON AND THE COMMERCIAL AND ECONOMIC VIABILITY OF THE REGION'S INDUSTRY. A SITE TAILORED RE-VEGETATION AND MAINTENANCE PROGRAM WILL BE DEVELOPED WITHIN 90 DAYS OF A SIGNED LEASE AND WILL FOLD INTO AN ADAPTIVE MANAGEMENT PLAN THROUGH THE COUNTY DIRECTED MONITORING PROGRAM.

19. THE COUNTY'S PROGRAM IS LOCATION-SPECIFIC, WHICH THE COUNTY BELIEVES WILL ULTIMATELY RESULT IN A PROGRAM THAT WILL PROVIDE SKAGIT COUNTY WITH THE BEST APPROACH UNDER GMA. THE COUNTY'S PROGRAM INCLUDES THE SITE-SPECIFIC FISH ENHANCEMENT PROJECTS DESCRIBED IN EXHIBITS D AND E. IN ADDITION, THE MONITORING AND ENFORCEMENT REQUIREMENTS ARE MAJOR COMPONENTS OF THE PROGRAM, DESIGNED TO INSURE THE PROTECTION AND ENHANCEMENT OF THE SALMONID HABITAT. IF THE RESULTS OF THE MONITORING AND ENFORCEMENT EFFORTS DEMONSTRATE THAT THE PROGRAM IS NOT WORKING, THE COUNTY WILL CHANGE THE PROGRAM.

20. APPENDIX F PROVIDES A STRONG BIBLIOGRAPHY OF SCIENTIFIC LITERATURE, INCLUDING SOME DEVELOPED PURSUANT TO PROGRAMS AND STUDIES REVIEWED BY RESOURCE AND ENVIRONMENTAL REGULATORY AGENCIES THAT SUPPORT THE PRINCIPLES BEHIND THE "MANAGED BUFFER". THIS APPROACH WILL PROVIDE A MEANS TO REDUCE SIGNIFICANTLY THE ONE-SIZE-FITS-ALL BUFFER WIDTH REQUIREMENTS TYPICAL IN A NON-MANAGED PLAN, WHILE STILL PROVIDING PROTECTION FOR SALMONIDS AND THEIR HABITAT.

21. THE GMA MANDATES DEVELOPMENT REGULATIONS TO PROTECT THE FUNCTIONS AND VALUES OF CRITICAL AREAS WITH SPECIAL CONSIDERATION TO THE CONSERVATION AND PROTECTIVE MEASURES NECESSARY TO PRESERVE OR ENHANCE ANADROMOUS FISHERIES. MOST ACTIVELY WORKED AGRICULTURAL LANDS DO NOT HAVE EXISTING DELIBERATELY MANAGED RIPARIAN BUFFERS DESIGNED TO PROVIDE CRITICAL FUNCTIONS TO SALMONID HABITAT. SCIENCE INDICATES THAT THE MOST EXPEDIENT WAY TO CREATE EFFECTIVE SALMON FRIENDLY RIPARIAN BUFFERS IS THROUGH AN ADAPTIVELY MANAGED BUFFER PROGRAM. SIMPLY REQUIRING LARGE PARCELS OF LAND TO BE SET ASIDE TO RE-VEGETATE WILL TAKE YEARS TO DEVELOP TO A FUNCTIONAL VALUE. THIS ORDINANCE PROVIDES FOR AN ACCELERATED APPROACH TO BUFFER ENHANCEMENT THAT IS SUPPORTED THROUGH AN AGGRESSIVELY FINANCED PROGRAM.

22. THIS ORDINANCE IS INTENDED TO MEET THE REQUIREMENTS OF GMA AND MORE SPECIFICALLY THE COMPLIANCE HEARING ORDER, AND IS NOT NECESSARILY INTENDED TO ADDRESS WHAT ESA REQUIREMENTS MAY COME OUT OF THE 4(D) RULE FOR PUGET SOUND CHINOOK, WHICH HAS NOT YET BEEN ISSUED.

23. THE COUNTY IS PROPOSING TO PROVIDE COMPENSATION IN TERMS OF A 5-YEAR LEASE TO THE LANDOWNERS FOR PLACING A PORTION OF THEIR LANDS INTO AN ADAPTIVELY MANAGED BUFFER. THE PERFORMANCE OF THIS MANAGED BUFFER, RELATIVE TO THE PROTECTION OF SALMON AND SALMON HABITAT, WILL BE ASSESSED AND EVALUATED THROUGH OUT THE TERM OF THE LEASE AND SUCH EVALUATION WILL BE THE BASIS FOR RECOMMENDED ADJUSTMENTS TO THE BUFFER AND ITS MAINTENANCE PROGRAM TO ENSURE THE CONTINUED PROTECTION OF ANADROMOUS SPECIES. THE ADAPTIVE MANAGEMENT COMPONENT PROVIDES REQUISITE ADJUSTMENTS IN THE FUTURE BASED ON PROVEN PRACTICES AND DOCUMENTED MONITORING. ADJUSTMENTS TO THE BUFFERS, THE LEASING PROGRAM, AND ENFORCEMENT PROVISIONS WILL BE BASED ON THE RESULTS OF THE MONITORING PROGRAM.

24. A MANDATE OF A 100-200 FOOT BUFFER WOULD RESULT IN A FAILURE OF MANY SMALL FARMS AND A SERIOUS ECONOMIC HARDSHIP TO LARGER OPERATIONS. SUCH AN "AFTER THE FACT" MANDATE WITHOUT CONCLUSIVE BAS TO SUPPORT IT THAT FORCED EXISTING OPERATIONS TO CEASE WOULD BE A PRECEDENT SETTING ACTION DIFFICULT TO JUSTIFY UNDER GMA.

25. THE PROPOSED PLAN IN APPENDIX F, SUPPORTED BY RECOGNIZED SCIENCE, INDICATES A 50-90% EFFICACY FOR PROVIDING ESSENTIAL FUNCTIONS TO SALMONID HABITAT. THIS PROGRAM WILL DEDICATE MORE PROTECTIVE RIPARIAN BUFFER AREA SOONER THAN ANY OTHER ALTERNATIVE PROGRAMS BEING CONSIDERED BY OTHER JURISDICTIONS.

26. THE COUNTY HAS PROVIDED EXEMPTIONS FROM THIS PROGRAM TO THOSE PROPERTY OWNERS WHO HAVE SHOWN THEIR WILLINGNESS TO PROTECT THE WATER QUALITY OF THE STREAMS ON THEIR PROPERTY BY OBTAINING A FARM MANAGEMENT PLAN FROM THE SKAGIT CONSERVATION DISTRICT PRIOR TO ADOPTION OF THIS ORDINANCE. THE MONITORING PLAN WILL COMPARE THE EFFICACY OF THE HABITAT PROTECTION EFFORTS UNDER THE SKAGIT CONSERVATION DISTRICT FARM MANAGEMENT PLANS TO THE COUNTY'S MANAGED BUFFER PLAN TO SEE HOW THEY WORK. THOSE PLANS MAY BE MODIFIED TO MEET THE

REQUIREMENTS OF AN ADAPTIVE MANAGEMENT PLAN PURSUANT TO THIS ORDINANCE DEPENDING ON THE RESULTS OF THE MONITORING PROGRAM. THE COUNTY'S PLAN PROVIDES SOME INCENTIVE FOR THOSE ENROLLED IN THE SKAGIT CONSERVATION DISTRICT'S FARM MANAGEMENT PLAN TO SWITCH TO THE COUNTY'S VOLUNTARY MANAGED BUFFER PROGRAM BECAUSE IT ALLOWS COMPENSATION FOR THE LAND PLACED INTO THE BUFFERS.

27. THE COUNTY HAS ADDITIONALLY EXEMPTED AREAS WHERE THE STREAM BANK HAS ALREADY BEEN ALTERED BY ARMORING (SEE FINDING 11 ABOVE). BECAUSE THOSE FISH HABITAT AREAS HAVE ALREADY BEEN DISRUPTED BY ARMORING, THE COUNTY IS CONCENTRATING ITS EFFORTS IN ESTABLISHING ITS BUFFER PROGRAM ON AREAS WHERE THE STREAM BANK HAS NOT BEEN ALTERED BY ARMORING. SIMILARLY, THE COUNTY IS NOT INCLUDING STREAMS UPSTREAM FROM TIDEGATES, FLOODGATES OR DIKING DISTRICT PUMP STATIONS IN THE ACMM BECAUSE FISH ARE NOT DESIRED IN THOSE LOCATIONS AND IT WAS DETERMINED THAT THE MANAGED BUFFER PROGRAM WOULD PROVIDE BETTER HABITAT ON STREAM SECTIONS NOT CONTAINING THESE STREAM OBSTRUCTIONS. THESE EXCEPTIONS ARE CONSISTENT WITH THE COUNTY'S CHOICE TO ALLOCATE ITS LIMITED FINANCIAL AND STAFFING RESOURCES TO THE AREAS WHERE THEY CAN DO THE MOST GOOD, AS FAR AS PROTECTING FISH HABITAT THROUGH ITS MANAGED BUFFER PROGRAM.

28. DUE TO THE NUMBER OF SMALLER AGRICULTURAL OPERATIONS IN SKAGIT COUNTY THAT HAVE SALMON-BEARING WATERS RUNNING THROUGH THE PROPERTY, EVIDENCE IN THE RECORD FROM THE AGRICULTURAL COMMUNITY SUPPORTS A FINDING THAT ANY ACREAGE OVER 15% OF THE PROPERTY WHICH IS TAKEN OUT OF PRODUCTION MAY CAUSE A REDUCTION IN PROFIT MARGIN WHICH WOULD ADVERSELY AFFECT THE VIABILITY OF CONTINUED LONG-TERM RESOURCE PRODUCTION OF THE AGRICULTURAL LANDS. IF SUCH LAND WERE TAKEN OUT OF PRODUCTION, SUCH A LOSS OF DESIGNATED AGRICULTURAL LANDS WITH LONG-TERM COMMERCIAL SIGNIFICANCE WOULD BE INCONSISTENT WITH GMA. PROHIBITING A LOSS OF MORE THAN 15% OF AGRICULTURAL LAND TO THE BUFFER PROGRAM BALANCES THE GMA GOALS OF PROTECTING PRIVATE PROPERTY RIGHTS AND MAINTAINING AGRICULTURAL LANDS OF LONG-TERM COMMERCIAL SIGNIFICANCE WITH THE GOAL OF PROTECTING CRITICAL AREAS.

29. MANY OF THE DETAILS OF THE MONITORING AND ENFORCEMENT PROGRAM MANDATED BY THIS ORDINANCE WILL BE DEVELOPED AND IMPLEMENTED BY SKAGIT COUNTY STAFF, WITH THE ASSISTANCE OF NATURAL RESOURCE CONSULTANTS, INC., THE SKAGIT COUNTY CONSERVATION DISTRICT AND THE SCIENCE ADVISORY PANEL (SAP). FUNDING FOR THE IMPLEMENTATION SHALL BE THROUGH THE SKAGIT COUNTY SALMON RECOVERY FUND, WHICH HAS A BUDGET FOR THE YEAR 2000 OF $400,000 FOR IMPLEMENTATION OF THE AGRICULTURAL BUFFER PROGRAM.

30. THE AGRICULTURAL COMPLIANCE MASTER MAP (ACMM) WAS PRODUCED BASED ON DNR-TYPED I, II AND III STREAMS. THERE MAY BE ADJUSTMENTS TO THE ACMM BASED UPON FURTHER ANALYSIS. A VERSION OF THE ACMM, WHICH IS A WORK IN PROGRESS, IS ATTACHED. THE ACMM WILL BE UPDATED AS PROVIDED FOR IN THIS ORDINANCE, AND AS UPDATED WILL BE SUBSTITUTED AS APPENDIX C AND INCORPORATED AS REFERENCED AS PART OF SCC 14.06.

31. THE COUNTY INTENDS TO REVISIT THE CHANNEL MIGRATION ISSUE BASED UPON THE RESULTS OF THE MONITORING STUDIES. DEPENDING ON THE RESULTS OF THE MONITORING PROGRAM, THE SIZE OF THE BUFFERS MAY BE ALTERED IN THE FUTURE TO ASSURE ADEQUATE PROTECTION OF THE FISH HABITAT.

32. SECTION .096 OF THIS ORDINANCE PROVIDES A STRATEGIC PLAN WHICH INCLUDES BOTH ONGOING IMPLEMENTATION PROJECTS AND THE DEVELOPMENT OF A SALMON RECOVERY PROGRAM UTILIZING THE WILD SALMON POLICY, ESHB 2496, ESHB 2514 AND THE GMA.

**Whereas,** RCW 36.70A.390 ALLOWS FOR INTERIM OFFICIAL CONTROLS TO BE ADOPTED FOR A SIX MONTH PERIOD AND RENEWED WHEN SUBSEQUENT PUBLIC HEARING IS HELD AND FINDINGS OF FACT ARE MADE PRIOR TO EACH RENEWAL; AND

**Whereas,** THE BOARD OF COUNTY COMMISSIONERS SET A PUBLIC HEARING DATE OF APRIL 3, 2000 TO TAKE COMMENTS TESTIMONY ON THE MERITS OF RENEWING INTERIM CRITICAL AREA ORDINANCE NO. 17712, PREVIOUSLY KNOW AS ORDINANCE NO. 17596, PURSUANT TO SCC 14.01; AND

**Whereas,** NOTICE WAS GIVEN PURSUANT TO SCC 14.01 ON MARCH 16 AND 23, 2000 AND REPEATED AGAIN ON MARCH 25 AND 30, 2000 FOR PURPOSES OF CLARIFICATION AND CORRECTION; AND

**Whereas,** THIS ACTION DOES NOT SUBSTANTIALLY CHANGE THE ANALYSIS OF SIGNIFICANT IMPACTS AND ALTERNATIVES IN THE EXISTING ENVIRONMENTAL DOCUMENT; A NEW STATE ENVIRONMENTAL POLICY (SEPA) THRESHOLD DETERMINATION IS NOT REQUIRED WAC 197-11-600(4)(D)); AND

**Whereas,** BASED UPON THE ORAL AND WRITTEN EVIDENCE RECEIVED PRIOR TO AND AT THE PUBLIC HEARING ON APRIL 3, 2000, THE BOARD OF COUNTY COMMISSIONERS ADOPTED THE FOLLOWING ADDITIONAL FINDINGS IN ORDINANCE 17828 WHICH REAFFIRMED SCC 14.04.095 AND 14.06.096, AS AMENDED BY ORDINANCE NO. 17596 AND THEN ORDINANCE NO. 17712 AS SET FORTH IN EXHIBIT A TO ORDINANCE 17828, WHICH IS ATTACHED HERETO AND INCORPORATED BY REFERENCE, AND APPENDICES D, E AND F, WHICH ARE ALSO ATTACHED TO ORDINANCE 17828 AND INCORPORATED BY REFERENCE, DATED JANUARY 2000:

33. THE BOARD READOPTS FINDINGS 1-32 ABOVE.

34. THE GROWTH MANAGEMENT ACT (RCW 36.70A) (GMA, ACT) REQUIRES COUNTIES PLANNING UNDER THE ACT TO ADOPT REGULATIONS TO DESIGNATE AND PROTECT CRITICAL AREAS. RCW 36.70A.060(2), .170(1)(D). COUNTIES ARE REQUIRED TO FOLLOW WASHINGTON STATE DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT (DCTED) GUIDELINES WHEN ADOPTING THEIR CRITICAL AREAS REGULATIONS. RCW 36.70A.170(2); 36.70A.050(1). THE DCTED ADOPTED GUIDELINES RELATING TO CRITICAL AREAS IN 1991, CODIFIED AT WAC 365-190-080, WHICH REMAIN UNCHANGED TO DATE.

35. IN 1995, THE LEGISLATURE ADOPTED AMENDMENTS TO GMA WHICH REQUIRE THAT A COUNTY "INCLUDE BEST AVAILABLE SCIENCE IN DEVELOPING POLICIES AND DEVELOPMENT REGULATIONS TO PROTECT THE FUNCTIONS AND VALUES OF CRITICAL AREAS. IN ADDITION, COUNTIES AND CITIES SHALL GIVE SPECIAL CONSIDERATION TO CONSERVATION OR PROTECTIVE MEASURES NECESSARY TO PRESERVE OR ENHANCE ANADROMOUS FISHERIES." [RCW 36.70A.172(1)] THE LEGISLATURE FAILED TO ADOPT A DEFINITION OF "BEST AVAILABLE SCIENCE" WHEN IT ENACTED THIS REQUIREMENT. FURTHER, AS NOTED IN FINDING 1 ABOVE, DCTED HAS NOT ADOPTED ANY REGULATIONS TO CLARIFY WHAT THIS "BEST AVAILABLE SCIENCE" REQUIREMENT MEANS THROUGH THE ADOPTION OF ANY CLARIFYING AMENDMENT TO WAC 365-190-080, DESPITE HAVING OVER FOUR YEARS TO DO SO.

36. IN VIEW OF THIS LACK OF LEGISLATIVE OR ADMINISTRATIVE DIRECTION, LOCAL JURISDICTIONS MUST LOOK TO PRONOUNCEMENTS BY COURTS AND THE GROWTH MANAGEMENT HEARINGS BOARDS ON WHAT "BEST AVAILABLE SCIENCE" MEANS. THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD (WESTERN BOARD) HAS STATED THAT:

> LOCAL DIVERSITY HAS AN IMPACT IN DETERMINING WHAT IS THE "BEST" SCIENCE. THE GOALS OF THE ACT, THE PRACTICALITY OF THE "SCIENCE" AND THE FISCAL IMPACT, RELATING TO THE AVAILABILITY OF INFORMATION AND TO THE ULTIMATE DECISION, MUST BE BALANCED BY A LOCAL GOVERNMENT IN DETERMINING HOW TO DESIGNATE AND HOW TO PROTECT CRITICAL AREAS. "AVAILABLE" MEANS NOT ONLY THAT THE EVIDENCE MUST BE CONTAINED WITHIN THE RECORD, BUT ALSO THAT THE SCIENCE MUST BE PRACTICALLY AND ECONOMICALLY FEASIBLE. 'BEST" MEANS THAT WITHIN THE EVIDENCE CONTAINED IN THE RECORD A LOCAL GOVERNMENT MUST MAKE CHOICES BASED UPON THE SCIENTIFIC INFORMATION PRESENTED TO IT. THE WIDER THE DISPUTE OF THE SCIENTIFIC EVIDENCE, THE BROADER THE RANGE OF DISCRETION ALLOWED TO LOCAL GOVERNMENTS. ULTIMATELY, A LOCAL GOVERNMENT MUST TAKE INTO ACCOUNT THE PRACTICAL AND ECONOMIC APPLICATION OF THE SCIENCE TO DETERMINE IF IT IS THE "BEST AVAILABLE."

CLARK COUNTY NATURAL RESOURCES COUNCIL, ET AL. V. CLARK COUNTY, NO. 96-2-0017, FINAL DECISION AND ORDER, DECEMBER 6, 1996 (CPC PAGINATION AT 2209). FURTHER, THE RECENT CASE OF HEAL V. CPSGMHB, 96 WN. APP. 522, 979 P.2D 864 (1999), PROVIDES THAT THIS "BEST AVAILABLE SCIENCE" REQUIREMENT MEANS THAT LOCAL JURISDICTIONS MUST CONSIDER BEST AVAILABLE SCIENCE BOTH PROCEDURALLY AND SUBSTANTIVELY WHEN

ADOPTING THEIR CRITICAL AREAS REGULATIONS. HOWEVER, IN MAKING THIS PRONOUNCEMENT, THE COURT REJECTED THE NOTION THAT GMA REQUIRES "ANY PARTICULAR OUTCOME OR PRODUCT." 96 WN. APP. AT 531. IN FACT, THE COURT IN HEAL NOTED THE FOLLOWING:

> THE GMA REQUIRES BALANCING OF MORE THAN A DOZEN GOALS AND SEVERAL SPECIFIC DIRECTIVES IN IMPLEMENTING THOSE GOALS. /6 THE LEGISLATURE PASSED RCW 36.70A.172 (1) FIVE YEARS AFTER THE GMA WAS ADOPTED. IT KNEW OF THE OTHER FACTORS, BUT NEITHER MADE BEST AVAILABLE SCIENCE THE SOLE FACTOR, THE FACTOR ABOVE ALL OTHER FACTORS NOR MADE IT PURELY PROCEDURAL. INSTEAD, THE LEGISLATURE LEFT THE CITIES AND COUNTIES WITH THE AUTHORITY AND OBLIGATION TO TAKE SCIENTIFIC EVIDENCE AND TO BALANCE THAT EVIDENCE AMONG THE MANY GOALS AND FACTORS TO FASHION LOCALLY APPROPRIATE REGULATIONS BASED ON THE EVIDENCE NOT ON SPECULATION AND SURMISE.

96 WN. APP. AT 531-32. SKAGIT COUNTY INTERPRETS THESE DECISIONS AS GIVING IT SOME FLEXIBILITY IN ADOPTING ITS CRITICAL AREAS REGULATIONS, GIVING CONSIDERATION TO LOCAL CONDITIONS, WHILE RECOGNIZING THE REQUIREMENT THAT THE CHOICE IT MAKES MUST FALL WITHIN THE RANGE OF "BEST AVAILABLE SCIENCE" IN THE RECORD.

37. IN THIS CASE, WHERE THE CRUCIAL ISSUE BEFORE THIS BOARD IS WHAT THE WIDTH SHOULD BE OF BUFFERS ALONG FISHBEARING STREAMS ABUTTING AGRICULTURAL LAND, AND WHAT EXEMPTIONS FROM SUCH BUFFER REQUIREMENTS SHOULD BE PERMITTED, IT IS IMPORTANT TO NOTE THAT NEITHER GMA, NOR DCTED, NOR THE WESTERN BOARD HAS SET FORTH ANY SPECIFIC REQUIREMENTS RELATING TO BUFFER WIDTH OR EXEMPTIONS. RATHER, AS NOTED IN FINDING 2 ABOVE, WHAT BEST AVAILABLE SCIENCE UNDER GMA REQUIRES IS THAT THOSE REGULATIONS "PROTECT THE FUNCTIONS AND VALUES OF CRITICAL AREAS."

38. THE RECORD PRESENTED TO THIS BOARD CONTAINS DIVERSE VIEWS ON WHAT "BEST AVAILABLE SCIENCE" IS ON BUFFER WIDTHS, AND WHAT REGULATIONS THE COUNTY SHOULD ADOPT. ON ONE HAND, SKAGIT AUDUBON SOCIETY (AUDUBON), THE SWINOMISH TRIBAL COMMUNITY (TRIBE), FRIENDS OF SKAGIT COUNTY (FOSC), THE WASHINGTON ENVIRONMENTAL COUNCIL (WEC) AND WASHINGTON DEPARTMENT OF FISH AND WILDLIFE (WDFW) CLAIM THAT THE ADAPTIVELY MANAGED 50-FOOT BUFFER PROGRAM (25-FOOT RIPARIAN (NO TOUCH) BUFFER AND 25-FOOT MANAGED BUFFER) ADOPTED IN ORDINANCE NOS. 17596 AND 17712 IS UNSUPPORTED BY "BEST AVAILABLE SCIENCE" AND IS TOO SMALL. THEY CLAIM THAT THE EFFECTIVENESS OF A MANAGED 50-FOOT BUFFER URGED BY THE WESTERN WASHINGTON FARM CROPS ASSOCIATION, SKAGIT COUNTY FARM BUREAU, SKAGITONIANS TO PRESERVE FARMLAND, SKAGIT COUNTY DAIRY FEDERATION, AGRICULTURE FOR SKAGIT COUNTY (ASC) AND NATURAL RESOURCE CONSULTANTS (NRC), AND ADOPTED BY THE COUNTY IN THESE ORDINANCES, IS UNSUPPORTED BY SCIENTIFIC EVIDENCE. ACCORDINGLY, THEY CLAIM IT MUST BE REJECTED IN FAVOR OF WIDER BUFFERS. HOWEVER, THE FACT IS THAT NO TWO AGENCIES AGREE ON EXACTLY WHAT THE "CORRECT" BUFFER WIDTH SHOULD BE: - NOT DCTED, NOT WDFW, NOT THE DEPARTMENT OF ECOLOGY (DOE), NOT THE FEDERAL GOVERNMENT, NO ONE. IN FACT, THOSE AGENCIES HAVE SHOWN A RELUCTANCE TO MAKE A CALL AS TO WHAT THE BUFFER WIDTH REQUIREMENT SHOULD BE.

39. LEFT WITH THIS LACK OF DIRECTION, NRC HAS URGED THE COUNTY TO TAKE A NEW APPROACH. RATHER THAN USING STAGNANT, UNMANAGED BUFFERS OF A SET WIDTH, NRC'S PROPOSAL IS THAT THE COUNTY ADOPT A PLAN WHICH CALLS FOR ADAPTIVELY AND ACTIVELY MANAGED BUFFER AREAS, USING PLANTING, HANDS-ON MANAGEMENT AND CONTINUING RE-EVALUATION ON A SITE-SPECIFIC BASIS. IF THAT SITE-SPECIFIC RE-EVALUATION (MONITORING) SHOWS THAT THE PROGRAM IS NOT WORKING, THE COUNTY HAS THE AUTHORITY TO INCREASE OR DECREASE THE BUFFERS ON PROPERTY ACCORDINGLY [SEE, E.G., SCC 14.06.095(6),(9)]. BECAUSE THIS PROPOSED PLAN IS SO DIFFERENT FROM TRADITIONAL, UNMANAGED BUFFERS, THE NRC PROPOSAL CANNOT BE COMPARED TO THE TRADITIONAL APPROACH. NRC CLAIMS THAT WHAT IS "BEST AVAILABLE SCIENCE" IS IN A CONSTANT STATE OF FLUX, AS NEW STUDIES ARE MADE AND NEW INFORMATION IS GATHERED. NRC ARGUES THAT ALTHOUGH THE MANAGED 50-FOOT BUFFER PLAN IT PROPOSES HAS NOT BEEN TESTED, IT IS UNFAIR TO CLAIM THAT IT DOES NOT OR WOULD NOT WORK TO MEET THE GMA REQUIREMENT TO "PROTECT THE FUNCTIONS AND VALUES OF CRITICAL AREAS," IN THIS CASE, SALMON-BEARING STREAMS IN SKAGIT COUNTY.

40. THIS BOARD ADOPTS THE SCIENTIFIC REVIEW PRESENTED BY ASC THROUGH NRC (WHICH FOR TWO DECADES HAS BEEN ADVISING ABOUT MARINE AND INLAND FISHERIES AND THEIR RELATED RESOURCE BASES TO CLIENTS IN THE PACIFIC NORTHWEST AND AROUND THE WORLD). IN APPLYING ITS EXPERTISE TO THE GMA MANDATE TO CONSERVE AGRICULTURAL LANDS WHILE, AT THE SAME TIME, PROVIDING PROTECTION FOR THE FUNCTIONS AND VALUES OF CRITICAL AREAS AND FOR THE PRESERVATION AND ENHANCEMENT OF ANADROMOUS FISHERIES, NRC CONSIDERED AGRONOMY, FISHERIES, AND FORESTRY MODELS AND DEVELOPED THE CONCEPT OF AN ADAPTIVELY MANAGED BUFFER ZONE THAT IS MONITORED AND ADAPTIVELY MANAGED IN ACCORDANCE WITH ONGOING FINDINGS AND BEST AVAILABLE SCIENCE REVIEWED BY A QUALIFIED SCIENCE ADVISORY PANEL OVERSEEING THE PROGRAM. NRC APPLIED THIS SCIENTIFIC KNOWLEDGE BASE THAT INCLUDED CONSIDERATION OF SEDIMENTATION, WOODY DEBRIS, NUTRIENTS, SHADE AND TEMPERATURE, RIPARIAN VEGETATION TO NATURAL AND ENHANCED BUFFER ZONES AND ADJACENT LAND USES IN THE KIND OF CURRENT DEVELOPMENT EXISTING IN SKAGIT COUNTY.

41. NRC FOUND THAT AGRICULTURE MAINTAINED AND ENHANCED IN LOW GRADIENT AREAS (WHERE RIPARIAN FUNCTIONS HAVE SIGNIFICANTLY DIFFERENT NEEDS THAN IN HIGH GRADIENT FORESTED AREAS) COULD CO-EXIST WITH CRITICAL AREA FUNCTIONS AND VALUES AND ANADROMOUS FISHERIES BY APPLYING THE FARMERS' ACKNOWLEDGED EXPERTISE IN CROP SCIENCE TO DEVELOPING EFFECTIVE STREAMSIDE BUFFER ZONES ON THEIR AGRICULTURAL PROPERTIES. WHILE THE OTHER SCIENCE PRESENTED PROVIDED SUBSTANTIAL PROTECTIONS FOR CRITICAL AREAS FUNCTIONS AND VALUES AND ANADROMOUS FISHERIES, IT DID NOT TAKE INTO ACCOUNT CONSERVATION OF AGRICULTURE OR PROVIDE AS TIMELY PROTECTION AS IN THE NRC 50-FOOT ADAPTIVELY MANAGED BUFFER ZONE. IN FACT, THE COUNTY HAS BEEN CALLED ON TO SACRIFICE AGRICULTURE TO RE-ESTABLISHING NATURAL CONDITIONS THAT WOULD THEMSELVES SEEM TO SACRIFICE PRESERVATION AND ENHANCEMENT OF ANADROMOUS FISHERIES TO COMPETING NATURAL VALUES SUCH AS NATURAL FLOODING, BEAVERS, AND OTHER DESTRUCTIONS.

42. BY THE ACTIVELY AND ADAPTIVELY MANAGED BUFFER ZONES ALONGSIDE NATURAL WATER COURSES, THE NRC 50-FOOT ADAPTIVELY MANAGED BUFFER ZONE HAS THE POTENTIAL OF EVEN INCREASING THE PROTECTION CRITICAL AREAS FUNCTIONS AND VALUES AND ANADROMOUS FISHERIES OVER THE RESULTS THAT WOULD BE ACHIEVED BY THE UNMANAGED, UNPROTECTED BUFFER ZONES RELIED IN OTHER PROPOSALS CONSIDERED. IN CASES WHERE EVEN A 50-FOOT ADAPTIVELY MANAGED BUFFER ZONE WOULD JEOPARDIZE THE MAINTENANCE, ENHANCEMENT, AND CONSERVATION OF AGRICULTURE IN SKAGIT COUNTY, WE HAVE GIVEN SPECIAL CONSIDERATION TO ANADROMOUS FISHERIES. FOR EXAMPLE, MANMADE DRAINAGES, DITCHES, AND OTHER DIVERSIONS ARE CRUCIAL TO THE SUCCESS OF THE AGRICULTURAL INDUSTRY IN SKAGIT COUNTY BUT INTRUSIONS BY SOME JUVENILE SALMONIDS HAVE BEEN OBSERVED IN SOME OF THE MAN-MADE DITCHES. PHOTOGRAPHS OF SOME OF THESE MAN-MADE DITCHES ARE INCLUDED IN THE RECORD. HOWEVER, INSTEAD OF IMPOSING THE 50-FOOT BUFFER ZONE REQUIREMENT ON CRUCIAL AGRICULTURAL LAND IMMEDIATELY ADJACENT TO THESE DRAINAGES, DITCHES, AND OTHER MAN-MADE WATERWAYS, THE CRITICAL AREA ORDINANCE (CAO) ALLOWS FOR THE ESTABLISHMENT OF RESTORATION AND ENHANCEMENT AREAS UNDER THE REVIEW AND APPROVAL OF THE SCIENTIFIC ADVISORY PANEL UNDER THE CAO.

43. SIMILARLY, SKAGIT COUNTY HAS CHOSEN TO EXEMPT UP TO 25 FEET OF THE 50-FOOT BUFFER ZONE REQUIREMENT IF THE BUFFER WOULD TAKE UP MORE THAN 15 PERCENT OF THEIR ARABLE (TILLABLE/USABLE) FARMLANDS (APPROXIMATELY 1 PERCENT). IN THIS REGARD, THE COUNTY HAS ADOPTED A NUMBER OF PROJECTS TO ENHANCE SALMON PRODUCTIVITY, AND, ESPECIALLY UNDER PROVISION OF THE FEDERAL ENDANGERED SPECIES ACT, CAN BE EXPECTED TO CONTINUE TO ADOPT A VARIETY OF SPECIAL MEASURES FOR THE PRESERVATION AND ENHANCEMENT OF ANADROMOUS SPECIES.

44. AS NOTED ABOVE, BOTH THE HEAL DECISION AND THE WESTERN BOARD'S DECISION IN CCNRC RECOGNIZE THAT A COUNTY MAY CONSIDER OTHER FACTORS BESIDES BEST AVAILABLE SCIENCE IN ADOPTING ITS CRITICAL AREAS REGULATIONS. IN SKAGIT COUNTY, THE AGRICULTURAL INDUSTRY IS OF CRUCIAL IMPORTANCE. IT MAKES UP A LARGE SECTOR OF OUR LOCAL ECONOMY AND IMPACTS THOUSANDS OF LIVES. THE COMPATIBILITY OF AGRICULTURAL LANDS IN THE PRESERVATION AND ENHANCEMENT OF ANADROMOUS SPECIES REFLECTED IN THE GMA IS NOT ONLY RECOGNIZED IN THE GMA BUT IS INCREASINGLY WELL-DOCUMENTED AS STATE AND FEDERAL PROTECTIONS FOR SALMON ARE APPLIED NOT ONLY TO OCEAN AND RIVER HARVESTS OF SALMON BUT ALSO TO UPLAND ACTIVITIES. SEE, E.G., THE MARCH 2000 BULLITT FOUNDATION REPORT ON THE RECOVERY OF PUGET SOUND SALMON LAUDING THE ROLE OF AGRICULTURE AND WARNING GOVERNMENTAL GROUPS SUCH AS THIS BOARD THAT "(O)FFICIALS SHOULD NOT BE INDIFFERENT TO THE RISK OF FORCING FARMERS OUT OF BUSINESS. IF WESTERN WASHINGTON FARMS DISAPPEAR, THEY WILL PROBABLY NOT BE REPLACED BY ANYTHING MORE ENVIRONMENTALLY BENIGN."

CONSERVATION OF AGRICULTURAL LANDS UNDER RELEVANT PROVISIONS OF THE GMA SEEMS CRITICAL IN ATTAINING OVERALL GMA GOALS OF ADDRESSING "UNCOORDINATED AND UNPLANNED GROWTH," "REDUCING SPRAWL," AND IN STRIVING TO "MAINTAIN AND ENHANCE NATURAL RESOURCE-BASED INDUSTRIES, INCLUDING . . . AGRICULTURAL . . . ." RCW 36.70A.020. IN OTHER WORDS, ALTHOUGH THE "CONSERVATION OF . . . PRODUCTIVE AGRICULTURAL LANDS" IS BUT ONE OF THE GOALS OF GMA [RCW 36.70A.020(8)], ACHIEVING IT WILL HELP LEAD TO THE FULFILLMENT OF OTHER GMA GOALS AS WELL. FURTHER, GMA REQUIRES THE PROTECTION AND CONSERVATION OF AGRICULTURAL NATURAL RESOURCE LANDS WITHIN THE SAME STATUTES THAT IT REQUIRES THE PROTECTION AND CONSERVATION OF CRITICAL AREAS. RCW 36.70A.060, .170. THESE GOALS GO HAND-IN-HAND IN GMA, AND MUST BE CONSIDERED TOGETHER IN A COOPERATIVE, RATHER THAN A COMPETING, APPROACH.

45. IN WEIGHING WHAT KIND OF BUFFER PROGRAM TO HAVE, WHAT IS REQUIRED, AND WHAT GMA AUTHORIZES AND ALLOWS, SKAGIT COUNTY IS COMMITTED TO A BALANCED APPROACH. THIS BOARD FEELS THAT THE ADVOCATES OF THE WIDER UNMANAGED BUFFER PAY LITTLE HEED TO GMA'S REQUIREMENT TO PROTECT AND CONSERVE AGRICULTURAL LANDS, VIEWING THAT AS, AT BEST, A SECONDARY CONSIDERATION TO PRONOUNCEMENTS ELSEWHERE IN GMA TO "PRESERVE OR ENHANCE ANADROMOUS FISHERIES." WIDER BUFFERS HAVE ECONOMIC IMPACTS ON FARMERS. IF A FARMER IS NOT ALLOWED TO HAVE ANY PRODUCTION OR USE OUT OF THE BUFFER AREAS, HE IS DEPRIVED OF THE USE OF LAND WHICH HE HAS PAID FOR AND USED FOR PRODUCTIVE AGRICULTURAL PURPOSES, SOMETIMES FOR MANY YEARS. ALTHOUGH GMA MAY REQUIRE THAT THE FARMER MAKE A CONCESSION OF SOME LAND FOR BUFFERS, "TO PROTECT THE FUNCTIONS AND VALUES OF CRITICAL AREAS," IT IS INCUMBENT UPON GOVERNMENT TO MAKE THAT INTRUSION AS MINIMAL AS POSSIBLE, WHILE ASSURING THAT ANY BUFFER PROGRAM WILL WORK IN ORDER TO FULFILL THE IMPORTANT GMA MANDATE OF PRESERVING ANADROMOUS FISHERIES. THE NRC-PROPOSED ADAPTIVELY MANAGED BUFFER PROGRAM PROVIDES THIS ASSURANCE.

46. THEREFORE, THE COUNTY ADOPTS THE NRC'S PROPOSAL AS REFLECTING THE APPLICATION OF THE BEST AVAILABLE SCIENCE TO THE CONDITIONS OF AGRICULTURAL LANDS IN SKAGIT COUNTY AND INCORPORATES BY REFERENCE NRC'S FINDINGS BASED ON ITS SCIENTISTS' RECOGNIZED AREAS OF EXPERTISE, THEIR SCIENTIFIC METHODOLOGY, AND THOROUGH RESEARCH AND LITERATURE REVIEWS THAT APPLIED A WIDE RANGE OF BUFFER ZONE CONCEPTS (MANY FROM UPLAND FORESTED ECOSYSTEMS) TO THE SKAGIT COUNTY. SKAGIT COUNTY RECOGNIZES NRC'S MATERIALS INCLUDING THE SUMMARY PREPARED FOR THIS HEARING OF THE SCIENTIFIC PROCESS THAT GUIDED ITS RESEARCH AND THE DEVELOPMENT OF THE 50-FOOT ADAPTIVELY MANAGED BUFFER ZONE SKAGIT COUNTY HAS ADOPTED.

47. SKAGIT COUNTY FINDS THAT THE SCIENCE RELIED UPON AND PRESENTED BY NRC IS THE BEST AVAILABLE SCIENCE WHICH WILL ACCOMPLISH THIS BALANCING GOAL. THE COUNTY HAS DRAFTED ITS ORDINANCE BASED UPON THAT SCIENCE. ALTHOUGH THERE ARE MANY CRITICS OF THIS BUFFER PROGRAM WHO CONTEND THAT THE BUFFERS ARE TOO SMALL AND WILL NOT WORK, THEY DO NOT UNDERSTAND THE PROPOSED ADAPTIVE MANAGEMENT BUFFER PROGRAM. IT IS NOT A STAGNANT PROGRAM; IT REQUIRES FULL MANAGEMENT OF PLANTING AND MAINTENANCE AND THEN CONTINUED RE-EVALUATION TO ENSURE THAT IT IS PROVIDING THE REQUIRED PROTECTION OF FUNCTIONS AND VALUES OF THE SALMON CORRIDORS. THE COUNTY BELIEVES THIS ADAPTIVELY MANAGED BUFFER PROGRAM SHOULD BE TESTED AND GIVEN AN OPPORTUNITY. ACCORDING TO THE SCIENCE SUBMITTED BY NRC, IT WILL WORK. THE OPPONENTS OF THE MANAGED 50-FOOT BUFFER PROGRAM HAVE NOT SHOWN THAT IT WILL NOT WORK IN SKAGIT COUNTY. IF HISTORY SHOWS THAT THE PLAN DOES NOT WORK, IT WILL BE CHANGED. THE PRECEEDING FINDINGS ARE BASED ON THE INFORMATION PROVIDED IN APPENDIX F AND PROVIDE THE SCIENTIFIC BASIS FOR THIS CHOICE.

**Whereas,** THE SKAGIT COUNTY BOARD OF COMMISSIONERS IS ONCE AGAIN READOPTING THE PROVISIONS OF ORDINANCE NO. 17828, WHICH REAFFIRMED SCC 14.04.095 AND 14.06.096, AS AMENDED BY ORDINANCE NO. 17596 AND THEN ORDINANCE NO. 17712, AS PART OF ITS TERMINATION OF THE SETTLEMENT AGREEMENT BETWEEN FRIENDS OF SKAGIT COUNTY AND SKAGIT COUNTY REGARDING GROWTH MANAGEMENT ACT ("GMA") MATTERS. THAT SETTLEMENT AGREEMENT REQUIRES, AS A CONDITION OF TERMINATION, THAT SKAGIT COUNTY "[R]EADOPT WITHIN 60 DAYS AS GMA ACTIONS ALL ORDINANCES THAT HAVE BEEN ADOPTED SINCE THE EFFECTIVE DATE OF THIS AGREEMENT OR THAT WERE THE SUBJECT OF THE PENDING HEARINGS BOARD PROCEEDINGS THAT ARE THE SUBJECT OF THIS AGREEMENT, OR REPLACEMENTS TO THOSE ORDINANCES, THEREBY CREATING NEW APPEAL PERIODS FOR EACH OF THESE ORDINANCES THAT WILL ALLOW FOSC OR ANY OTHER INTERESTED PARTY WITH STANDING TO FILE AN APPEAL OF THESE ACTIONS WITH THE GROWTH MANAGEMENT HEARINGS BOARD." THE COUNTY TERMINATED THE SETTLEMENT AGREEMENT ON APRIL 7, 2000; AND

**Whereas,** THIS ACTION DOES NOT SUBSTANTIALLY CHANGE THE ANALYSIS OF SIGNIFICANT IMPACTS AND ALTERNATIVES IN THE EXISTING ENVIRONMENTAL DOCUMENT; A NEW STATE ENVIRONMENTAL POLICY (SEPA) THRESHOLD DETERMINATION IS NOT REQUIRED WAC 197-11-600(4)(D)); AND

**Whereas,** ON MAY 11 AND MAY 18, 2000, A LEGAL NOTICE WAS PUBLISHED INDICATING THAT THE SKAGIT COUNTY BOARD OF COMMISSIONERS WOULD HOLD A PUBLIC HEARING ON, AMONG OTHER MATTERS, READOPTING THE PROVISIONS OF ORDINANCE NO. 17828; AND

**Whereas,** ON MAY 30, 2000, THE SKAGIT COUNTY BOARD OF COMMISSIONERS HELD A PUBLIC HEARING TO RECEIVE COMMENTS AND/OR WRITTEN CORRESPONDENCE ON THE RENEWAL OF THE PROVISIONS OF ORD. NO. 17828, AND ON JUNE 5, 2000, IN OPEN SESSION, THE BOARD OF COUNTY COMMISSIONERS REVIEWED AND CONSIDERED SUCH PUBLIC COMMENTS AND WRITTEN CORRESPONDENCE.

**NOW, THEREFORE, BE IT ORDAINED** THAT THE FINDINGS AND PROVISIONS OF ORDINANCE NO. 17828, AND ARE HEREBY RENEWED AND READOPTED; AND

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**NOW THEREFORE, BE IT FURTHER ORDAINED** THAT SCC 14.04.095 AND 14.06.096, AS AMENDED BY ORDINANCE NO. 17596, ORDINANCE NO. 17712, AND ORDINANCE NO. 17828 WHICH INCLUDED APPENDICIES D, E, AND F, ARE INCORPORATED BY REFERENCE, ARE REAFFIRMED, AND SHALL REMAIN IN EFFECT FOR A PERIOD OF SIX MONTHS FROM THE DATE SIGNED, OR IT SHALL BE REPEALED OR RENEWED IF AND WHEN NECESSARY TO ASSURE THAT ITS PROVISIONS REMAIN IN EFFECT UNTIL SKAGIT COUNTY ADOPTS THE UNIFIED DEVELOPMENT CODE AND COMPREHENSIVE PLAN COMPLIANCE AMENDMENTS AS REQUIRED BY THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD IN ABENROTH, ET AL. V. SKAGIT COUNTY, CASE NO. 97-2-0060C.

DATE:- JUNE 6TH, 2000.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

SKAGIT COUNTY COMMISSIONERS SEAL COURT STATE OF WASHINGTON

HARVEY WOLDEN, CHAIRMAN

ROBERT HART, COMMISSIONER

TED W. ANDERSON, COMMISSIONER

ATTEST:

PATTI CHAMBERS, CLERK
SKAGIT COUNTY BOARD OF COMMISSIONERS

APPROVED:

KENDRA SMITH, ASSISTANT DIRECTOR
PLANNING AND PERMIT CENTER

APPROVED AS TO FORM:

JOHN R. MOFFAT, CHIEF CIVIL DEPUTY
SKAGIT COUNTY PROSECUTING ATTORNEY

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ORDINANCE NO. 17828

AN ORDINANCE REAFFIRMING INTERIM ORDINANCE NO. 17712, AMENDING PORTIONS OF SKAGIT COUNTY CODE CHAPTER 14.06, CRITICAL AREAS ORDINANCE, SPECIFICALLY SECTION 14.06.095 "ONGOING AGRICULTURE ON LANDS DESIGNATED AGRICULTURE-NRL" AND SECTION 14.06.096 "STRATEGIC PLAN FOR PROTECTING WILD SALMONIDS".

**Whereas,** THE COUNTY ADOPTED THE CRITICAL AREA ORDINANCE (CAO), EFFECTIVE JUNE 13, 1996 UNDER THE AUTHORITY OF CHAPTERS 36.70 AND 36.70A, RCW AND ARTICLE 11 OF THE WASHINGTON STATE CONSTITUTION; AND

**Whereas,** FRIENDS OF SKAGIT COUNTY, SKAGIT AUDUBON SOCIETY AND THE SWINOMISH TRIBAL COMMUNITY FILED PETITIONS FOR REVIEW WITH THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD (WWGMHB) IN CASE NO. 96-2-0025 AND ON JANUARY 3, 1997, THE WWGMHB ISSUED A FINAL DECISION AND ORDER (FDO) IN CASE NO. 96-2-0025 ORDERING THE COUNTY TO DEVELOP ADDITIONAL BMPS TO REASONABLY REGULATE EXISTING AGRICULTURAL ACTIVITIES THAT ARE DAMAGING CRITICAL AREAS AND/OR THEIR BUFFERS; AND

**Whereas,** THE COUNTY ATTEMPTED TO ACHIEVE COMPLIANCE WITH THE GROWTH MANAGEMENT ACT (GMA) AND THE FDO BY ADOPTING ORDINANCE #16851AND THE PETITIONERS FILED BRIEFS CHALLENGING THE COUNTY'S ACTIONS; AND

**Whereas,** FOLLOWING A COMPLIANCE HEARING ON AUGUST 27, 1998, THE WWGMHB ISSUED A COMPLIANCE HEARING ORDER ON SEPTEMBER 16, 1998, ORDERING THAT "WITHIN 180 DAYS (THE COUNTY SHALL) ADOPT REQUIRED BENCHMARKS, TIMELINES AND MONITORING TO ENSURE THAT THE COUNTY'S VOLUNTARY BMPS ARE ACTUALLY PROTECTING CRITICAL AREAS. ALSO, ADOPT A REGULATORY APPROACH THAT WILL BE IMPLEMENTED IF THE VOLUNTARY APPROACH DOES NOT ACHIEVE REQUIRED RESULTS. THE COUNTY MUST USE BEST AVAILABLE SCIENCE (BAS) IN FORMULATING THESE ADDED SAFEGUARDS."; AND

**Whereas,** THE WWGMHB AT THE COMPLIANCE HEARING ALSO ORDERED THAT "WITHIN 360 DAYS (THE COUNTY SHALL) IMPLEMENT .096 ADOPTING A STRATEGIC PLAN CONSISTENT WITH THE STATE WILD SALMONID POLICY INCLUDING ANY NECESSARY ADDITIONAL CONTROLS ON ONGOING AGRICULTURE. THIS STRATEGIC PLAN MUST USE BAS TO PROTECT ANADROMOUS FISH."; AND

**Whereas,** IN AN ORDER ON RECONSIDERATION ISSUED OCTOBER 30, 1998, THE WWGMHB EXTENDED THE 180-DAY DEADLINE TO ADOPT THE REQUIRED BENCHMARKS, TIMELINES AND MONITORING TO SEPTEMBER 16, 1999; AND

**Whereas,** STAFF PREPARED A JUNE 8, 1999 DRAFT AMENDING SECTIONS .095 AND .096 OF THE CAO AND MET WITH THE BOARD OF COUNTY COMMISSIONERS ON JUNE 8, 1999 TO DISCUSS THE DRAFT AND THE BCC DIRECTED STAFF TO CONSIDER ALL OF THE STAKEHOLDERS AND ALL OF THE BAS; THEREFORE, THE STAFF PREPARED A SEPTEMBER 20, 1999 DRAFT; AND

**Whereas,** RCW 36.70A.390 ALLOWS FOR INTERIM OFFICIAL CONTROLS TO BE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS WITHOUT RECOMMENDATION FROM THE PLANNING COMMISSION PROVIDED A PUBLIC HEARING IS HELD ON THE ADOPTED REGULATIONS WITHIN SIXTY DAYS OF ADOPTION, AND FURTHER PROVIDED THAT FINDINGS OF FACT JUSTIFYING THE ACTION ARE ADOPTED AT OR IMMEDIATELY AFTER THE PUBLIC HEARING; AND

**Whereas,** THE BOARD OF COUNTY COMMISSIONERS SET A PUBLIC MEETING DATE OF SEPTEMBER 20, 1999 TO CONSIDER THE SEPTEMBER 20, 1999, DRAFT AND FOUND THAT THERE WERE SIGNIFICANT CHANGES FROM THE JUNE 8, 1999 DRAFT AND, THEREFORE, DECIDED TO HOLD A COMMENT PERIOD OPEN UNTIL SEPTEMBER 30, 1999, FOR PUBLIC COMMENTS CONCERNING THE SEPTEMBER 20, 1999, DRAFT PROPOSAL; AND

**Whereas,** THE BOARD OF COUNTY COMMISSIONERS MET IN A PUBLIC MEETING ON OCTOBER 5, 1999 WHERE IT DELIBERATED AND DISCUSSED BOTH THE JUNE 8, 1999, PROPOSAL AND THE SEPTEMBER 20, 1999, PROPOSAL; AND

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cc: Planning (K. Smith), J. Moffat

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WHEREAS, ON OCTOBER 15, 1999, THE BOARD OF COUNTY COMMISSIONERS ADOPTED ORDINANCE NO. 17596, AN INTERIM ORDINANCE AMENDING SCC 14.06.095 AND .096, AND ADOPTED THE FOLLOWING FINDINGS IN SUPPORT THEREOF, WHICH ARE REAFFIRMED AS EDITED BELOW:

1. THE PROPOSED SECTIONS 14.06.095 AND 14.06.096 ARE INTENDED TO ADDRESS THE ORDER OF THE WWGMHB IN CASE NO. 96-2-0025, DATED SEPTEMBER 16, 1998, WHICH REQUIRED THE COUNTY TO DO THE FOLLOWING:

   a. AMEND THE CAO DEFINITIONS OF "AGRICULTURAL LAND" AND "ONGOING AGRICULTURE" TO MAKE IT CLEAR THAT THE AGRICULTURAL EXEMPTION ONLY APPLIES TO ONGOING AGRICULTURAL ACTIVITY IN DESIGNATED AGRICULTURAL LANDS. THE AMENDMENTS TO SECTION 14.06.090 AND THE DEFINITION IN SECTION 14.06.040 ADDRESS THIS CLARIFICATION.

   B. ADOPT BENCHMARKS, TIMELINES, AND MONITORING TO ENSURE THAT THE VOLUNTARY BMP'S ARE PROTECTING CRITICAL AREAS AND ADOPT A REGULATORY APPROACH THAT WILL BE IMPLEMENTED IF THE VOLUNTARY APPROACH DOES NOT ACHIEVE REQUIRED RESULTS. BEST AVAILABLE SCIENCE SHALL BE CONSIDERED IN FORMULATING THESE ADDED SAFEGUARDS.

   C. ADOPT A STRATEGIC PLAN FOR WILD SALMON RECOVERY DESCRIBED IN SECTION 14.04.096, INCLUDING ANY NECESSARY ADDITIONAL CONTROLS ON ONGOING AGRICULTURE.

2. THE PROPOSED SECTION 14.06.095 INCLUDES BENCHMARKS AND TIMELINES FOR ESTABLISHING NEW BUFFERS IN EXISTING AGRICULTURAL AREAS. IT ALSO INCLUDES COMMITMENT TO A MONITORING STUDY PROGRAM TO EVALUATE THE SUCCESS OF THE PROPOSED BUFFERS. THE ONGOING MONITORING PROGRAM DESCRIBED IN SECTION 14.06.095 AND 14.06.096 WILL PROVIDE VALUABLE, SITE SPECIFIC INFORMATION TO HELP THE COUNTY ASSESS THE EFFECTS OF THESE PROPOSED "MANAGED BUFFER" REQUIREMENTS. AS THE RESULTS OF THOSE STUDIES ARE COLLECTED, THE COUNTY WILL ASSESS WHETHER ADJUSTMENTS TO THESE REQUIREMENTS ARE APPROPRIATE. FURTHER, AS THE ONGOING REGIONAL NEGOTIATIONS REGARDING THE ENDANGERED SPECIES ACT (ESA) SALMON LISTING, AND ANY POTENTIAL 4(D) RULE ARE COMPLETED, THE COUNTY WILL MAKE FURTHER ADJUSTMENTS TO THESE REQUIREMENTS DEEMED APPROPRIATE OR NECESSARY. THESE REGULATORY AMENDMENTS REQUIREMENTS ARE AN APPROPRIATE FIRST STEP IN THE PROTECTING OF THE LISTED SPECIES. YET THE ADAPTIVE MANAGEMENT COMPONENT MINIMIZE THE POTENTIAL FOR ANY ULTIMATE INCONSISTENCIES WITH THE RESULTS OF THOSE REGIONAL ESA NEGOTIATIONS.

3. MOST SIGNIFICANTLY, RATHER THAN WAIT TO SEE IF VOLUNTARY MEASURES ARE WORKING, THE PROPOSED AMENDED SECTION 14.06.095 IMPOSES UP FRONT A PHASED-IN PROGRAM OF 50-FOOT BUFFERS IN THOSE AREAS OF EXISTING AGRICULTURE IDENTIFIED AS SALMON BEARING WATERS AS DEFINED IN 14.06.095. STREAM SECTIONS WITH SIGNIFICANT POTENTIAL TO BENEFIT THE SALMON SPECIES HAVE BEEN IDENTIFIED FOR INCLUSION IN THE INITIAL MANAGED BUFFER PROGRAM, WITH THE POTENTIAL TO ADD ADDITIONAL AREAS IN THE FUTURE.

4. THE PROPOSED REGULATIONS ALSO CONTINUE TO TAKE ADVANTAGE OF EXISTING CONSERVATION PLANS, AS WELL AS THE CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP). THE CREP PROGRAM IS A COST-SHARING PROGRAM FOR FENCING AND BUFFERS. IT IS SITE-SPECIFIC AND THE BUFFERS RANGE FROM 50 TO 150 FEET. ANY PERSON ENROLLED UNDER THE CREP IS NOT REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THIS ORDINANCE.

5. THE NEW SECTION 14.06.096 DESCRIBES A TIMELINE REFLECTING WHAT PARTS OF THE WILD SALMONID STRATEGY HAVE ALREADY BEEN IMPLEMENTED, WHAT ITEMS ARE UNDERWAY, AND WHAT THE PROJECTED TIMEFRAME IS FOR ADDITIONAL STUDIES AND RESTORATION PROJECTS IDENTIFIED AS MOST BENEFICIAL. WITH THE ONGOING REGIONAL EFFORTS UNDERWAY TO FURTHER DEFINE WHAT IS NECESSARY AND APPROPRIATE TO ADDRESS ESA DESIGNATION ISSUES, THIS PLAN, WHILE IT MAY UNDERGO FURTHER REFINEMENT DURING THOSE DISCUSSIONS, REPRESENTS A SIGNIFICANT COMMITMENT TO BOTH HABITAT PROTECTIONS AND RESTORATION.

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6. THE COUNTY CONSIDERED A LARGE QUANTITY OF EVIDENCE PRESENTED BY INTERESTED PARTIES, INCLUDING THE AUDUBON SOCIETY, THE TRIBES AND THE AGRICULTURAL COALITION. WHILE SOME OF THE EVIDENCE PRESENTED COULD SUPPORT THE CONCLUSION THAT LARGER BUFFERS MAY BE "BETTER," THE INFORMATION PRESENTED DOES NOT NECESSARILY SUPPORT THE CONCLUSION THAT LARGER BUFFERS ARE ABSOLUTELY REQUIRED UP FRONT TO PROVIDE SUFFICIENT PROTECTION FOR THE STREAM HABITAT. IN FACT, SOME OF THE INFORMATION PRESENTED SUGGESTS THAT THE 50-FOOT "MANAGED BUFFER" MAY PROVIDE SUFFICIENT PROTECTION, IN A MORE TIMELY MANNER FOR THE SALMON HABITAT IN THE FORM OF RECRUITMENT OF LARGE WOODY DEBRIS, SHADING AND WATER QUALITY FILTRATION.

7. THE PROPOSED 50-FOOT "MANAGED BUFFER", WHERE MANAGED RE-VEGETATION PLANS CAN BE APPLIED TO GROWING AND THEN SELECTIVELY DEPOSITING LARGE WOODY DEBRIS IN THE STREAM CHANNELS, MAY IN FACT PRODUCE COMPARABLE OR FASTER RESULTS THAN A LARGER UNMANAGED BUFFER THAT IS LEFT TO NATURAL FORCES AND RANDOM FALL OF LARGE WOODY DEBRIS TO ENHANCE THE STREAM HABITAT. MANY OF THE STUDIES PRESENTED ON LARGE WOODY DEBRIS SUPPLY TO THE STREAM ARE BASED ON A RANDOM FALL ASSUMPTION IN THE MODEL, RATHER THAT A MANAGED GROWTH AND PLACEMENT THAT IS ENVISIONED IN THE MANAGED BUFFER APPROACH INCLUDED IN THIS ORDINANCE.

8. MANY OF THE STUDIES PRESENTED INDICATE THAT MOST OF THE WATER QUALITY FILTRATION FUNCTION CAN BE ACCOMPLISHED IN A BUFFER MUCH SMALLER THAN THE 125-300 FOOT BUFFERS AS IDENTIFIED IN SOME OF THE LITERATURE. THE PROPOSED ONGOING MONITORING PROGRAM WILL PROVIDE ACTUAL ON-SITE DATA THAT CAN THEN BE USED TO EVALUATE WHETHER ADJUSTMENTS SHOULD BE MADE TO THE BUFFER REQUIREMENTS AT A FUTURE DATE.

9. THE STUDIES PRESENTED SUGGEST THAT A MANAGED BUFFER COULD PROVIDE VALUABLE SHADE TO THE STREAM BEDS, ESPECIALLY THE NARROWER CHANNELS THAT ARE TYPICAL OF THE EXISTING AGRICULTURAL AREA IN A TIMEFRAME COMPARABLE TO AN UNMANAGED, UNTOUCHED LARGER BUFFER REQUIREMENT. AGAIN, THE ONGOING MONITORING EFFORTS DESCRIBED IN THIS ORDINANCE WILL PROVIDE VALUABLE INFORMATION TO ASSIST THE COUNTY IN EVALUATING WHETHER ADDITIONAL REQUIREMENTS ARE NECESSARY IN THE FUTURE.

10. A SIGNIFICANT FEATURE OF THE NEW REGULATIONS IS THE PROPERTY OWNERS' COMMITMENT TO ALLOW ACTIVE MANAGEMENT OF THE BUFFERS AND A MONITORED APPROACH TO HELP ENSURE ACCOMPLISHMENT OF SALMON HABITAT PROTECTION. THIS IS DISTINGUISHED FROM MOST REGULATORY APPROACHES THAT SIMPLY REQUIRE AN UNTOUCHED (AND TYPICALLY UNMANAGED) BUFFER THAT COULD TAKE LONGER TO ACCOMPLISH THE HABITAT ENHANCEMENT. THIS COMMITMENT EXCEEDS THE "FALL-BACK" REGULATORY APPROACH REQUESTED BY THE WWGMHB IN ITS SEPTEMBER 16, 1998, COMPLIANCE ORDER.

11. THE PROPOSED REGULATIONS HAVE EXEMPTED EXISTING AREAS WHERE THE STREAM BANK HAS ALREADY BEEN ALTERED BY ARMORING, AS IT IS MORE APPROPRIATE TO FOCUS THE EFFORTS ON THOSE HABITAT AREAS THAT HAVE NOT ALREADY BEEN SO ALTERED. ANY ATTEMPT TO REMOVE THAT ARMORING AT THIS TIME COULD, IN FACT, RESULT IN MORE DISRUPTION TO THE STREAM BANK, AND CORRESPONDING EROSION AND SEDIMENTATION THAT WOULD OUTWEIGH ANY SMALL BENEFITS THAT MIGHT OTHERWISE BE EXPECTED FROM NATURAL BANK AND VEGETATION RESTORATION AT THESE LOCATIONS.

12. THE PROPOSED LEASE PAYMENTS ARE INTENDED TO HELP COMPENSATE THE PROPERTY OWNERS FOR THE FINAL OBLIGATIONS AND FARM PRODUCTION LOSSES FROM THESE PROPOSED REGULATIONS, IN KEEPING WITH THE GOALS OF GMA AND THE COUNTY'S COMPREHENSIVE PLAN TO RESPECT PRIVATE PROPERTY RIGHTS. ALSO BY LEASING THE LAND THE COUNTY HAS THE ABILITY TO DIRECT ITS MANAGEMENT.

13. BECAUSE OF THE OFTEN NARROW FINANCIAL MARGINS IN AGRICULTURAL OPERATIONS AND BECAUSE OF THE SIGNIFICANT ACREAGE OF PRIME FARMLAND THAT IS AFFECTED BY CRITICAL AREA BUFFER REQUIREMENTS, THIS 50-FOOT "MANAGED BUFFERS" APPROACH AS CONTRASTED WITH A LARGER UNMANAGED BUFFER REQUIREMENT, PROVIDES AN IMPORTANT BALANCE BETWEEN THE GMA MANDATES TO PROTECT AGRICULTURAL LANDS AND TO PROTECT CRITICAL AREAS.

14. BECAUSE OF THE COMPLEX INTER-RELATIONSHIPS BETWEEN A VARIETY OF LAND USES ALONG STREAM CORRIDORS (URBAN, FORESTRY, AGRICULTURAL), AND OTHER FACTORS THAT CONTRIBUTE TO THE ULTIMATE POPULATION OF THE LISTED SPECIES (SUCH AS OCEAN HARVEST IMPACTS), ANY ONGOING MONITORING PROGRAM TO EVALUATE THE EFFECTIVENESS OF THESE REGULATORY REQUIREMENTS MUST BE CAREFULLY DESIGNED TO MEASURE THE IMPACTS OF THE ADJACENT LAND BASED AGRICULTURAL ACTIVITY SPECIFICALLY, RATHER THAN SIMPLY MEASURE INCREASES OR DECREASES IN NUMBERS OF FISH, SINCE COUNTING FISH ALONE DOES LITTLE TO IDENTIFY THE CAUSE OF THE IMPACT.

**Whereas,** PURSUANT TO RCW 36.70A.390, ON NOVEMBER 3, 1999, THE BOARD OF COUNTY COMMISSIONERS HELD A PUBLIC HEARING ON ORDINANCE #17596, AN ORDINANCE AMENDING PORTIONS OF SKAGIT COUNTY'S CAO, AS CODIFIED IN SKAGIT COUNTY CODE CHAPTER 14.06, CRITICAL AREA ORDINANCE, SPECIFICALLY SECTION 14.06.095, "ONGOING AGRICULTURE ON LANDS DESIGNATED AGRICULTURE-NRL," AND SECTION 14.06.096, "STRATEGIC PLAN FOR PROTECTING WILD SALMONIDS," AND HELD THE RECORD OPEN UNTIL NOVEMBER 5, 1999, FOR ADDITIONAL WRITTEN COMMENTS; AND

**Whereas,** THE BOARD OF COUNTY COMMISSIONERS MET IN A PUBLIC MEETING ON NOVEMBER 15, 1999, WHERE IT CONSIDERED THE PUBLIC COMMENTS AND DELIBERATED AND DISCUSSED THE MERITS OF ORDINANCE #17596; AND

**Whereas,** THE BOARD OF COUNTY COMMISSIONERS ORDAINED ON JANUARY 3, 2000 THAT SCC 14.06.095 AND 14.06.096 AS AMENDED BY ORDINANCE NO. 17596 AND REAFFIRMED BY ORDINANCE NO. 17712 SHALL REMAIN IN EFFECT UNTIL APRIL 5, 2000 UNLESS EXTENDED AS ALLOWED BY LAW AND THEREIN REAFFIRMED IN FINDINGS 1-14 ABOVE AND ADOPTED THE FOLLOWING ADDITIONAL FINDINGS:

15. THE GMA AND THE WWGMHB, IN THE COMPLIANCE HEARING ORDER FOR CASE # 96-2-0025, SUPPORTED THE PERFORMANCE STANDARDS IN .095 AND A VOLUNTARY APPROACH FROM THE AGRICULTURAL COMMUNITY TO PROVIDE PROTECTION OF THE RIPARIAN BUFFERS. THIS ORDINANCE PROVIDES FINANCIAL COMPENSATION FOR AGRICULTURAL PROPERTY OWNERS COMMITTING TO PLACING BUFFERS UP TO 125' WIDE ON SALMON BEARING WATERS BY LEASING THOSE BUFFER AREAS. THE LEASE COMPENSATION PROPOSED IN THIS ORDINANCE PROVIDES FOR A BUFFER OF UP TO 125 FEET. THE COUNTY IS ENCOURAGING PARTICIPATION IN THE LEASE PROGRAM BY PAYING PROPERTY OWNERS TO LEASE UP TO 125 FEET FOR BUFFER AREAS.

16. THE COMPLIANCE HEARING ORDER FOR CASE # 96-2-0025, ALSO STATED THAT "BENCHMARKS, TIMEFRAMES AND MONITORING MUST BE ESTABLISHED TO ENSURE THE BMPS ARE WORKING TO ACHIEVE NEEDED PROTECTION." THIS ORDINANCE REQUIRES 80% VOLUNTARY COMPLIANCE WITHIN A DEADLINE OF 540 DAYS. IF THAT 80% GOAL IS NOT ACHIEVED WITHIN THAT TIME FRAME, 100% REGULATORY COMPLIANCE IS REQUIRED, WITH PENALTIES AND A MONITORING PROGRAM WHICH WILL START 24 MONTHS FROM ADOPTION.

17. IN ADOPTING THIS PROGRAM, THE COUNTY REVIEWED THE INFORMATION PROVIDED BY INTERESTED PARTIES. SOME OF THE SCIENCE SUBMITTED ADVOCATED THAT SMALLER, INTENSELY-MANAGED BUFFERS MIGHT WORK AS WELL AS LARGER, UNMANAGED ONES. SCIENCE ALSO SUGGESTED THAT, CONSISTENT WITH THE REQUIREMENTS OF GMA, LOCAL CIRCUMSTANCES MUST BE CONSIDERED. SKAGIT COUNTY BELIEVES THAT SMALLER BUFFERS, IF ACTIVELY AND AGGRESSIVELY MANAGED, MAY PROVIDE AN ADEQUATE BUFFER SYSTEM.

18. BAS SPECIFIC TO THE IMPACT OF AGRICULTURAL LANDS AND ACTIVITIES ON SALMONID HABITAT IN THIS REGION HAS NOT BEEN DOCUMENTED. SUCH BAS, SPECIFIC TO THIS REGION, IS NECESSARY TO ENSURE PROTECTIONS LONG TERM FOR BOTH SALMON AND THE COMMERCIAL AND ECONOMIC VIABILITY OF THE REGION'S INDUSTRY. A SITE TAILORED RE-VEGETATION AND MAINTENANCE PROGRAM WILL BE DEVELOPED WITHIN 90 DAYS OF A SIGNED LEASE AND WILL FOLD INTO AN ADAPTIVE MANAGEMENT PLAN THROUGH THE COUNTY DIRECTED MONITORING PROGRAM.

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19. THE COUNTY'S PROGRAM IS LOCATION-SPECIFIC, WHICH THE COUNTY BELIEVES WILL ULTIMATELY RESULT IN A PROGRAM THAT WILL PROVIDE SKAGIT COUNTY WITH THE BEST APPROACH UNDER GMA. THE COUNTY'S PROGRAM INCLUDES THE SITE-SPECIFIC FISH ENHANCEMENT PROJECTS DESCRIBED IN EXHIBITS D AND E. IN ADDITION, THE MONITORING AND ENFORCEMENT REQUIREMENTS ARE MAJOR COMPONENTS OF THE PROGRAM, DESIGNED TO INSURE THE PROTECTION AND ENHANCEMENT OF THE SALMONID HABITAT. IF THE RESULTS OF THE MONITORING AND ENFORCEMENT EFFORTS DEMONSTRATE THAT THE PROGRAM IS NOT WORKING, THE COUNTY WILL CHANGE THE PROGRAM.

20. APPENDIX F PROVIDES A STRONG BIBLIOGRAPHY OF SCIENTIFIC LITERATURE, INCLUDING SOME DEVELOPED PURSUANT TO PROGRAMS AND STUDIES REVIEWED BY RESOURCE AND ENVIRONMENTAL REGULATORY AGENCIES THAT SUPPORT THE PRINCIPLES BEHIND THE "MANAGED BUFFER". THIS APPROACH WILL PROVIDE A MEANS TO REDUCE SIGNIFICANTLY THE ONE-SIZE-FITS-ALL BUFFER WIDTH REQUIREMENTS TYPICAL IN A NON-MANAGED PLAN, WHILE STILL PROVIDING PROTECTION FOR SALMONIDS AND THEIR HABITAT.

21. THE GMA MANDATES DEVELOPMENT REGULATIONS TO PROTECT THE FUNCTIONS AND VALUES OF CRITICAL AREAS WITH SPECIAL CONSIDERATION TO THE CONSERVATION AND PROTECTIVE MEASURES NECESSARY TO PRESERVE OR ENHANCE ANADROMOUS FISHERIES. MOST ACTIVELY WORKED AGRICULTURAL LANDS DO NOT HAVE EXISTING DELIBERATELY MANAGED RIPARIAN BUFFERS DESIGNED TO PROVIDE CRITICAL FUNCTIONS TO SALMONID HABITAT. SCIENCE INDICATES THAT THE MOST EXPEDIENT WAY TO CREATE EFFECTIVE SALMON FRIENDLY RIPARIAN BUFFERS IS THROUGH AN ADAPTIVELY MANAGED BUFFER PROGRAM. SIMPLY REQUIRING LARGE PARCELS OF LAND TO BE SET ASIDE TO RE-VEGETATE WILL TAKE YEARS TO DEVELOP TO A FUNCTIONAL VALUE. THIS ORDINANCE PROVIDES FOR AN ACCELERATED APPROACH TO BUFFER ENHANCEMENT THAT IS SUPPORTED THROUGH AN AGGRESSIVELY FINANCED PROGRAM.

22. THIS ORDINANCE IS INTENDED TO MEET THE REQUIREMENTS OF GMA AND MORE SPECIFICALLY THE COMPLIANCE HEARING ORDER, AND IS NOT NECESSARILY INTENDED TO ADDRESS WHAT ESA REQUIREMENTS MAY COME OUT OF THE 4(D) RULE FOR PUGET SOUND CHINOOK, WHICH HAS NOT YET BEEN ISSUED.

23. THE COUNTY IS PROPOSING TO PROVIDE COMPENSATION IN TERMS OF A 5-YEAR LEASE TO THE LANDOWNERS FOR PLACING A PORTION OF THEIR LANDS INTO AN ADAPTIVELY MANAGED BUFFER. THE PERFORMANCE OF THIS MANAGED BUFFER, RELATIVE TO THE PROTECTION OF SALMON AND SALMON HABITAT, WILL BE ASSESSED AND EVALUATED THROUGH OUT THE TERM OF THE LEASE AND SUCH EVALUATION WILL BE THE BASIS FOR RECOMMENDED ADJUSTMENTS TO THE BUFFER AND ITS MAINTENANCE PROGRAM TO ENSURE THE CONTINUED PROTECTION OF ANADROMOUS SPECIES. THE ADAPTIVE MANAGEMENT COMPONENT PROVIDES REQUISITE ADJUSTMENTS IN THE FUTURE BASED ON PROVEN PRACTICES AND DOCUMENTED MONITORING. ADJUSTMENTS TO THE BUFFERS, THE LEASING PROGRAM, AND ENFORCEMENT PROVISIONS WILL BE BASED ON THE RESULTS OF THE MONITORING PROGRAM.

24. A MANDATE OF A 100-200 FOOT BUFFER WOULD RESULT IN A FAILURE OF MANY SMALL FARMS AND A SERIOUS ECONOMIC HARDSHIP TO LARGER OPERATIONS. SUCH AN "AFTER THE FACT" MANDATE WITHOUT CONCLUSIVE BAS TO SUPPORT IT THAT FORCED EXISTING OPERATIONS TO CEASE WOULD BE A PRECEDENT SETTING ACTION DIFFICULT TO JUSTIFY UNDER GMA.

25. THE PROPOSED PLAN IN APPENDIX F, SUPPORTED BY RECOGNIZED SCIENCE, INDICATES A 50-90% EFFICACY FOR PROVIDING ESSENTIAL FUNCTIONS TO SALMONID HABITAT. THIS PROGRAM WILL DEDICATE MORE PROTECTIVE RIPARIAN BUFFER AREA SOONER THAN ANY OTHER ALTERNATIVE PROGRAMS BEING CONSIDERED BY OTHER JURISDICTIONS.

26. THE COUNTY HAS PROVIDED EXEMPTIONS FROM THIS PROGRAM TO THOSE PROPERTY OWNERS WHO HAVE SHOWN THEIR WILLINGNESS TO PROTECT THE WATER QUALITY OF THE STREAMS ON THEIR PROPERTY BY OBTAINING A FARM MANAGEMENT PLAN FROM THE SKAGIT CONSERVATION DISTRICT PRIOR TO ADOPTION OF THIS ORDINANCE. THE MONITORING PLAN WILL COMPARE THE EFFICACY OF THE HABITAT PROTECTION EFFORTS UNDER THE SKAGIT CONSERVATION DISTRICT FARM MANAGEMENT PLANS TO THE COUNTY'S MANAGED BUFFER PLAN TO SEE HOW THEY WORK. THOSE PLANS MAY BE MODIFIED TO MEET THE

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REQUIREMENTS OF AN ADAPTIVE MANAGEMENT PLAN PURSUANT TO THIS ORDINANCE DEPENDING ON THE RESULTS OF THE MONITORING PROGRAM. THE COUNTY'S PLAN PROVIDES SOME INCENTIVE FOR THOSE ENROLLED IN THE SKAGIT CONSERVATION DISTRICT'S FARM MANAGEMENT PLAN TO SWITCH TO THE COUNTY'S VOLUNTARY MANAGED BUFFER PROGRAM BECAUSE IT ALLOWS COMPENSATION FOR THE LAND PLACED INTO THE BUFFERS.

27. THE COUNTY HAS ADDITIONALLY EXEMPTED AREAS WHERE THE STREAM BANK HAS ALREADY BEEN ALTERED BY ARMORING (SEE FINDING 11 ABOVE). BECAUSE THOSE FISH HABITAT AREAS HAVE ALREADY BEEN DISRUPTED BY ARMORING, THE COUNTY IS CONCENTRATING ITS EFFORTS IN ESTABLISHING ITS BUFFER PROGRAM ON AREAS WHERE THE STREAM BANK HAS NOT BEEN ALTERED BY ARMORING. SIMILARLY, THE COUNTY IS NOT INCLUDING STREAMS UPSTREAM FROM TIDEGATES, FLOODGATES OR DIKING DISTRICT PUMP STATIONS IN THE ACMM BECAUSE FISH ARE NOT DESIRED IN THOSE LOCATIONS AND IT WAS DETERMINED THAT THE MANAGED BUFFER PROGRAM WOULD PROVIDE BETTER HABITAT ON STREAM SECTIONS NOT CONTAINING THESE STREAM OBSTRUCTIONS. THESE EXCEPTIONS ARE CONSISTENT WITH THE COUNTY'S CHOICE TO ALLOCATE ITS LIMITED FINANCIAL AND STAFFING RESOURCES TO THE AREAS WHERE THEY CAN DO THE MOST GOOD, AS FAR AS PROTECTING FISH HABITAT THROUGH ITS MANAGED BUFFER PROGRAM.

28. DUE TO THE NUMBER OF SMALLER AGRICULTURAL OPERATIONS IN SKAGIT COUNTY THAT HAVE SALMON-BEARING WATERS RUNNING THROUGH THE PROPERTY, EVIDENCE IN THE RECORD FROM THE AGRICULTURAL COMMUNITY SUPPORTS A FINDING THAT ANY ACREAGE OVER 15% OF THE PROPERTY WHICH IS TAKEN OUT OF PRODUCTION MAY CAUSE A REDUCTION IN PROFIT MARGIN WHICH WOULD ADVERSELY AFFECT THE VIABILITY OF CONTINUED LONG-TERM RESOURCE PRODUCTION OF THE AGRICULTURAL LANDS. IF SUCH LAND WERE TAKEN OUT OF PRODUCTION, SUCH A LOSS OF DESIGNATED AGRICULTURAL LANDS WITH LONG-TERM COMMERCIAL SIGNIFICANCE WOULD BE INCONSISTENT WITH GMA. PROHIBITING A LOSS OF MORE THAN 15% OF AGRICULTURAL LAND TO THE BUFFER PROGRAM BALANCES THE GMA GOALS OF PROTECTING PRIVATE PROPERTY RIGHTS AND MAINTAINING AGRICULTURAL LANDS OF LONG-TERM COMMERCIAL SIGNIFICANCE WITH THE GOAL OF PROTECTING CRITICAL AREAS.

29. MANY OF THE DETAILS OF THE MONITORING AND ENFORCEMENT PROGRAM MANDATED BY THIS ORDINANCE WILL BE DEVELOPED AND IMPLEMENTED BY SKAGIT COUNTY STAFF, WITH THE ASSISTANCE OF NATURAL RESOURCE CONSULTANTS, INC., THE SKAGIT COUNTY CONSERVATION DISTRICT AND THE SCIENCE ADVISORY PANEL (SAP). FUNDING FOR THE IMPLEMENTATION SHALL BE THROUGH THE SKAGIT COUNTY SALMON RECOVERY FUND, WHICH HAS A BUDGET FOR THE YEAR 2000 OF $400,000 FOR IMPLEMENTATION OF THE AGRICULTURAL BUFFER PROGRAM.

30. THE AGRICULTURAL COMPLIANCE MASTER MAP (ACMM) WAS PRODUCED BASED ON DNR-TYPED I, II AND III STREAMS. THERE MAY BE ADJUSTMENTS TO THE ACMM BASED UPON FURTHER ANALYSIS. A VERSION OF THE ACMM, WHICH IS A WORK IN PROGRESS, IS ATTACHED. THE ACMM WILL BE UPDATED AS PROVIDED FOR IN THIS ORDINANCE, AND AS UPDATED WILL BE SUBSTITUTED AS APPENDIX C AND INCORPORATED AS REFERENCED AS PART OF SCC 14.06.

31. THE COUNTY INTENDS TO REVISIT THE CHANNEL MIGRATION ISSUE BASED UPON THE RESULTS OF THE MONITORING STUDIES. DEPENDING ON THE RESULTS OF THE MONITORING PROGRAM, THE SIZE OF THE BUFFERS MAY BE ALTERED IN THE FUTURE TO ASSURE ADEQUATE PROTECTION OF THE FISH HABITAT.

32. SECTION .096 OF THIS ORDINANCE PROVIDES A STRATEGIC PLAN WHICH INCLUDES BOTH ONGOING IMPLEMENTATION PROJECTS AND THE DEVELOPMENT OF A SALMON RECOVERY PROGRAM UTILIZING THE WILD SALMON POLICY, ESHB 2496, ESHB 2514 AND THE GMA.

**Whereas,** RCW 36.70A.390 ALLOWS FOR INTERIM OFFICIAL CONTROLS TO BE ADOPTED FOR A SIX MONTH PERIOD AND RENEWED WHEN SUBSEQUENT PUBLIC HEARING IS HELD AND FINDINGS OF FACT ARE MADE PRIOR TO EACH RENEWAL; AND

**Whereas,** THE BOARD OF COUNTY COMMISSIONERS SET A PUBLIC HEARING DATE OF APRIL 3, 2000 TO TAKE COMMENTS TESTIMONY ON THE MERITS OF RENEWING INTERIM CRITICAL AREA ORDINANCE NO. 17712, PREVIOUSLY KNOW AS ORDINANCE NO. 17596, PURSUANT TO SCC 14.01; AND

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**Whereas,** NOTICE WAS GIVEN PURSUANT TO SCC 14.01 ON MARCH 16 AND 23, 2000 AND REPEATED AGAIN ON MARCH 25 AND 30, 2000 FOR PURPOSES OF CLARIFICATION AND CORRECTION; AND

**Whereas,** THIS ACTION DOES NOT SUBSTANTIALLY CHANGE THE ANALYSIS OF SIGNIFICANT IMPACTS AND ALTERNATIVES IN THE EXISTING ENVIRONMENTAL DOCUMENT; A NEW STATE ENVIRONMENTAL POLICY (SEPA) THRESHOLD DETERMINATION IS NOT REQUIRED WAC 197-11-600(4)(D)); AND

**Whereas,** BASED UPON THE ORAL AND WRITTEN EVIDENCE RECEIVED PRIOR TO AND AT THE PUBLIC HEARING ON APRIL 3, 2000, THE BOARD OF COUNTY COMMISSIONERS ADOPTS THE FOLLOWING ADDITIONAL FINDINGS:

33. THE BOARD READOPTS FINDINGS 1-32 ABOVE.

34. THE GROWTH MANAGEMENT ACT (RCW 36.70A) (GMA, ACT) REQUIRES COUNTIES PLANNING UNDER THE ACT TO ADOPT REGULATIONS TO DESIGNATE AND PROTECT CRITICAL AREAS. RCW 36.70A.060(2), .170(1)(D). COUNTIES ARE REQUIRED TO FOLLOW WASHINGTON STATE DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT (DCTED) GUIDELINES WHEN ADOPTING THEIR CRITICAL AREAS REGULATIONS. RCW 36.70A.170(2); 36.70A.050(1). THE DCTED ADOPTED GUIDELINES RELATING TO CRITICAL AREAS IN 1991, CODIFIED AT WAC 365-190-080, WHICH REMAIN UNCHANGED TO DATE.

35. IN 1995, THE LEGISLATURE ADOPTED AMENDMENTS TO GMA WHICH REQUIRE THAT A COUNTY "INCLUDE BEST AVAILABLE SCIENCE IN DEVELOPING POLICIES AND DEVELOPMENT REGULATIONS TO PROTECT THE FUNCTIONS AND VALUES OF CRITICAL AREAS. IN ADDITION, COUNTIES AND CITIES SHALL GIVE SPECIAL CONSIDERATION TO CONSERVATION OR PROTECTIVE MEASURES NECESSARY TO PRESERVE OR ENHANCE ANADROMOUS FISHERIES." [RCW 36.70A.172(1)] THE LEGISLATURE FAILED TO ADOPT A DEFINITION OF "BEST AVAILABLE SCIENCE" WHEN IT ENACTED THIS REQUIREMENT. FURTHER, AS NOTED IN FINDING 1 ABOVE, DCTED HAS NOT ADOPTED ANY REGULATIONS TO CLARIFY WHAT THIS "BEST AVAILABLE SCIENCE" REQUIREMENT MEANS THROUGH THE ADOPTION OF ANY CLARIFYING AMENDMENT TO WAC 365-190-080, DESPITE HAVING OVER FOUR YEARS TO DO SO.

36. IN VIEW OF THIS LACK OF LEGISLATIVE OR ADMINISTRATIVE DIRECTION, LOCAL JURISDICTIONS MUST LOOK TO PRONOUNCEMENTS BY COURTS AND THE GROWTH MANAGEMENT HEARINGS BOARDS ON WHAT "BEST AVAILABLE SCIENCE" MEANS. THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD (WESTERN BOARD) HAS STATED THAT:

> LOCAL DIVERSITY HAS AN IMPACT IN DETERMINING WHAT IS THE "BEST" SCIENCE. THE GOALS OF THE ACT, THE PRACTICALITY OF THE "SCIENCE" AND THE FISCAL IMPACT, RELATING TO THE AVAILABILITY OF INFORMATION AND TO THE ULTIMATE DECISION, MUST BE BALANCED BY A LOCAL GOVERNMENT IN DETERMINING HOW TO DESIGNATE AND HOW TO PROTECT CRITICAL AREAS. "AVAILABLE" MEANS NOT ONLY THAT THE EVIDENCE MUST BE CONTAINED WITHIN THE RECORD, BUT ALSO THAT THE SCIENCE MUST BE PRACTICALLY AND ECONOMICALLY FEASIBLE. 'BEST" MEANS THAT WITHIN THE EVIDENCE CONTAINED IN THE RECORD A LOCAL GOVERNMENT MUST MAKE CHOICES BASED UPON THE SCIENTIFIC INFORMATION PRESENTED TO IT. THE WIDER THE DISPUTE OF THE SCIENTIFIC EVIDENCE, THE BROADER THE RANGE OF DISCRETION ALLOWED TO LOCAL GOVERNMENTS. ULTIMATELY, A LOCAL GOVERNMENT MUST TAKE INTO ACCOUNT THE PRACTICAL AND ECONOMIC APPLICATION OF THE SCIENCE TO DETERMINE IF IT IS THE "BEST AVAILABLE."

CLARK COUNTY NATURAL RESOURCES COUNCIL, ET AL. V. CLARK COUNTY, NO. 96-2-0017, FINAL DECISION AND ORDER, DECEMBER 6, 1996 (CPC PAGINATION AT 2209). FURTHER, THE RECENT CASE OF HEAL V. CPSGMHB, 96 WN. APP. 522, 979 P.2D 864 (1999), PROVIDES THAT THIS "BEST AVAILABLE SCIENCE" REQUIREMENT MEANS THAT LOCAL JURISDICTIONS MUST CONSIDER BEST AVAILABLE SCIENCE BOTH PROCEDURALLY AND SUBSTANTIVELY WHEN ADOPTING THEIR CRITICAL AREAS REGULATIONS. HOWEVER, IN MAKING THIS PRONOUNCEMENT, THE COURT REJECTED THE NOTION THAT GMA REQUIRES "ANY PARTICULAR OUTCOME OR PRODUCT." 96 WN. APP. AT 531. IN FACT, THE COURT IN HEAL NOTED THE FOLLOWING:

THE GMA REQUIRES BALANCING OF MORE THAN A DOZEN GOALS AND SEVERAL SPECIFIC DIRECTIVES IN IMPLEMENTING THOSE GOALS. /6 THE LEGISLATURE PASSED RCW 36.70A.172 (1) FIVE YEARS AFTER THE GMA WAS ADOPTED. IT KNEW OF THE OTHER FACTORS, BUT NEITHER MADE BEST AVAILABLE SCIENCE THE SOLE FACTOR, THE FACTOR ABOVE ALL OTHER FACTORS NOR MADE IT PURELY PROCEDURAL. INSTEAD, THE LEGISLATURE LEFT THE CITIES AND COUNTIES WITH THE AUTHORITY AND OBLIGATION TO TAKE SCIENTIFIC EVIDENCE AND TO BALANCE THAT EVIDENCE AMONG THE MANY GOALS AND FACTORS TO FASHION LOCALLY APPROPRIATE REGULATIONS BASED ON THE EVIDENCE NOT ON SPECULATION AND SURMISE.

96 WN. APP. AT 531-32. SKAGIT COUNTY INTERPRETS THESE DECISIONS AS GIVING IT SOME FLEXIBILITY IN ADOPTING ITS CRITICAL AREAS REGULATIONS, GIVING CONSIDERATION TO LOCAL CONDITIONS, WHILE RECOGNIZING THE REQUIREMENT THAT THE CHOICE IT MAKES MUST FALL WITHIN THE RANGE OF "BEST AVAILABLE SCIENCE" IN THE RECORD.

37. IN THIS CASE, WHERE THE CRUCIAL ISSUE BEFORE THIS BOARD IS WHAT THE WIDTH SHOULD BE OF BUFFERS ALONG FISHBEARING STREAMS ABUTTING AGRICULTURAL LAND, AND WHAT EXEMPTIONS FROM SUCH BUFFER REQUIREMENTS SHOULD BE PERMITTED, IT IS IMPORTANT TO NOTE THAT NEITHER GMA, NOR DCTED, NOR THE WESTERN BOARD HAS SET FORTH ANY SPECIFIC REQUIREMENTS RELATING TO BUFFER WIDTH OR EXEMPTIONS. RATHER, AS NOTED IN FINDING 2 ABOVE, WHAT BEST AVAILABLE SCIENCE UNDER GMA REQUIRES IS THAT THOSE REGULATIONS "PROTECT THE FUNCTIONS AND VALUES OF CRITICAL AREAS."

38. THE RECORD PRESENTED TO THIS BOARD CONTAINS DIVERSE VIEWS ON WHAT "BEST AVAILABLE SCIENCE" IS ON BUFFER WIDTHS, AND WHAT REGULATIONS THE COUNTY SHOULD ADOPT. ON ONE HAND, SKAGIT AUDUBON SOCIETY (AUDUBON), THE SWINOMISH TRIBAL COMMUNITY (TRIBE), FRIENDS OF SKAGIT COUNTY (FOSC), THE WASHINGTON ENVIRONMENTAL COUNCIL (WEC) AND WASHINGTON DEPARTMENT OF FISH AND WILDLIFE (WDFW) CLAIM THAT THE ADAPTIVELY MANAGED 50-FOOT BUFFER PROGRAM (25-FOOT RIPARIAN (NO TOUCH) BUFFER AND 25-FOOT MANAGED BUFFER) ADOPTED IN ORDINANCE NOS. 17596 AND 17712 IS UNSUPPORTED BY "BEST AVAILABLE SCIENCE" AND IS TOO SMALL. THEY CLAIM THAT THE EFFECTIVENESS OF A MANAGED 50-FOOT BUFFER URGED BY THE WESTERN WASHINGTON FARM CROPS ASSOCIATION, SKAGIT COUNTY FARM BUREAU, SKAGITONIANS TO PRESERVE FARMLAND, SKAGIT COUNTY DAIRY FEDERATION, AGRICULTURE FOR SKAGIT COUNTY (ASC) AND NATURAL RESOURCE CONSULTANTS (NRC), AND ADOPTED BY THE COUNTY IN THESE ORDINANCES, IS UNSUPPORTED BY SCIENTIFIC EVIDENCE. ACCORDINGLY, THEY CLAIM IT MUST BE REJECTED IN FAVOR OF WIDER BUFFERS. HOWEVER, THE FACT IS THAT NO TWO AGENCIES AGREE ON EXACTLY WHAT THE "CORRECT" BUFFER WIDTH SHOULD BE: NOT DCTED, NOT WDFW, NOT THE DEPARTMENT OF ECOLOGY (DOE), NOT THE FEDERAL GOVERNMENT, NO ONE. IN FACT, THOSE AGENCIES HAVE SHOWN A RELUCTANCE TO MAKE A CALL AS TO WHAT THE BUFFER WIDTH REQUIREMENT SHOULD BE.

39. LEFT WITH THIS LACK OF DIRECTION, NRC HAS URGED THE COUNTY TO TAKE A NEW APPROACH. RATHER THAN USING STAGNANT, UNMANAGED BUFFERS OF A SET WIDTH, NRC'S PROPOSAL IS THAT THE COUNTY ADOPT A PLAN WHICH CALLS FOR ADAPTIVELY AND ACTIVELY MANAGED BUFFER AREAS, USING PLANTING, HANDS-ON MANAGEMENT AND CONTINUING RE-EVALUATION ON A SITE-SPECIFIC BASIS. IF THAT SITE-SPECIFIC RE-EVALUATION (MONITORING) SHOWS THAT THE PROGRAM IS NOT WORKING, THE COUNTY HAS THE AUTHORITY TO INCREASE OR DECREASE THE BUFFERS ON PROPERTY ACCORDINGLY [SEE, E.G., SCC 14.06.095(6),(9)]. BECAUSE THIS PROPOSED PLAN IS SO DIFFERENT FROM TRADITIONAL, UNMANAGED BUFFERS, THE NRC PROPOSAL CANNOT BE COMPARED TO THE TRADITIONAL APPROACH. NRC CLAIMS THAT WHAT IS "BEST AVAILABLE SCIENCE" IS IN A CONSTANT STATE OF FLUX, AS NEW STUDIES ARE MADE AND NEW INFORMATION IS GATHERED. NRC ARGUES THAT ALTHOUGH THE MANAGED 50-FOOT BUFFER PLAN IT PROPOSES HAS NOT BEEN TESTED, IT IS UNFAIR TO CLAIM THAT IT DOES NOT OR WOULD NOT WORK TO MEET THE GMA REQUIREMENT TO "PROTECT THE FUNCTIONS AND VALUES OF CRITICAL AREAS," IN THIS CASE, SALMON-BEARING STREAMS IN SKAGIT COUNTY.

40. THIS BOARD ADOPTS THE SCIENTIFIC REVIEW PRESENTED BY ASC THROUGH NRC (WHICH FOR TWO DECADES HAS BEEN ADVISING ABOUT MARINE AND INLAND FISHERIES AND THEIR RELATED RESOURCE BASES TO CLIENTS IN THE PACIFIC NORTHWEST AND AROUND THE WORLD). IN APPLYING ITS EXPERTISE TO THE GMA MANDATE TO CONSERVE AGRICULTURAL LANDS WHILE, AT THE SAME TIME, PROVIDING PROTECTION FOR THE FUNCTIONS AND VALUES OF CRITICAL AREAS AND FOR THE PRESERVATION AND ENHANCEMENT OF ANADROMOUS FISHERIES, NRC CONSIDERED

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AGRONOMY, FISHERIES, AND FORESTRY MODELS AND DEVELOPED THE CONCEPT OF AN ADAPTIVELY MANAGED BUFFER ZONE THAT IS MONITORED AND ADAPTIVELY MANAGED IN ACCORDANCE WITH ONGOING FINDINGS AND BEST AVAILABLE SCIENCE REVIEWED BY A QUALIFIED SCIENCE ADVISORY PANEL OVERSEEING THE PROGRAM. NRC APPLIED THIS SCIENTIFIC KNOWLEDGE BASE THAT INCLUDED CONSIDERATION OF SEDIMENTATION, WOODY DEBRIS, NUTRIENTS, SHADE AND TEMPERATURE, RIPARIAN VEGETATION TO NATURAL AND ENHANCED BUFFER ZONES AND ADJACENT LAND USES IN THE KIND OF CURRENT DEVELOPMENT EXISTING IN SKAGIT COUNTY.

41. NRC FOUND THAT AGRICULTURE MAINTAINED AND ENHANCED IN LOW GRADIENT AREAS (WHERE RIPARIAN FUNCTIONS HAVE SIGNIFICANTLY DIFFERENT NEEDS THAN IN HIGH GRADIENT FORESTED AREAS) COULD CO-EXIST WITH CRITICAL AREA FUNCTIONS AND VALUES AND ANADROMOUS FISHERIES BY APPLYING THE FARMERS' ACKNOWLEDGED EXPERTISE IN CROP SCIENCE TO DEVELOPING EFFECTIVE STREAMSIDE BUFFER ZONES ON THEIR AGRICULTURAL PROPERTIES. WHILE THE OTHER SCIENCE PRESENTED PROVIDED SUBSTANTIAL PROTECTIONS FOR CRITICAL AREAS FUNCTIONS AND VALUES AND ANADROMOUS FISHERIES, IT DID NOT TAKE INTO ACCOUNT CONSERVATION OF AGRICULTURE OR PROVIDE AS TIMELY PROTECTION AS IN THE NRC 50-FOOT ADAPTIVELY MANAGED BUFFER ZONE. IN FACT, THE COUNTY HAS BEEN CALLED ON TO SACRIFICE AGRICULTURE TO RE-ESTABLISHING NATURAL CONDITIONS THAT WOULD THEMSELVES SEEM TO SACRIFICE PRESERVATION AND ENHANCEMENT OF ANADROMOUS FISHERIES TO COMPETING NATURAL VALUES SUCH AS NATURAL FLOODING, BEAVERS, AND OTHER DESTRUCTIONS.

42. BY THE ACTIVELY AND ADAPTIVELY MANAGED BUFFER ZONES ALONGSIDE NATURAL WATER COURSES, THE NRC 50-FOOT ADAPTIVELY MANAGED BUFFER ZONE HAS THE POTENTIAL OF EVEN INCREASING THE PROTECTION CRITICAL AREAS FUNCTIONS AND VALUES AND ANADROMOUS FISHERIES OVER THE RESULTS THAT WOULD BE ACHIEVED BY THE UNMANAGED, UNPROTECTED BUFFER ZONES RELIED IN OTHER PROPOSALS CONSIDERED. IN CASES WHERE EVEN A 50-FOOT ADAPTIVELY MANAGED BUFFER ZONE WOULD JEOPARDIZE THE MAINTENANCE, ENHANCEMENT, AND CONSERVATION OF AGRICULTURE IN SKAGIT COUNTY, WE HAVE GIVEN SPECIAL CONSIDERATION TO ANADROMOUS FISHERIES. FOR EXAMPLE, MANMADE DRAINAGES, DITCHES, AND OTHER DIVERSIONS ARE CRUCIAL TO THE SUCCESS OF THE AGRICULTURAL INDUSTRY IN SKAGIT COUNTY BUT INTRUSIONS BY SOME JUVENILE SALMONIDS HAVE BEEN OBSERVED IN SOME OF THE MAN-MADE DITCHES. PHOTOGRAPHS OF SOME OF THESE MAN-MADE DITCHES ARE INCLUDED IN THE RECORD. HOWEVER, INSTEAD OF IMPOSING THE 50-FOOT BUFFER ZONE REQUIREMENT ON CRUCIAL AGRICULTURAL LAND IMMEDIATELY ADJACENT TO THESE DRAINAGES, DITCHES, AND OTHER MAN-MADE WATERWAYS, THE CRITICAL AREA ORDINANCE (CAO) ALLOWS FOR THE ESTABLISHMENT OF RESTORATION AND ENHANCEMENT AREAS UNDER THE REVIEW AND APPROVAL OF THE SCIENTIFIC ADVISORY PANEL UNDER THE CAO.

43. SIMILARLY, SKAGIT COUNTY HAS CHOSEN TO EXEMPT UP TO 25 FEET OF THE 50-FOOT BUFFER ZONE REQUIREMENT IF THE BUFFER WOULD TAKE UP MORE THAN 15 PERCENT OF THEIR ARABLE (TILLABLE/USABLE) FARMLANDS (APPROXIMATELY 1 PERCENT). IN THIS REGARD, THE COUNTY HAS ADOPTED A NUMBER OF PROJECTS TO ENHANCE SALMON PRODUCTIVITY, AND, ESPECIALLY UNDER PROVISION OF THE FEDERAL ENDANGERED SPECIES ACT, CAN BE EXPECTED TO CONTINUE TO ADOPT A VARIETY OF SPECIAL MEASURES FOR THE PRESERVATION AND ENHANCEMENT OF ANADROMOUS SPECIES.

44. AS NOTED ABOVE, BOTH THE HEAL DECISION AND THE WESTERN BOARD'S DECISION IN CCNRC RECOGNIZE THAT A COUNTY MAY CONSIDER OTHER FACTORS BESIDES BEST AVAILABLE SCIENCE IN ADOPTING ITS CRITICAL AREAS REGULATIONS. IN SKAGIT COUNTY, THE AGRICULTURAL INDUSTRY IS OF CRUCIAL IMPORTANCE. IT MAKES UP A LARGE SECTOR OF OUR LOCAL ECONOMY AND IMPACTS THOUSANDS OF LIVES. THE COMPATIBILITY OF AGRICULTURAL LANDS IN THE PRESERVATION AND ENHANCEMENT OF ANADROMOUS SPECIES REFLECTED IN THE GMA IS NOT ONLY RECOGNIZED IN THE GMA BUT IS INCREASINGLY WELL-DOCUMENTED AS STATE AND FEDERAL PROTECTIONS FOR SALMON ARE APPLIED NOT ONLY TO OCEAN AND RIVER HARVESTS OF SALMON BUT ALSO TO UPLAND ACTIVITIES. SEE, E.G., THE MARCH 2000 BULLITT FOUNDATION REPORT ON THE RECOVERY OF PUGET SOUND SALMON LAUDING THE ROLE OF AGRICULTURE AND WARNING GOVERNMENTAL GROUPS SUCH AS THIS BOARD THAT "(O)FFICIALS SHOULD NOT BE INDIFFERENT TO THE RISK OF FORCING FARMERS OUT OF BUSINESS. IF WESTERN WASHINGTON FARMS DISAPPEAR, THEY WILL PROBABLY NOT BE REPLACED BY ANYTHING MORE ENVIRONMENTALLY BENIGN." CONSERVATION OF AGRICULTURAL LANDS UNDER RELEVANT PROVISIONS OF THE GMA SEEMS CRITICAL IN ATTAINING OVERALL GMA GOALS OF ADDRESSING "UNCOORDINATED AND UNPLANNED GROWTH," "REDUCING SPRAWL," AND IN STRIVING TO "MAINTAIN AND ENHANCE NATURAL RESOURCE-BASED INDUSTRIES, INCLUDING . . . AGRICULTURAL . . . ." RCW 36.70A.020. IN OTHER WORDS, ALTHOUGH THE "CONSERVATION OF . . . PRODUCTIVE AGRICULTURAL LANDS" IS BUT ONE OF THE GOALS OF GMA [RCW 36.70A.020(8)], ACHIEVING IT WILL HELP LEAD

TO THE FULFILLMENT OF OTHER GMA GOALS AS WELL. FURTHER, GMA REQUIRES THE PROTECTION AND CONSERVATION OF AGRICULTURAL NATURAL RESOURCE LANDS WITHIN THE SAME STATUTES THAT IT REQUIRES THE PROTECTION AND CONSERVATION OF CRITICAL AREAS. RCW 36.70A.060, .170. THESE GOALS GO HAND-IN-HAND IN GMA, AND MUST BE CONSIDERED TOGETHER IN A COOPERATIVE, RATHER THAN A COMPETING, APPROACH.

45. IN WEIGHING WHAT KIND OF BUFFER PROGRAM TO HAVE, WHAT IS REQUIRED, AND WHAT GMA AUTHORIZES AND ALLOWS, SKAGIT COUNTY IS COMMITTED TO A BALANCED APPROACH. THIS BOARD FEELS THAT THE ADVOCATES OF THE WIDER UNMANAGED BUFFER PAY LITTLE HEED TO GMA'S REQUIREMENT TO PROTECT AND CONSERVE AGRICULTURAL LANDS, VIEWING THAT AS, AT BEST, A SECONDARY CONSIDERATION TO PRONOUNCEMENTS ELSEWHERE IN GMA TO "PRESERVE OR ENHANCE ANADROMOUS FISHERIES." WIDER BUFFERS HAVE ECONOMIC IMPACTS ON FARMERS. IF A FARMER IS NOT ALLOWED TO HAVE ANY PRODUCTION OR USE OUT OF THE BUFFER AREAS, HE IS DEPRIVED OF THE USE OF LAND WHICH HE HAS PAID FOR AND USED FOR PRODUCTIVE AGRICULTURAL PURPOSES, SOMETIMES FOR MANY YEARS. ALTHOUGH GMA MAY REQUIRE THAT THE FARMER MAKE A CONCESSION OF SOME LAND FOR BUFFERS, "TO PROTECT THE FUNCTIONS AND VALUES OF CRITICAL AREAS," IT IS INCUMBENT UPON GOVERNMENT TO MAKE THAT INTRUSION AS MINIMAL AS POSSIBLE, WHILE ASSURING THAT ANY BUFFER PROGRAM WILL WORK IN ORDER TO FULFILL THE IMPORTANT GMA MANDATE OF PRESERVING ANADROMOUS FISHERIES. THE NRC-PROPOSED ADAPTIVELY MANAGED BUFFER PROGRAM PROVIDES THIS ASSURANCE.

46. THEREFORE, THE COUNTY ADOPTS THE NRC'S PROPOSAL AS REFLECTING THE APPLICATION OF THE BEST AVAILABLE SCIENCE TO THE CONDITIONS OF AGRICULTURAL LANDS IN SKAGIT COUNTY AND INCORPORATES BY REFERENCE NRC'S FINDINGS BASED ON ITS SCIENTISTS' RECOGNIZED AREAS OF EXPERTISE, THEIR SCIENTIFIC METHODOLOGY, AND THOROUGH RESEARCH AND LITERATURE REVIEWS THAT APPLIED A WIDE RANGE OF BUFFER ZONE CONCEPTS (MANY FROM UPLAND FORESTED ECOSYSTEMS) TO THE SKAGIT COUNTY. SKAGIT COUNTY RECOGNIZES NRC'S MATERIALS INCLUDING THE SUMMARY PREPARED FOR THIS HEARING OF THE SCIENTIFIC PROCESS THAT GUIDED ITS RESEARCH AND THE DEVELOPMENT OF THE 50-FOOT ADAPTIVELY MANAGED BUFFER ZONE SKAGIT COUNTY HAS ADOPTED.

47. SKAGIT COUNTY FINDS THAT THE SCIENCE RELIED UPON AND PRESENTED BY NRC IS THE BEST AVAILABLE SCIENCE WHICH WILL ACCOMPLISH THIS BALANCING GOAL. THE COUNTY HAS DRAFTED ITS ORDINANCE BASED UPON THAT SCIENCE. ALTHOUGH THERE ARE MANY CRITICS OF THIS BUFFER PROGRAM WHO CONTEND THAT THE BUFFERS ARE TOO SMALL AND WILL NOT WORK, THEY DO NOT UNDERSTAND THE PROPOSED ADAPTIVE MANAGEMENT BUFFER PROGRAM. IT IS NOT A STAGNANT PROGRAM; IT REQUIRES FULL MANAGEMENT OF PLANTING AND MAINTENANCE AND THEN CONTINUED RE-EVALUATION TO ENSURE THAT IT IS PROVIDING THE REQUIRED PROTECTION OF FUNCTIONS AND VALUES OF THE SALMON CORRIDORS. THE COUNTY BELIEVES THIS ADAPTIVELY MANAGED BUFFER PROGRAM SHOULD BE TESTED AND GIVEN AN OPPORTUNITY. ACCORDING TO THE SCIENCE SUBMITTED BY NRC, IT WILL WORK. THE OPPONENTS OF THE MANAGED 50-FOOT BUFFER PROGRAM HAVE NOT SHOWN THAT IT WILL NOT WORK IN SKAGIT COUNTY. IF HISTORY SHOWS THAT THE PLAN DOES NOT WORK, IT WILL BE CHANGED. THE FINDINGS WHICH FOLLOW PROVIDE THE SCIENTIFIC BASIS FOR THIS CHOICE.

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**NOW THEREFORE, BE IT FURTHER ORDAINED THAT** SCC 14.04.095 AND 14.06.096, AS AMENDED BY ORDINANCE NO. 17596 AND THEN ORDINANCE NO. 17712 AS SET FORTH IN EXHIBIT A, WHICH IS ATTACHED HERETO AND INCORPORATED BY REFERENCE, AND APPENDICES D, E AND F, WHICH ARE ALSO ATTACHED AND INCORPORATED BY REFERENCE, DATED JANUARY 2000, ARE REAFFIRMED, AND SHALL REMAIN IN EFFECT UNTIL OCTOBER 4, 2000, OR UNTIL A PERMANENT ORDINANCE IS ADOPTED, WHICHEVER OCCURS FIRST.

DATE: APRIL 4TH, 2000.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

SKAGIT COUNTY COMMISSIONERS SEAL COURT STATE OF WASHINGTON

HARVEY WOLDEN, CHAIRMAN

ROBERT HART, COMMISSIONER

TED W. ANDERSON, COMMISSIONER

ATTEST:

PATTI CHAMBERS, CLERK
SKAGIT COUNTY BOARD OF COMMISSIONERS

APPROVED:

KENDRA SMITH, ASSISTANT DIRECTOR
PLANNING AND PERMIT CENTER

APPROVED AS TO FORM:

JOHN R. MOFFAT, CHIEF CIVIL DEPUTY
SKAGIT COUNTY PROSECUTING ATTORNEY

EXHIBIT A

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**14.06.095 Ongoing agriculture on lands designated Agriculture-NRL.**

**(1) Purpose**

The purpose of this Section is to ensure long-term protection of critical areas, allow substantial flexibility to the agricultural community to implement Best Management Practices (BMPs) sufficient to reduce adverse impacts, if any, from ongoing agriculture to acceptable levels, and provide sufficient opportunity for Skagit County to implement incentive-based approaches to ensure long-term conservation and restoration of riparian buffer areas.

It is also the purpose of this section to provide a regulatory means to protect wild salmonid populations, consistent with applicable laws and in conjunction with Skagit County's own initiative for locally based salmon enhancement efforts.

This section shall apply to all existing ongoing agricultural activities as defined in this Chapter.

**(2) Definitions**

(a) "Agricultural Compliance Master Map" (ACMM) shall be a working map designating salmon bearing waters and those adjacent agricultural properties requiring buffers. In addition the map will designate evaluation areas. The County, in conjunction with the Science Advisory Panel (SAP), shall develop this map and update the map annually.
(b) "Agricultural Management Zone" (AMZ) shall mean that twenty-five (25) feet or greater area landward of the "riparian buffer zone"(RBZ).
(c) "Associated wetlands" shall mean wetland type I and II described in section 14.06.200 of this Chapter for this section only.
(d) "Buffer Complex" shall mean the total buffer area comprised of the RBZ and the AMZ.
(e) "Cover crop" shall include perennial crops for the purposes of this section.
(f) "Evaluation areas" shall be those areas considered for possible enhancement projects and/or waters which need further evaluation as to whether they are salmon bearing.
(g) "Riparian Buffer Zone" (RBZ) shall mean the buffer area which shall be maintained as part of a re-vegetation program or in its natural state if approval is granted by the Administrative Official and will be designed to prevent ingress by livestock. This includes livestock maintained for personal use.
(h) "Salmon bearing waters" shall mean those natural watercourses, rivers, streams, and associated wetlands currently inhabited by salmonid species during any stage of the life cycle. Salmon bearing waters shall not include artificial watercourses.
(i) "Science Advisory Panel (SAP)" is an advisory panel made up of the following participants, or combinations thereof: hydrologist, biologist, agriculture community, soil biologist and others as deemed appropriate by the Board of County Commissioners.

**(3) Voluntary Management Plan Option**

(a) Optional submission. Property owners in the Agriculture-NRL zone may submit site-specific conservation plans, approved by the Skagit County Conservation District consistent with adopted NRCS standards to the Administrative Official on a voluntary basis. Approval of a conservation plan shall allow for the following:

(i) Deviations from the buffer requirements for ongoing agriculture, where such deviations are found to be consistent with the requirements established under subsection (b) below; and

(ii) Compensation assistance through Skagit County.

(iii) Such plans must be sufficient to meet the environmental quality standards of the state of Washington established pursuant to Chapter 90.48 RCW Water Pollution Control, Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington, and Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington.

(iv) Plans shall provide BMPs, including riparian buffers, sufficient to ensure long-term protection of anadromous fish and their habitats.

(b) Review and approval of conservation plans.

(i) Upon receipt of a properly submitted conservation plan, the Administrative Official shall review the plan for consistency with this Chapter.

(ii) The Administrative Official shall have the authority to approve, deny or condition submitted conservation plans. In making such determinations, the Administrative Official shall consider available resource information as well as the comments and recommendations provided by members of the Science Advisory Panel.

(iii) Conservation plans that are denied or conditioned shall be returned to the landowner within thirty (30) days of submission along with a letter detailing the aspects of the plan that were inconsistent with this Chapter. Any such plans may be modified on a voluntary basis by the landowner and re-submitted.

(iv) Approved conservation plans shall conform to the requirements set forth in Section 14.06.145.

(c) Compliance tracking.

The Administrative Official shall incorporate follow-up review of approved conservation plans into the County's coordinated system of critical areas compliance tracking as identified under Section 14.06.705 of this Chapter.

**(4) Buffer requirements for ongoing agriculture.**

(a) Agricultural buffers on salmon bearing waters.

In accordance with the established timeline (14.06.095(4) Table (Y)), ongoing agricultural activities on designated Agriculture-NRL lands shall adhere to the minimum agricultural buffer on salmon bearing waters. The minimum agricultural buffer shall be an average of fifty (50) feet measured horizontally in a land ward direction from either the ordinary high water mark (OHWM), the associated wetland edge or the top edge of a defined stream bank, whichever provides the greatest buffer. The first twenty-five (25) feet of the buffer shall be an RBZ zone, subject to buffer re-vegetation and maintenance only. The second twenty-five (25) feet shall be an agricultural management zone (AMZ). Normal agricultural activities may occur within the AMZ except:

(i) there shall be no livestock allowed from November 1st to March 31st of each year and

(ii) a cover crop or established pasture shall be maintained from November 1st to March 31st of each year.

(b) The buffer complex zone shall not exceed fifteen (15%) percent of the landowner's parcel, so long as the RBZ shall not be less than twenty-five (25) feet.

(c) Voluntary agricultural buffers may be placed on salmon bearing waters in excess of those required in 14.06.095(4)(a). See section 14.06.095 (7).

(d) Salmon bearing waters shall be identified on the ACMM (see Appendix C). The Agriculture Compliance Master Map shall be used as the definitive regulatory tool in identifying the location of salmon bearing waters and adjacent agricultural land requiring buffers.

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Table Y: Timeline for compliance with standard agricultural buffer on salmon bearing waters.

| Compliance Participation Day | Percentage of Buffers on Salmon Bearing Waters within Agriculture-NRL and additional tasks | Compliance Date (Time from effective date of this Section) |
|---|---|---|
| 90 day Plan Initiation process | ♦ Identify affected property owners<br>♦ Hire staff and develop strategy for implementation and monitoring<br>♦ Verify ACMM<br>♦ Identify and appoint SAP<br>♦ Develop a drainage monitoring and tracking program | 90 days from effective date |
| Day 1-180 Plan Implementation | ♦ Inform stakeholders and hold public meetings<br>♦ Develop lease language and rates<br>♦ Develop re-vegetation and maintenance program to include survey of existing and a site preparation plan | 180 days from plan implementation |
| Day 181-270 | ♦ Projected 20% property owners lease signed<br>♦ Continue developing Re-vegetation Plan | 270 days from Plan implementation |
| Day 271-360 | ♦ Projected 50% property owners lease signed<br>♦ Re-vegetation begins | 360 days from effective date Plan implementation |
| Day 361-540 | ♦ 80% property owner lease signed<br>♦ Re-vegetation continued | 540 days from effective date |
| Day 541-720 | ♦ Initial Re-vegetation established | 720 days from effective date |
| Day 721 ^ | ♦ Maintenance and monitoring of buffers | Ongoing review |
| | | |
| | | |
| | | |
| **Total area** | **80 % property owner compliance** | **540 days from plan implementation** |

(e) Compliance verification.

(i) The Administrative Official shall verify that the minimum percentages of total property owners with required buffers on salmon bearing waters specified in Table Y have signed leases within 60 days of required compliance participation day in Table Y.

(ii) The Administrative Official shall report to the Board of County Commissioners on the percentage of the total property owners requiring buffers within the Agriculture-NRL zone which are in compliance with section 14.06.095(4). This report shall be submitted within seventy-five (75) days of each compliance date set forth in Table Y of this Section.

(iii) If at the end of 540 days from the effective date of this Ordinance eighty (80%) percent of the property owners who have lands requiring buffers subject to this section of 14.06 have not signed a lease, then a fine shall be administered (see 14.06.095(11)). The property owner will not be eligible for compensation and the property shall remain subject to all the requirements of section 14.06.095. The agricultural buffer on salmon bearing waters shall become effective for all non-compliant properties within the entire Agriculture-NRL zone 90 days from the date of the report.

(iv) The Administrative official shall be responsible for tracking compliance with buffer re-vegetation. A parcel within the Agriculture-NRL district shall be counted as being in compliance when the Administrative Official receives a signed statement of compliance from the property owner. The ongoing monitoring program will verify compliance.

(f) The agricultural buffer for salmon bearing waters shall not apply to areas located adjacent to and landward of the dikes and levees or tributary to drainage systems utilizing tidegates, floodgates and pump stations identified under Section 14.06.090(9) of this Chapter.

(g) Except as noted in 14.06.095(4)(e)(iii), the private landowner shall not be responsible for costs incurred in the installation, maintenance or monitoring of the RBZ.

(h) If the property is engaged in agricultural activities which have livestock on the land:

(i) a fence shall be installed no closer to the waterway than the outer edge of the no-touch zone buffer; and

(ii) livestock crossings or watering areas shall only be allowed where best management practices are used to construct and maintain the crossing or watering area.

(i) Exemptions and deviations.

(i) Agricultural parcels of land that are currently being operated pursuant to a Conservation or Farm plan approved by the Skagit Conservation District are exempt from the buffer requirements. Deviations or exemptions from the agricultural buffer on salmon bearing waters may be allowed pursuant to the approval of a site specific resource management plan (Farm Plan) approved by the Skagit Conservation District, pursuant to 14.06.095(3).

(ii) Parcels where permanent bank armoring is in place.

(iii) Those parcels enrolled in the Conservation Reserve Enhancement Program (CREP).

**(5) Compensation assistance.**

Skagit County shall provide compensation assistance in the form of buffer lease and other means to help compensate property owners for the economic impacts associated with the removal of Agricultural-NRL lands from commercial production. The County will provide compensation for the land at a fair market value rate for up to five years, so long as the parcel is actively participating in the buffer program and is land that is currently under agricultural production or is on annual rotation. Such compensation assistance shall commence with the individual property owners upon the signing of a contractual agreement (lease). Upon expiration of the lease, all rights in the land shall revert to the private landowner subject to the provisions of this Ordinance and other applicable regulations.

**(6) Buffer re-vegetation and maintenance.**

The Administrative Official and the SAP that will work in collaboration with representatives from the Natural Resources Conservation Service, the National Marine Fisheries Service, the Washington Department of Fish and Wildlife, the Washington Department of Ecology, affected Indian tribes, Skagit Conservation District and local agricultural groups and individual farmers to design and develop a re-vegetation and maintenance buffer program. Such a program, developed through a coordinated effort and drawing upon combined expertise and familiarity with local agriculture, will provide the basis for the development of site-specific re-vegetation plans. The re-vegetation maintenance program shall be made available to property owners within the Agriculture-NRL zone within ninety (90) days from the effective date of the signing of a lease.

**(7) Voluntary Additional Buffers.**

Any property owner owning land within the Agriculture-NRL that contains salmon bearing waters or is part of an enhancement plan may opt to exceed voluntarily the 25-foot RBZ zone. Property owners who wish to partake in additional voluntary buffer may be compensated for buffers up to 125 feet of RBZ.

**(8) Mapping.**

(a) Skagit County shall utilize the ACMM, attached as Appendix C to this Ordinance, to identify the locations of salmon bearing waters, including associated wetlands, within the Agriculture-NRL zone. Salmon bearing waters shall only include those waters that are determined to be salmon bearing as of the effective date of this Section.

(b) Evaluation areas shall be identified on the ACMM.

(c) The ACMM shall be updated regularly to incorporate new information regarding the location of salmon bearing waters. Only salmon bearing waters not included in the initial map due to insufficient information shall be added.

(d) Waters recognized as not being salmon bearing which are opened up to utilization by wild salmonids through restoration or enhancement projects shall not be considered salmon bearing waters for the purposes of this Section. Any such areas shall be identified separately on the ACMM. These areas may be in part within the evaluation areas identified. The agricultural buffers that apply in the evaluation areas shall be established on a site-by site basis and shall either be developed and agreed to in advance by the Administrative Official and the affected property owner(s) as part of the project planning process or, where such agreement in advance does not occur, the applicable buffer shall be established by the Administrative Official through consultation with appropriate natural resource agencies and the affected property owners.

(e) The Administrative Official shall also update the map at least annually to reflect compliance tracking information on a parcel-by-parcel basis and shall make use of County GIS mapping capabilities to assist in this process.

**(9) Monitoring.**

Monitoring the impacts of the agricultural buffer program is essential to the success of the project. The primary objective of a monitoring strategy is to provide timely and pertinent information to the County and the SAP so that adjustments to the program can be made without the usual delays associated with regulatory changes.
All aspects of the program will be monitored on a regular basis.

(a) Skagit County shall first develop a process for reviewing data garnered from the monitoring program (see Appendix F) upon which needed changes can be made to the buffer project and, where necessary, to this ordinance 14.06.095 through an expedited process.

(b) Skagit County shall develop from existing studies and agriculture specific ground truthing baseline data on both riparian and aquatic conditions that shall be incorporated into ACMM prior to the commencement of the planting program.

(c) The objectives of the broad responsive monitoring program shall be designed to evaluate hypotheses on relationships between agricultural buffers and salmonid habitat, and how the relationships will be affected by changes in agricultural riparian conditions. The primary objectives are to:

- track the number of landowners participating; and
- determine the impacts (direct, indirect and cumulative) of the discrete agricultural activities on salmon and salmon habitat before and after the installation of the buffer complex and in context with other events such as flooding. Specific issues shall address sampling of direct run off, water quality testing above and below particular sites, measurement of buffer width, etc.; and
- evaluate the condition of the salmonid habitat with respect to agricultural and any impacts on salmonid habitat (direct, indirect and cumulative) from outside the contiguous agricultural parcel. Specific conditions that shall be measured and monitored on a regular schedule include, (1) extent of shade cover, (2) nutrient contribution, (3) ambient air an d water temperature variations,(4)

turbidity, (5) sediment accumulation,(6) LWD accumulation and status of pools and riffles, condition of bank; and

- measure and assess the growth rates and general viability of each stage of the buffer plantings and maintenance schedule. Specific measurements shall include soil sampling, tree height and trunk measurements, presence of competing vegetation, wildlife measurement, use of fertilizers and cost of intensive buffer management.

(d) A protocol for sampling and measuring shall be developed jointly by the County and the SAP and shall apply to all monitoring activities. The protocol shall address all aspects of the monitoring program including but not limited to: schedule, qualifications of personnel, locations, sample size and report format and frequency. All data developed pursuant to the buffer program shall be published in a quarterly report after review by the SAP, the County and the landowner. The quarterly report shall contain the following items.

(i) measurement of the compliance to Table Y in subsection (4) of 14.06.095; and

(ii) status of riparian zone management activities designated in Appendix F; and

(iii) results of the monitoring effects described in Appendix F.

The monitoring strategy will be designed to provide pertinent data that will make it possible to implement changes and modifications incrementally and in the timely manner required for responsive adaptive management.

**(10) Channel migration.**

For purposes of dealing with channel migration, the buffers on the salmon bearing waters within agricultural lands, as described in this section, shall be re-evaluated as part of the monitoring and adaptive management program to ensure full protection.

**(11) Enforcement.**

Enforcement actions shall be taken starting on day 541 after the effective date of this Ordinance if compliance to Table Y has not been met. The following actions shall be taken:

(a) compensation for the agricultural buffers shall not be provided by the County to those property owners who have not complied by day 541; and

(b) fines shall be imposed on property owners who have not complied with the agricultural buffer requirements in subsection (4) above in the amount of one hundred ($100) dollars per day until a resource management plan, which will no longer be optional, is submitted and approved.

**14.06.096 Strategic plan for protecting wild salmonids.**

**(1) Intent**

The intent of this section is to implement a planning strategy to protect wild salmonids, consistent with state and federal policies, using locally-based planning efforts for specific implementation plans, to assist and encourage the restoration and protection of the natural landscape processes that form and sustain habitat to which salmonid stocks are adapted.

**(2) Process**

The County shall implement a strategic plan for protecting wild salmonids in two phases. The first phase shall include the implementation of projects for immediate benefit of salmon while initiating studies to evaluate potential enhancement activity sites as described in Appendix E under subsection (4) below. The second phase shall take place over a longer time frame through implementation of the County's Salmon

Recovery Program (SRP) being developed as part of the County's overall response to listing of wild salmonid species under the federal Endangered Species Act.

(3) Phase One - Implementation.

Phase one includes Planning Department regulations and plans, existing efforts, local resources, programs and projects that will provide immediate, observable benefits to wild salmonid stocks in Skagit County. Specific project components of this phase are listed individually along with details regarding timeline for implementation (to be completed by the end of year 2000), funding and departmental responsibility in Appendix D to this Chapter or in a separate document adopted by resolution by the Board of County Commissioners as additions are made.

Public Works has spent roughly $800,000 in 1998; $1,800,000 in 1999; and budgets $2,500,000 in year 2000 for salmon recovery efforts. Projects and feasibility studies focus on five key areas 1) fish passage improvement projects at culverts and other blockages; 2) reconnecting historic side channels with main river channel; 3) re-creating tidally influenced brackish habitat in the estuary; 4) acquiring existing key salmon habitat and protecting it with long-term easements; and 5) developing management plans in areas where ongoing drainage and flood protection practices impact salmon habitat.

(a) Planning Department regulations, policies and plans protecting salmonid:
- (i) Adoption of the Critical Area Ordinance (CAO), June 23, 1999, which includes a monitoring program
- (ii) Adoption of Section 14.06.095 in the CAO requiring buffering on ongoing agricultural lands, which includes a monitoring program
- (iii) Comprehensive Plan which sets goals, objectives and policies to address land use, natural resource lands and critical areas including fish and wildlife habitat conservation areas and wetlands
- (iv) Countywide Planning Policies
- (v) Clean Water District Ordinance
- (vi) Flood Damage Protection Ordinance
- (vii) Environmental Policy Ordinance, 14.24
- (viii) Adoption of a Forest Practice Ordinance
- (ix) Adoption of a Drainage Ordinance adopting DOE standards, SCC 14.36
- (x) On-site Sewage Disposal Ordinance, SCC 12.05
- (xi) Mineral Ordinance, SCC 14.04.126
- (xii) Inclusion of a clearing and grading zero tolerance threshold within the CAO
- (xiii) Proposed updated to the Shoreline Master Program
- (xiv) Watershed non-point action plans: Samish Watershed, Nookachamps Watershed and Padilla Bay/Bayview Watershed

(b) Other existing efforts include:
- (i) Governor's Salmon Recovery Office and Statewide Salmon Recovery Strategy
- (ii) Skagit County Public Works, Surface Water Management Division
- (iii) Skagit Watershed Council
- (iv) Skagit Council of Governments
- (v) Fish and Wildlife projects

(c) Local resources
- (i) Skagit Conservation District
- (ii) Skagit Watershed Council
- (iii) Skagit Council of Governments
- (iv) Skagit Systems Cooperative
- (v) Padilla Bay National Estuarine Research Reserve
- (vi) Skagit Fisheries Enhancement Group
- (vii) Various volunteer groups

(d) Local Programs
- (i) Jobs for the Environment

(ii) Watershed partners
(iii) Conservation Easements
(iv) Conservation Futures
(v) CREP
(vi) Watershed Masters

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(e) Assess drainage systems beyond 14.06.095 for non-salmon bearing waters

**(4) Phase Two - County Salmon Recovery Program (SRP)**

(a) The development of the County SRP will require coordination with federal, state, local and tribal agencies and require a longer timeframe to complete. The following State regulations and policies will have a direct impact on a recovery program and will need to be factored in to the SRP:

(i) the Wild Salmonid Policy (WSP) adopted in 1997 by the Department of Fish and Wildlife;

(ii) ESHB 2496, the Salmon recovery Act, which includes amendments to the Puget Sound Water Quality Protection Act

(iii) ESHB 2514, the Watershed Planning Act
(iv) the Growth Management Act

(b) The County SRP shall address requirements under the Endangered Species Act through a broad range of mechanisms that can generally be described as including the following:

(i) Habitat enhancement, restoration and mitigation projects
(ii) Removal of obstacles to fish passage
(iii) Regulatory and land use reform to address shoreline management, growth management, agricultural and forest practices, and stormwater management
(iv) Public education and involvement
(v) Monitoring
(vi) Enforcement
(vii) Public acquisition of riparian areas
(viii) Incentive-based conservation measures
(ix) Use of best available science
(x) Coordination with federal, state, local and tribal resource agencies
(xi) Drainage Districts shall develop an annual maintenance plan for the maintenance of drainage systems to ensure their uninterrupted and optimal operation while addressing water quality issues. A drainage program that incorporates monitoring and tracking of maintenance activities shall be developed by the County.

(c) Specific projects that includes both estuary and stream enhancement projects are listed in Appendix E.

(d) The County SRP shall continue the work initiated through phase one, implementation, and shall include successive, one-year implementation strategies comprised of specific project and non-project items identified and funded in the annual budgets of the County Public Works Department, the Planning and Permit Center and the Salmon Recovery Fund.

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# PROPOSAL
## FOR AN
# ADAPTIVELY MANAGED AGRICULTURAL RIPARIAN BUFFER

## Prepared for

Skagit County


Prepared by

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January 2000

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## APPENDIX D

Skagit County Surface Water Management has been actively working towards the recovery of salmon within the Skagit River Watershed. Many salmon recovery projects have already been completed, involving both the removal of fish barriers and restoration of salmon habitat. Projects in the near future include studies to determine the best course of action for various stream reaches, additional fish barrier removals, acquisition of key salmon habitat, and habitat restoration. All studies will include site surveys, coordination between key stakeholders, and project development.

**The following is a list of built and proposed salmon recovery projects:**

**Completed between January, 1998 & October, 1999:**

1. **Parker Creek** ($260,000.00)
   - Culvert replacement at SS Highway
2. **Unnamed tributary to Lake Creek** ($71,000.00)
   - Culvert replacement at Lake Cavanaugh Road
3. **Coal Creek** ($200,000.00)
   - Culvert replacement at Hoehn Road
4. **Edison Slough** ($50,000.00)
   - SRT Tide Gate & culvert replacement
5. **Miller Creek** ($288,750.00)
   - culvert replacement at Concrete/Sauk Valley Road
6. **Parsons Creek** ($296,750.00)
   - culvert replacement at Prairie Road
7. **Fisher Creek** ($210,025.00)
   - culvert replacement at Cedardale Road
8. **Fisher Creek** ($94,025.00)
   - culvert replacement at Starbird Road
9. **Brickyard Creek** ($25,000.00)
   - Culvert replacement at Fruitdale Road
10. **Tributary to Swede Creek** ($25,000.00)
    - Culvert replacement at Grip Road
11. **Lorenzen Creek** ($208,000.00)
    - Culvert replacement at Dalles Road

**Studies to be completed by September 30, 2000:**

1. **Jackman Creek** ($180,000.00)
   - Skagit Systems Cooperative has identified this stream as critical salmon habitat. A plan will be developed that protects adjacent homes and roads while habitat is improved along this channel.
2. **Hart Slough/Skiyou Slough** ($75,000.00)

- A design report will be developed that evaluates the potential for restoring habitat functions in historic river channels that are now partially blocked off from the mainstem Skagit River.

3. **Dry Slough** ($74,500.00)
   - Design report and HCP work will develop a long-term plan for balancing ongoing agricultural practices with voluntary salmon recovery efforts on Fir Island.
4. **Hansen Creek** ($50,000.00)
   - A watershed plan will be developed to formulate a solution for the flood and sediment issues while providing fish habitat and passage.
5. **Skagit Council of Governments Salmon Recovery Plan** ($90,555.00)
   - A comprehensive plan will be developed between Skagit County, local municipalities, and the tribes to unify salmon recovery efforts within the County.
6. **Education: Critical Areas and Drainage Ordinances** ($30,000.00)
   - Program designed to educate the public and county staff of the changes within the new Critical Areas and Drainage Ordinances to ensure greater compliance.

7. **Ordinance Adequacy Review** ($20,000.00)
   - Identification and evaluation of completed projects that were subject to the Critical Areas and Drainage Ordinances to determine the level of compliance.

**Habitat Acquisition:**

1. **Aquatic Lands Enhancement Account (ALEA)/Governors Salmon Recovery Office Matching Grants** ($812,500.00 + $420,000.00 = $1,232,500.00 total)
   - Properties proposed for acquisition include Savage Slough, Hurn Field, Martin Slough, Mix Master/Fly Bar, Lower Suiattle, Ray Johnson Creek, Lower Nookachamps, and the Tom Moore Slough.

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# APPENDIX E

The long term list of restoration and enhancement projects include those areas listed as evaluation areas in SCC14.095 and stream enhancement projects to be completed by Skagit County Public Works Department.

**Proposed Estuary projects include:**

Dry Slough
Brown Slough
Hall Slough
Joe Leary, mouth only
Mouth of North Fork Skagit
Sullivan Slough outside tide gate
Telegraph, Higgins and Blind Slough
McElory Slough

**Proposed Stream Enhancement projects include:**

Proposed Projects

1. **Cockreham Levee** ($263,829.00)
   - Construction of an overtopping levee which will provide salmon with access to existing side channel rearing habitat within the island.

2. Aldon Creek Fish Passage ($203,000
3. **Dalles Road Fish Passage** ($201,000)
4. **Concrete/Sauk Valley Road Fish Passage@ milepost 12.2** ($478,877)
5. **Concrete/Sauk Valley Road Fish Passage@ milepost 5.7** ($259,603)
6. **Burpee Hill Road Fish Passage** ($258,187)

Additional stream project possibilities:

- Brickyard
- Hart
- Wiseman
- Red Cabin
- Child

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# PROPOSAL

FOR AN

# ADAPTIVELY MANAGED AGRICULTURAL RIPARIAN BUFFER

## INTRODUCTION

Skagit County's challenge under the Washington State Growth Management Act (GMA) is to regulate activities to protect both listed species and resource-based industries. The Skagit River system chinook, a listed species, comprise the largest natural chinook runs in Puget Sound. Agriculture, a natural resource based industry, is essential to the economy of Skagit County (County). Agriculture has historically been protected and supported by all levels of government. Urban development, farming, wildlife sanctuaries, transportation corridors, recreational and other uses all compete for space within the fertile Skagit Valley. Many of these uses result in increased impervious surfaces, blockages in water systems, demand for water, power, flood control, and can be less salmon friendly than agriculture. (Harr et al. 1975, 1979; Ziemer 1981). Where existing urban land uses constrain the degree to which habitat-forming processes can be restored, restoration plans may target only selected watershed processes to avoid dramatic changes in land use. Such solutions are expected to move toward the restoration goal but with an understanding that the goal will not be fully achieved and that partial restoration of processes may involve higher long-term costs. (Beechie 1999)

In response to the Western Washington Growth Management Hearings Board order in Case no. 92-2-0025 Skagit County considered adopting a 125 foot no-touch default buffer for agriculture lands. Such an action would cause significant hardship to farmers of Skagit and, in fact, jeopardize the economic viability of many farms. The farmers of Skagit County, as represented, in part, by Agriculture for Skagit County (ASC), are committed to supporting measures that protect the environment upon which they are dependent. Consequently , ASC has developed the following proposal for an adaptively managed agricultural riparian buffer program to support properly functioning conditions (PFC)in chinook bearing waters. This program contemplates a fifty (50) foot managed buffer complex adapted to support site specific PFCs while minimizing the impact to farming operations. This managed zone is designed to immediately provide protection to salmon habitat from direct contact with agricultural because it incents voluntary participation. It is also designed to provide for the development of a perennial, self-sustaining buffer that will support salmonid PFCs in the long term.

### Ongoing Activities

The Skagit County agricultural community in its agricultural programs is currently integrating measures and Best Management Practices (BMPs) that enhance and protect habitat to benefit listed and sensitive species. However, these measures are not uniformly implemented nor has their effectiveness been adequately documented. Where employed, these activities result in habitat protection that can meet or exceed the contribution sought from the agricultural community under state and local requirements.

Recognizing that there is always room for improvement, ASC, is willing to participate actively in scientifically sound, balanced, and equitable salmon habitat improvement projects, and has made a commitment to review, upgrade where necessary and implement BMPs and other measures to ensure that activities conducted by the agricultural community are not jeopardizing the likely survival of endangered salmonids.

**Approach**

Recognizing that a multitude of factors are responsible for the decline of northwest salmonid populations, ASC proposes pursuing a two-pronged approach to identifying and addressing the challenge. The first step is to assess the impact of local agricultural activities on salmonids and their habitat. The second is to design and implement a buffer program on agriculture lands.

Evaluation of the effectiveness of any agriculture buffer program promises to be challenging. Plan-induced increases in fish abundance could subsequently be offset by factors that the Plan does not control. The County and the agricultural community acknowledge that all factors that have contributed to the decline of salmon are best addressed in a comprehensive manner that mitigates any current attributable effects on salmon habitat and survival while simultaneously assessing the effects of agricultural practices and proposed management modifications. Thus, the Adaptively Managed Agricultural Riparian Buffer Plan (Plan) incorporates a coordinated monitoring and oversight component to best ensure a reliable basis for transparency, accountability and adaptive management. By implementing the ASC approach, the County will have an excellent opportunity to facilitate the enhancement of salmonid populations within the Skagit watershed while ensuring the least disruption to the County's agricultural economic base.

ASC proposes an initial five-year riparian buffer program where the buffer strips are established and managed to ensure site-appropriate BMPs, including prescribed vegetative and arboreal cover. Beneficial management includes actions that will result in short-term, mid-, and long-term net conservation benefits. These net conservation benefits will result from increasing connectivity of habitats, minimizing anthropogenic impacts, and creating areas and opportunities for testing and implementing new conservation strategies.

Fisheries and riparian management experts, dedicated to this venture, will work in concert with the County and designated stakeholders to ensure adequate and appropriate development and maintenance of the buffer complex. The private landowner will neither be in control of the management of the buffer nor responsible for any costs incurred in the establishment, maintenance and monitoring of the buffer complex. Because this approach can be accomplished with a manageable cost and with tolerable impacts to established agriculture, it has the endorsement of key members of all segments of the farming community. Thus, it promises greater participation and more timely coverage than would a (mandated and contested) buffer program based on forestry prescriptions for riparian buffer set-asides that do not fairly address agricultural realities.

DESCRIPTION OF THE PROJECT AREA

The Skagit River watershed is located predominantly within Skagit County. The Skagit River watershed is made up of three regions: (1) the upland areas east of Hamilton where primary spawning and rearing occur; (2) the valley portion of the Skagit River that stretches between Hamilton and Mount Vernon, which serves primarily as a migratory corridor and rearing area; and (3) the delta portion of the Skagit River west of Mount Vernon which is tidal in nature and serves as a migratory corridor, rearing and marine adaptation area.

## Skagit River Basin

### *The Basin*

The Skagit River Basin is located in the North Cascade Mountains and empties into Puget Sound. The basin encompasses 3,100 square miles and is the largest Basin in Puget Sound and is second only to the Columbia Basin in Washington State. Elevations in the basin range from sea level to 3,275 meter at Mt. Baker. Congress designated the Skagit River as a federal wild and scenic river in 1978.

About 19 percent of the basin is privately owned or under State management. Predominant land use is agriculture and urban development in the lower floodplain and delta areas, and commercial timber in the upland areas. Approximately 44 percent of the basin lies within federally owned National Parks, National Recreation Areas, and Wilderness Areas; and about 24 percent of the basin is National Forest. Approximately 13 percent of the basin lies in British Columbia.

### *Chinook Salmon*

Chinook salmon (*Oncorhynchus tshawytscha*) is the largest of the Pacific salmon (Netboy 1958). Historically it was known from the Ventura River in California to Point Hope, Alaska in North America, and in northeastern Asia from Hokkaido, Japan to the Anadyr River in Russia (Healey 1991).

Two generalized freshwater life-history "types" have been identified in chinook salmon: a "stream-type" and "ocean-type" (Meyers et al. 1998). The stream-type generally spend one or more years as juveniles in freshwater before migrating to the sea. The ocean-type generally spend less than a year in freshwater before migrating to the sea (Healey 1991). Due to these differences, juvenile chinook arrive at the lower river and estuary at different times in their life cycle. Chinook juveniles may arrive at the lower river and estuary immediately after emergence as fry, from March to May at a length of 40 mm; they may enter the lower river and estuary as smolts during May and June of their first year at a length of 60-80 mm; or they may not enter the lower river and estuary until April and May of their second year as yearling smolts at a length of 80-110 mm (Healey 1982).

Ocean-type chinook salmon use lower rivers and estuaries as rearing areas; all chinook "types" make use of tidally influenced lower rivers and estuaries (Aitkin 1998). Juvenile chinook appear to move with the tide (Levy and Northcote 1982; Moser et al. 1991). On the flood tide, juvenile chinook move into marshes; on the ebb tide the juveniles retreat into channels that retain water at low tide (Healey 1991). Based on mark-recapture results, Levy et al. (1979) found that chinook juveniles rearing in the Fraser River estuary showed a high-degree of fidelity to specific tidal channels. According to Levy and Northcote (1981), chinook and chum salmon juveniles, in the

Fraser River estuary, are positively associated with large tidal channels and negatively associated with small, isolated, low elevation tidal channels.

Spawning habitat in the Puget Sound basin for chinook salmon is concentrated in the Skagit and Snohomish River systems, which together have nearly as many miles of spawning habitat as the next ten largest rivers in Puget Sound combined (Cramer et al. 1999). As a result, the Skagit and Snohomish Rivers together have more wild chinook than all other major rivers systems combined. Skagit River system spring and summer/fall chinook together comprise the largest natural chinook runs in Puget Sound (Scott et al. 1992).

Spring chinook are found in the Skagit River and lower tributaries to about Newhalem and in the Cascade River and tributaries to the South Fork. Summer chinook continue to Gorge Dam on the Skagit and also to the South Fork of the Cascade River. Fall chinook also migrate to the Gorge Dam, but use the Cascade River infrequently.

Spring chinook juveniles may spend up to a year in freshwater, so their reliance on freshwater habitat is extensive. Shoreline habitats are most important for smaller juveniles that need more complex habitats to survive. Summer and fall chinook juveniles remain in the Skagit River for only about three months after emergence, out-migrating from mid-March until mid- to late June. Summer and fall chinook juveniles rely on the lower river and estuary and make extensive use of salt marsh habitat when available (Healey 1991).

Outmigration, depending upon the race of chinook, can occur anytime within the first 18 months of life, and includes age 0 fish as small as 20- 50 mm (Iwamoto and Salo 1977). Once downstream migration has commenced, streamflow, tidal cycles, turbidity, and topographical profiles at the river mouth determine the nature and residence time in estuaries (Iwamoto and Salo 1977). Downstream migration occurs year-round over the entire geographic range of chinook (Shepard 1981). In large rivers, chinook fry migrate downstream more at the margins or edges of the river than in the high velocity water near the center of the channel (Healey 1991).

Most spring chinook juveniles leave the Skagit River system after a few months; though some spend a year in the river after emergence, in which case they begin their seaward migration during the second year of freshwater residency in spring and early summer. Summer and fall chinook juveniles remain in the Skagit River for only about three months after emergence, out-migrating from mid-March until mid- to late-June. Thus residency times in the Skagit River for out-migrating chinook juveniles is relatively brief.

The size of the juvenile entering the marsh or estuary may determine the amount of time they spend in the marsh before migrating to the ocean. For example, based on data from the Washington Department of Fish and Wildlife, Shepard (1981) showed that small chinook (less than 46 mm) stayed in the Skagit River estuary for approximately 3.57 days in April and for 3.03 days in May, whereas juveniles (greater than 46 mm) stayed in the estuary 2.55 days in both April and May. The range for all fish was 0 to 19 days in the estuary. The table below indicates the residence time (50 and 90 percent) for small and larger chinook salmon in the Skagit River estuary:



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Small chinook

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April
50 percent left the estuary within 2.39 days
90 percent left the estuary within 7.94 days

May
50 percent left the estuary within 1.61 days
90 percent left the estuary within 5.35 days

Large chinook

April and May
50 percent left the estuary within 1.41 days
90 percent left the estuary within 4.67 days

Studies have shown that juvenile chinook and coho subyearlings will reside in a certain area of an estuary for an average 1 to 2 days (Levy and Northcote 1982; Ryall and Levings 1987; Shreffler et al. 1990).

In general, juvenile chinook salmon, as well as most other salmon species, prefer lower river and estuarine habitats that are vegetated, heavily channelized, with moderate slope, and which offer a wide range of water salinities (Aitkin 1998). Docey et al. (1978), Simenstad et al. (1982), and Healey (1982) have all concluded that, among anadromous salmonids, chinook are the most dependent on estuarine habitat, followed by chum, coho, sockeye, and pink salmon.

***Preferred Habitat***

Chinook spawn and rear in large channels with low gradient, so most of the spawning is in the middle to lower portions of the Skagit Basin, where geomorphic features promote upwelling through the gravel (Geist and Dauble 1998), and where large gravel settles out. It is unusual for chinook to spawn in stream gradients exceeding 4 percent, and the majority spawn in gradients of 2 percent or less (Hayman et al. 1996). However, Healey (1991) noted that as long as conditions of good subgravel flow are met, chinook will spawn in water that is shallow or deep, slow or fast, and where the gravel is coarse or fine.

Adequate water percolation through the spawning gravel is essential for chinook egg and alevin survival (Healey 1991). Since percolation through spawning gravel is affected by sediment and siltation, siltation in spawning areas can cause high mortality (Shelton and Pollack 1996). Hayman et al. (1996) examined the relationship of chinook spawner densities to habitat features in 50 stream reaches of the Skagit River and 21 reaches in the Stillaguamish River. In both rivers, spawner density was high in low gradient (i.e., less than 2 percent) reaches, composed mostly of pools and riffles and lacking LWD.

According to Murphy et al. (1989), chinook juveniles prefer riverine habitat and seldom use beaver ponds or off-channel sloughs. They also noted that velocity and turbidity are the principal factors associated with chinook distribution; chinook were rare in still water or where velocity was greater than 30 cm/s. Chapman and Bjornn (1969) found that chinook juveniles prefer finer substrates than steelhead of comparable size, but both species showed a strong preference for rubble type habitat.

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Salmon use freshwater habitat mostly during the winter and spring for incubation of eggs and alevins and for rearing of juveniles ("overwintering") before they migrate to saltwater in the spring. Among the factors that occur in winter, and that could affect salmonid survival, increased water volumes and velocity and decreased temperatures probably have the most affect on overwintering juveniles (Swanston 1991). In western Washington, highest precipitation occurs during November through February. The increased input of water to the system creates episodic periods of increased water volume. The increase in water volume causes a corresponding increase in water velocity and an expansion of channel area (Swanston 1991). The lowest water temperatures also occur during the winter, which can influence juvenile metabolism, growth, and digestion rates (Bustard and Narver 1975, Groot et al. 1995).

A variety of winter habitats are used by different salmon species, depending on habitat availability, species preference, and competition. The physical habitat preferences for overwintering habitat of juvenile chinook has not been well documented. However, some research indicates that interstitial spaces between rocks and cobble are used by juvenile chinook as overwintering habitat in some river systems (Morgan and Hinojosa 1996). Levings and Lauzier (1991) found that juvenile chinook in the Fraser River system overwinter along the margins of the mainstem river. Bjornn (1971) found that the movements of juvenile chinook in the Lemhi River, Idaho in winter was correlated with the amount of cover provided by large rubble substrate. Healey (1991) summarized the available information on overwintering habitat used by chinook and noted a correlation between increased juvenile size and movement from tributaries to downstream mainstem areas. Hillman et al. (1987) investigated winter habitat selection by juvenile chinook in an Idaho stream and found that, although the fish used areas with undercut banks, when cobble substrate was added, eight times more chinook juveniles used the cobble substrate than the year before.

*Escapement*

The escapement goal for Skagit River Basin spring chinook is reportedly 3,000 naturally spawning adults (Anon. 1990). This goal was achieved only once between 1974 and 1989, and that occurred during an unusually large return of Chinook salmon in 1985 (Cramer et al 1999). The escapement goal for Skagit River Basin summer/fall chinook is 14,900 naturally spawning adults. This goal was achieved only 4 times between 1974 and 1990.

Escapement has not been sufficient in the Skagit River system to maintain wild stocks at the level of maximum sustainable yield. Any goals that are established will have to take into account the appropriate escapement for the level of production sought, and must consider how both the fisheries and other activities will be managed to provide those escapements.

To sustain any exploited fishery, harvest levels (i.e., catch) must be limited and the number of adults allowed to escape the fishery to spawn (i.e., spawning escapement) should be optimal in terms of expected adult production. Unless spawning escapement goals are met continuously, any gains made in habitat restoration or enhancement could be lost.

*Agricultural Buffer Plan and Salmon*

Some stakeholders assume that the total capacity of the Skagit River system to produce salmon, whether measured in smolts, total run size, or harvestable number, is directly related to the area available for spawning and rearing in the river system. The principal difficulty with this assumption is that we do not have sufficient information to know what are realistic, achievable goals for the river system. When examined further, one finds that it is not realistic at this time to

define "success" or to speak meaningfully about "extent of protection or mitigation or compensation," because habitat losses and goals to restore, rehabilitate, or recover habitat are not defined or they are defined in different terms in different alternatives; smolts one place, dollars another, riparian area width, or returning adults in another. Thus, the question that arises is what performance measures should be used to assess buffer success total adult production or escapement? Should credit be given on the basis of actual production or expected production? Is credit measured at each individual site of program measure implementation, or at the entrance to Puget Sound? How will harvest impacts be calculated? Or should success be measured other ways? How will success be apportioned among multiple agricultural landowners?

The extent and success of past and present mitigation and habitat restoration measures need to be determined. The aim of this element would be to identify actions implemented and determine how well they worked. However, defining "success" will be challenging . Is success to be measured in terms of total contribution to run size of a particular stock in a particular area, or to the total harvestable component of that run, or contribution to the harvestable component reaching the mouth of the Skagit River system, or the contribution of smolts migrating downstream?

If the yardstick of success will be adult production, there is a need first to determine present and past productive capacity in the Skagit River. This needs to be done in connection with setting goals for salmon enhancement (or recovery), and finally there is the need to estimate what that capacity might be with habitat improvement, full spawning escapement, mitigation and compensation.

The goals of the Plan, in relation to the GMA, ESA, or other fisheries management plans will only be deemed achieved if escapement goals are reached and documented. Therefore, the agricultural industry must know how the management agencies (i.e., NMFS, USFWS, WDFW, Tribes, and Pacific Management Council) propose to provide and monitor the spawning escapement needed to define the scope under ESA and other management plans.

**Samish River Basin**

The following information has been modified from Cramer et al. 1999. The Samish River Basin encompasses 123 sq. miles and straddles the Whatcom/Skagit County line. The watershed is approximately 55 percent forestland, managed primarily for commercial timber production. Approximately 22 percent of the watershed is in agricultural use, including crops, pasture, dairy farms, beef and horse raising operations and berry farms. There are also more than 300 small-scale farms.

The Samish River is approximately 29 miles long, originating in the relatively broad, flat valley above Wickersham, Washington. From its headwaters, the stream flows south for about 11 miles through open farmlands and moderate expanses of swamp-like areas. The river then begins to flow west and then southeast for approximately 12 miles through a broad valley floor with numerous sections of open farmland and occasional dense thickets composed of deciduous trees. Beyond this point, the river flows across farmland areas for approximately 6 miles to Samish Bay (Williams et al. 1975).

Chinook are probably native to the Samish River; however, the stock currently found in the river is primarily non-native, originating from "Green River Fall Stock" introduced at the Samish River hatchery in the 1950's. Although some natural spawning may occur in the mainstem of the

Samish River below the hatchery, the chinook stock is sustained through hatchery production. Hatchery fish are not included in the threatened listing under ESA.

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FUNCTIONAL VALUES OF RIPARIAN AREAS

The estimated incremental benefit frequently noted, to in-stream fish habitat, from a contiguous riparian zone wider than 50 feet in agricultural lands has been traditionally extrapolated from higher gradient forested stream conditions. We are unaware of any comparative analyses of multiple-size buffer widths in low-gradient areas subjected to agriculture, flood control, transportation, navigation, and other land development such as is found in the Skagit Valley that suggest wider buffers will result in increased salmonid protection or enhancement. However, there are a number of operations and programs currently underway and recently concluded, although with yet unpublished results, that indicate managed buffers less than 50 feet are adequate to protect water bodies from any adverse agricultural activities, so long as the buffers are fully maintained and managed. The impact assessment study coupled with this proposed managed agriculture buffer project, seek to demonstrate and document that site specific adaptively managed buffers can provide that agricultural activities do not interfere with nor effect aquatic habitat necessary to sustain salmonids.

The linkages between riparian vegetative functions and the way they impact in-stream habitats and the life cycle functions of fish are determined by a variety of factors, including soil composition and water table, stream and field gradient, type of vegetation, solar and wind orientation, exposure to flooding and channelized outflow of precipitation. In practice, the width of the managed agricultural riparian buffer permits tree cutting for deliberate short-term contributions to the coarse woody debris (CWD) and, later, large woody debris (LWD) supplies while allowing other beneficial riparian management activities that make it possible to customize the buffer vegetation to suit the contiguous agricultural activity while still serving aquatic habitat. This scenario is unlike that of the upland forested buffers where such management is impractical.

**Large Woody Debris –LWD**

Large woody debris and smaller functionally important coarse woody debris provide several valuable functions in the enhancement of salmonid habitat (Bisson et al. 1987). In-stream LWD contributes to the diversity and complexity of habitats, such as pools, riffles, and sheltered areas for refuge. It dissipates stream energy and provides sediment storage. LWD also serves as a substrate structure for a range of aquatic organisms that supports primary and secondary production and helps create a diverse and resilient food chain.

The generally used reference authority for riparian standards for federal lands in western Washington has been the research referenced in the Northwest Forest Plan (NWFP). As calculated for forested areas, most riparian ecosystem functions (e.g., shade, bank stability, sediment filtering and detrital input), and up to 80 to 90 percent of LWD recruitment, will be met by a buffer width of 100 ft. (McDade et al. 1990; FEMAT 1993; Figure V-12). Approximately 75 percent of the cumulative effectiveness of the LWD riparian function is achieved in a distance equal to 50 percent of the average tree height in the forest riparian corridor (Figure 1).

"Adequate" or "effective" ecological values provided by LWD at less than 100 percent of a theoretical "fully functioning" forested riparian ecosystem is subjective and very difficult to quantify. While "optimum" spacing and scale have been determined for LWD delivery to high gradient, upland forested streams (Bisson et al. 1987) where spawning and rearing habitats predominate, LWD provisions for low gradient, valley floor ecosystems have not been determined.

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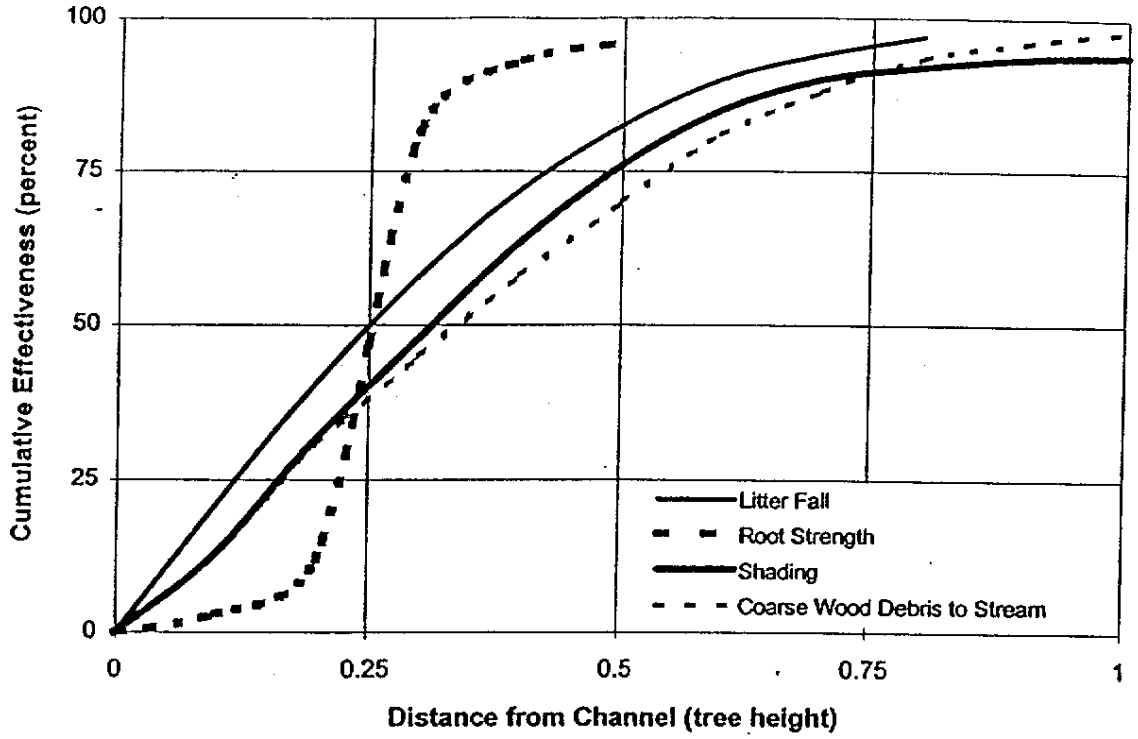


**Figure 1. Riparian forest effect on streams as a function of buffer width**

Generally, LWD enters aquatic ecosystems from adjacent riparian areas or is (more commonly in lower gradient streams) transported and deposited by seasonal flood events from further upstream. Current riparian restoration practices often mechanically install LWD in planned riparian development projects to substitute for perceived shortages in available LWD-based pool and riffle structure and habitat amenity. Unlike most forested lands, agricultural riparian zones along higher order streams contain little LWD and less slope gradient. Hydrological processes other than cross-stream LWD create more lower-reach pools. Over the course of agricultural development and mainstem stream clearance for transportation, much of the large organic debris (in the form of log jams and streamside forests) associated with lower river reaches and agricultural ecosystems have been removed to accomplish land clearing and drainage activities. Many agricultural riparian areas do not contain the large standing conifers prescribed in the NWFP to provide recruitment of LWD on forested lands. Also, the unregulated creation of stream meanders facilitated through LWD deposition in logjams and powered by seasonal flood events (sought by some as part of a natural process) is not congruent with effective agricultural or other developed land use management. Long-term creation and maintenance of quality spawning and rearing areas in more stable streams can mitigate the destruction of old and the re-creation of new spawning areas under these natural conditions (i.e. natural channel migration). Furthermore, the amount of stream-side land required in upland forested areas to provide random LWD recruitment can be reduced in managed agricultural areas where LWD can be delivered deliberately to streams in a timely and directed manner. Variable and narrower buffer widths, suited to topography and other conditions, have proven adequate to maintain desired riparian functions (Castelle et al. 1994; Castelle et al. 1992; Johnson and Ryba 1992).


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Because LWD loading rates can vary widely between and within drainages of similar size, gradient, and land use history, there is no conclusive evidence to support the contention that salmonid populations will be critically affected if LWD is maintained at less than the NWFP 100 percent recruitment level. Habitat amenities provided by LWD can increase carrying capacity, and provide increased habitat diversity, favoring one salmonid species or life phase over others. Litter and coarse woody debris contributions are more important for the salmonid food chain, and are obtainable on a sustainable basis from a variety of streamside sources.

It is clear that riparian buffers are important in regard to delivering and anchoring LWD into streams, as well as other functions. Large downed logs can be recruited into downstream aquatic habitat from the riparian forests as well as from up slope forests although predictability of supply is determined more by episodic catastrophic events than by steady incremental recruitment. Although agricultural lands have been developed and altered and often do not contain quantities of large, standing trees (especially conifers) for LWD recruitment, it is nonetheless possible to cultivate stands of large trees in appropriate riparian areas outside of forested lands within a 5 to 50 year time frame, if managed, instead of 100+ years, if unmanaged. Moreover, because LWD loading rates can vary widely between and within drainages of similar size, gradient, and land use history, there is no conclusive evidence to support the hypothesis that salmonid populations will be adversely affected if LWD is maintained at levels less than 100 percent recruitment.

There are some excellent opportunities for agricultural lands to contribute to the production and location of aquatic and riparian LWD. The cultivation and recruitment in the 25 foot riparian buffer zone of fast growing native trees, such as alders (*Alnus rubra.*), cottonwoods (*Populus trichocarpa.*), or preferably the even more quickly growing hybrid poplar (*Populus deltoides* x *trichocarpa*) could provide an almost immediate supply of large and coarse woody debris, litter, and shade. Instead of waiting many decades for natural delivery of LWD to the aquatic ecosystem, LWD could be delivered under a variety of managed conditions: still partially attached to their roots and alive, cut clean and placed as just-dead, girdled and then either delivered as one or more year old standing dead material, or girdled and left to fall naturally. Each of these modes of delivery serves various ecosystem functions. Such fast growing deciduous trees will also create closed canopy conditions quickly, providing shade and preparing the riparian buffer zone soil for effective planting of late successional trees after the deciduous trees have been delivered into the aquatic ecosystem. The deciduous trees will also contribute litter and fulfill other valuable functions in the dynamic riparian ecozone.

Thus, during the initial five-year transition period, the successionally managed agricultural buffers will immediately begin to address salmonid habitat concerns. The buffers will eventually provide nearly 75 percent of the effective LWD to the stream that would occur from a 100 foot forest buffer, 100 percent of the root strength necessary to maintain bank stability, more than 80 percent of the shading necessary to maintain suitable water temperatures, and more than 75 percent of the litter fall necessary to support an abundant invertebrate food supply for juvenile salmonids (see Figure 1).

**Temperature**

Streams change temperature in space as well as time, in response to energy transfers (the algebraic sum of net radiation, evaporation, convection, conduction, and advection; Brown 1983). As stream order increases, so does stream width, stream discharge, and the number of tributaries. As width increases, surface area exposed to solar radiation usually increases, because riparian areas shade less and less of the stream surface. Discharge from tributaries also increases in a downstream direction. The balance between these factors ultimately determines the rate of


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temperature change downstream, especially in summer. In large rivers, diurnal temperature fluctuations are generally dampened because of the relatively large volumes of water contained by the system (Hynes 1970).

Where tributaries join, or enter a mainstem, the mixed temperature is the resultant of their individual temperatures, weighted by their respective discharges (Brown 1983). Thus, a small tributary will produce little change in the temperature of a larger stream unless the small stream's temperature is greatly different. Hence, as stream order increases, the impact on temperature of tributaries entering the main channel generally decreases.

Downstream increases in water temperature during the summer occur primarily from radiation inputs to the water as it flows through increasingly wider reaches of the stream system. In addition, flows are usually low during summer and serve to magnify the effects of energy input (Beschta et al. 1987).

Concern over altered temperatures after watershed activities such as logging usually focuses on the inevitable increases in maximum temperatures observed during summer. However, in the majority of cases in the Pacific Northwest, stream temperatures in deforested watersheds, while warmer than they were in the forested condition, do not approach the tolerance limits of fish species (Beschta et al. 1987). As early as 1973, Broderson (1973) found that 15.2-meter (50 feet) buffers provided 85 percent of the maximum shade for small streams.(defined as streams with mean annual discharges of less than 5 cfs).

Elevated water temperatures in small streams (e.g., DNR Type 4/5 streams) and ditches in agricultural lands may not be as common as might be expected. One of the reasons for this is that, in most cases, substantial amounts of side-stream and understory vegetation shades the streams. This shading, and in some areas relatively high ground water flow, tend to depress stream temperatures, even though air temperatures may be high. Based on data presented by Caldwell et al. (1991), equilibrium temperatures are quickly established in larger receiving streams, dependent upon the water conditions once the water from the small stream enters. They also showed that small streams flowing into larger streams would have no discernable effects on water temperature. Further, cumulative effects from multiple small tributaries entering larger streams seldom occur in western Washington streams (Caldwell et al. 1991).

Effective shading, as measured by angled canopy density (Brazier and Brown 1973), is influenced by the solar exposure through the canopy cover. Due to the small size of many fish-bearing streams, shade from shrubs and under-story vegetation can, and already do, provide sufficient cover to effectively shade the stream channel. Shading of small streams (i.e., less than 2 meter wide) by understory vegetation was evaluated at 173 clear-cut harvest sites in Oregon in 1993 (OFIC 1993). Average shade within 2 years following timber harvest was found to be greater than 60 percent at more than 75 percent of the sites, and approached 100 percent shade at several locations.

Sullivan et al. (1987) have shown that 50 to 75 percent shading on DNR Type 1, 2, and 3 streams (i.e., fish-bearing) is adequate to maintain desired water temperatures for fish. Thus, if buffers on agricultural lands, regardless of width, can provide between 50 to 75 percent shade to fish-bearing streams, they will provide temperatures necessary to protect fish.

It is important to recognize that stream segments with "adequate" shading levels may not provide low water temperatures because of other environmental factors. Even under old-growth forest conditions, shading may have little influence on water temperatures, especially in large order

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streams with wide channels. Higher order, large valley streams tend to show less daily temperature fluctuation due to increased water depth (Sullivan et al. 1990; Theurer et al. 1984), and riparian shade becomes ineffective due to increased channel width, and air temperatures are higher at lower elevations.

Additionally, reservoirs tend to absorb more heat energy than the original stream system. This heat is transferred downstream during the year depending upon whether the water released from the dam comes from the surface or bottom of the reservoir. The Gorge Dam on the Skagit River is an example of a bottom draw dam, which causes warming of downstream water temperature in the fall. In 1978 Graybill et al. (1978) estimated that the slight increase in water temperature caused chinook fry to reach the stage of emergence from the gravel more than a month earlier than occurred without the dam. However, Graybill et al. (1994) found no obvious adverse effects to survival of chinook from temperature changes. In fact, there are studies that show salmonid abundance is often greater in streams draining from clear-cuts because there is more available food due to the increased temperature that promotes autochthonous production (Murphy and Koski 1989).

**Water Source and Quality**

The Skagit River basin has a drainage area of approximately 3,100 square miles. It is the largest basin tributary to Puget Sound, and the largest basin in Washington outside the Columbia River. Elevations in the basin range from sea level to about 3,200 meters on Mt. Baker.

The major tributaries of the Skagit River include the Cascade River, the Sauk River, and the Baker River. The Sauk River, a direct tributary of the Skagit River, encompasses 848 km2. Most of its length lies within the Skagit River Wild and Scenic System. There are 247 km of streams in the drainage network. At its source it is a high glacier river, with heavy sediment loads during the summer.

The Suiattle River is a major tributary to the Sauk River. The Suiattle River basin drains approximately 838 km2, with 341 km of streams in the lower drainage and 374 km in the upper drainage. The upper three-quarters of the watershed are designated as part of the Skagit River Wild and Scenic System. The Suiattle is a very high-energy glacial river with heavy sediment loads during the summer. The amount of coarse sediment moving in the channel network is tremendous, and increased mobilization of the sediment in the lower channels is directly affected by timber harvesting activities.

**Flows**

Flows in the Skagit River and its tributaries exhibit a complex hydrology influenced by several sources. Summer flows are maintained by ground water inflow in the tributary drainages, and by glacial outflow and snowmelt which produce peak flows in early summer. The timing and amount of rainfall and snowmelt determine winter flows. Besides the natural flow regimes, three reservoirs on the upper Skagit and two on the Baker River (Table 1) regulate flows, which strongly affect the flows in the lower Skagit River (Ebbesmeyer and Tangborn 1995).

Table 1. Dams and Reservoirs on the upper Skagit River System.

| Dam | River | Reservoir | Year Built | Location RM | Fish Passage |
|---|---|---|---|---|---|
| Lower Baker | Baker River | Lake Shannon | 1927 | 1.1 | Trap & Haul |
| Upper Baker | Baker River | Baker Lake | 1959 | 9.3 | Trap & Haul |
| Gorge | Skagit River | Gorge Reservoir | 1960 | 96.6 | None |
| Diablo | Skagit River | Diablo Reservoir | 1930 | 101 | No Access |
| Ross | Skagit River | Ross Reservoir | 1949 | 105 | No Access |

Chinook salmon pass the upper and lower Baker Dams, however, problems with the effectiveness of fish passage has been identified at each dam and modifications are in progress to enhance fish passage.

The North Fork, South Fork, and mainstem Skagit River are subject to tidal influence extending about 15 miles upstream to Mt. Vernon. At high tide, flow is stopped and at times reversed in the North and South Forks. At low tide, measurements made by the Washington Department of Ecology in 1994 showed roughly one-third of the river flow passed through the South Fork, and two-thirds in the North Fork.

Three significant tributaries flow into the lower Skagit River: Hansen Creek, Nookachamps Creek, and Carpenter/Fisher Creeks. Several minor tributaries also drain into this stretch of the river. Stormwater drainage mostly reaches the river by pump stations managed by the City of Mt. Vernon, Skagit County, or several drainage districts. In Sedro Woolley, several urban drains discharge directly to sloughs near the river. Contributions to the flow from direct ground water inflows on this stretch of the Skagit River appear to be insignificant (Larson 1994).

**Nutrient/Sediment Filtration**

***Nutrients and Chemicals***

One of the major environmental problems associated with agricultural production in general is the movement of fertilizers and pesticides from the farmlands into surface waters (Knox and Moody 1991; Lant and Roberts 1990, Felsot 1988). However, there is evidence that indicates vegetative riparian zones can effectively immobilize, store, and transform chemicals and nutrients from upland sources.

Doyle et al. (1977) assessed the effect of forest and grass buffer strips at improving the quality of runoff from manure application. They found that both forested and grass buffers were effective at reducing nitrogen, phosphorus, potassium, and fecal coliform, in 3.8 and 4.0 meters (12.5 and 13.1 feet), respectively. They also found that grass buffers were particularly effective in reducing nitrate and sodium levels.

Nitrogen has been identified as one of the most pervasive of the chemical nonpoint source pollutants associated with farmlands (Welsch 1991) if it is not utilized appropriately relative to season or crop application. Riparian buffers and grass communities have been shown to reduce

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nitrogen by 40 to 100 and 10 to 60 percent, respectively (Peterson et al. 1992; Osborne and Kovacic 1993). The method of nitrate removal in the riparian buffer includes plant and microbial uptake and immobilization, microbial transformation in surface and groundwater and adsorption to soil and organic particles. The effectiveness of these processes depends upon the age and condition of the plants, soil conditions (such as porosity, aeration, and organic matter content), depth of groundwater and the rate with which surface and subsurface waters move through the riparian buffer (Groffman et al 1992; Lowrance 1992). Riparian plants can also assimilate and immobilize phosphorus, as well as heavy metals and pesticides (Ehrenfield 1987). Any management technique which accelerates vegetation establishment and litter build-up will improve chemical retention (Schultz et al. 1994).

***Sediment***

Excessive sediment can potentially affect aquatic life by clogging stream channels and spawning gravel, reducing effectiveness of flood storage reservoirs, and contaminating groundwater sources. Riparian buffers and grass communities can filter up to 90 percent of the sediment entering them from adjacent uplands (Schultz et al. 1994). In addition to field gradient, the standing structure of the plants and the organic litter on the forest floor provide the mechanism that slows water flow, causing sediment deposition (Magette et al. 1989; Cooper et al. 1987; Lowrance et al. 1986, 1988; Peterjohn and Correll 1984; Brinson et al. 1981; Mahoney and Erman 1984). However, it should be mentioned that buffers will be ineffective in removing sediment and nutrient if water moves across or through the buffer via constructed drainage channels. Buffers can only be effective in removing sediment and nutrients if they resist channelization and maintain overland flow as sheet-flow.

High filtration rates of undisturbed riparian zone soils allow finer sediments and associated nutrients to enter into the soil before reaching the stream. As a result, as much as 80 percent of the phosphorus adsorbed to sediment particles can be filtered from surface runoff by forested riparian buffer zones (Welsch 1991).

The primary function of an Agricultural Management Zone (AMZ) is to intercept eroded sediment and capture excess nutrients from agricultural lands before they enter aquatic systems. A perennial-based buffer strip of 25 feet adequately meets biofiltration functions. Some references follow.

Castelle et al (1994) conducted a literature review of the effectiveness of buffer strips and they found that buffers 10 to 60 m (32 to 195 feet) wide were effective for sediment removal, 5 to 90 m (16.4 to 295 feet) wide buffers were effective for nutrient removal, and 15 to 30 m (50 to 98.4) wide buffers were adequate for stream water temperature moderation.

Ghaffarzadeh et al. (1992) examined sediment removal by grass vegetated filter strips (VFS) ranging in size between 0 to 18.3 m (0 to 60 feet) on 7 and 12 percent slopes. They found no difference in VFS performance on either slope beyond 9.1 m (30 feet), where 85 percent of the sediment was removed. Furthermore, they found there was no difference in sediment removal between the two slope angles beyond 3.1 m (10 feet).

Buffers of various widths can also remove excess nutrients and metals from runoff via both filtration and plant uptake. Madison et al. (1992) examined the ability of grass VFS to reduce ammonia, nitrogen, and phosphorus from simulated storm events (equivalent to a 1-year and 10-year storm event). They reported their results as "trapping efficiencies" and found that a 4.6 m (15 feet) VFS trapped approximately 90 percent of each of these nutrients. Grassy VFSs, which

were 9.1 m (30 feet) wide had trapping efficiencies of between 96 and 99.9 percent. Vegetated filter strips wider than 9.1 m did not result in further improvement in trapping efficiencies.

Dillaha et al. (1989) reported that 9.1 m (30 feet) and 4.6 m (15 feet) VFSs removed an average of 84 and 70 percent of suspended solids, 79 and 61 percent of phosphorus, and 73 and 54 percent of nitrogen, respectively. Xu et al. (1992) found that nitrogen concentrations were reduced from 764 mg/kg to approximately 0.5 mg/kg in a 10 m mixed herbaceous and forested buffer strip in North Carolina.

Hubbard and Lowrance (1992) noted that nitrogen had "very little impact" on riparian systems after passing through a 7.0 m (23.2 feet) forested buffer. They attributed the loss of nitrogen in the buffer to a combination of microbial denitrification and plant uptake. Doyle et al. (1977) found that 3.8 m (12.5 feet) forested buffers and 4.0 m (13.1 feet) grass buffers significantly reduced nitrogen, phosphorous, and potassium and fecal bacteria levels in streams.

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## POTENTIAL POLLUTION SOURCES IN THE LOWER SKAGIT RIVER

### Point Sources

There are four permitted dischargers that discharge to the lower Skagit River and have the potential to affect fecal coliform bacteria and dissolved oxygen (Table 2). All four are NPDES permitted municipal wastewater treatment plants. The City of Mt. Vernon also has several combined sewer overflows (Messman et al. 1994).

Table 2. Permitted Discharges in the Lower Skagit River

| Facility | Discharge Location | Current Design Flow (cfs) | 2015 Design Flow (cfs) |
|---|---|---|---|
| City of Sedro Woolley | Skagit River | 1.9 | 2.07 |
| City of Burlington | Skagit River | 2.0 | 5.05 |
| City of Mt. Vernon | Skagit River | 4.0 | 5.7 |
| Big Lake (Skagit County Sewer District #2) | S.F. Skagit River | 0.2 | 0.8 |

### NonPoint Sources

A number of potential nonpoint pollution sources also exist in the lower Skagit River. Urban stormwater reaches the Skagit River through combined sewer overflows; city, county, and drainage district pump stations; and direct stormwater discharges. Within the lower Skagit River basin, there are more than 50,000 acres of farmland, and more than 50 commercial dairy farms with a total of more than 20,000 animals (Entranco 1993). Agricultural practice may be one source of nonpoint pollutants that reach the Skagit River through pump stations, tributary streams, drainage ditches, or overland flow.



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WATER QUALITY IN THE SKAGIT RIVER

Because the system has generally good water quality and adequate flows, there have been few comprehensive water quality studies conducted on the Skagit River (Entranco 1991). However, at times there have been signs of degradation in water quality, which has caused concern. For example, some of the shellfish beds in Skagit Bay have been restricted or conditionally approved because of bacterial contamination. Such a condition raises the possibility that water quality in the Skagit River may be affecting the resources of the bay (WDOH 1995). In one instance, limited data indicated high fecal coliform bacteria in the lower river might be the cause of contamination in the shellfish beds (Entranco 1991).

Anadromous fish runs in the Skagit River have been declining over the last quarter of a century. The former state Department of Fisheries identified water quality as a potential problem affecting the anadromous fishery (WDF 1975). Water quality of tributaries and sloughs was reported as "poor" in one study, (Entranco 1991), and it was suggested that heavy agricultural and urban use of the lower Skagit River could be contributing to the fishery problems.

A second major water quality study of the Lower Skagit River was conducted in 1993 (Entranco 1993). Water quality monitoring in the Lower Skagit River consisted of mainstem sampling, including the tributaries; wastewater treatment plants; drainage district pumps; and stormwater outfalls; four sloughs in the delta; and multiple stations in the Nookachamps Creek system. Preliminary data identified a number of water quality problems. For example, the standards for dissolved oxygen were exceeded in locations throughout the basin: in the mainstem, in the sloughs, and in the Nookachamps system. In addition, fecal coliform standards were exceeded in the North and South Forks of the Skagit River, in the sloughs, and in the Nookachamps River system. The high levels of fecal coliform bacteria were attributed to failing septic systems, dairy farms and urban runoff. Actions have been taken to correct this situation including recently required mandatory nutrient management plans for all dairy farms.

During 1994 and 1995, the Washington State Department of Ecology (DOE) conducted a Total Maximum Daily Load (TMDL) water quality assessment study in the Lower Skagit River. Fieldwork for the study consisted of eight surveys during the wet season and two surveys in the dry season. Wet season surveys were conducted every two weeks from the last week of December 1994 to the first week of April 1995. Field measurements included temperature, conductivity, and pH at all sites during all surveys, and dissolved oxygen during the dry season surveys. A summary of the data collected as part of the study is shown in Pickett (1996), and the complete TMDL study is provided in Pickett (1997).

Findings from DOE's water quality assessment indicated that all surface waters were in compliance with Water Quality Standards for dissolved oxygen. However, more studies and surveys need to be conducted to verify and confirm other factors of water quality in the Skagit River such as temperature and nutrient loading, and to identify the source any of these problems.

During the summer surveys, the South Fork Skagit River showed slightly higher levels of ammonia nitrogen and bacteria as compared to the North Fork and upstream mainstem locations. The Skagit River was in compliance with fecal coliform criteria, except during December 1994 flood conditions when the Class AA criteria were exceeded at the upstream end of the lower Skagit River. Surface waters that exceeded the fecal coliform criteria included Hansen Creek, a tributary at Riverfront Park, the south Sedro Woolley storm drain, Brickyard Creek,

Nookachamps Creek, Kulshan Creek (Frontage Road pump station), and the Rexville pump station.

The task of ensuring optimal, overall water quality in the Skagit River system calls for nonpoint source monitoring and, where needed, for modification of activity or mitigation. A new TMDL study, designed to address salmonid and wildlife habitat, has been proposed. Such a study would compliment and could be readily integrated with the other components of the agricultural buffer monitoring plan that will support an adaptive management program.

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## THE ADAPTIVELY MANAGED AGRICULTURAL RIPARIAN BUFFER PLAN

### Overview

The Plan provides an array of prescriptions designed to address causes of stream habitat deterioration stemming from current management practices on agricultural lands. These causes include livestock grazing, planting and harvesting in proximity to the stream bank, construction activities, maintenance, and patterns and rates of crop harvesting that could affect normal lower basin hydrology.

The Plan presents a "managed" approach to maintaining riparian buffers as opposed to a "no-touch, do-nothing" approach that would leave riparian buffers to be regulated by natural processes. The latter promises to be the longest and most unpredictable route to the establishment of PFC's in riparian areas. For example, a riparian area that has been planted and then left untouched will predictably attract beavers seeking building material; or without weed control, unwanted species will crowd out young plantings. Allowing natural processes to occur, may be less effective in restoring effective PFC's than appropriate maintenance. Channel migration may be managed to minimize sediment loading and to retain spawning beds. The management strategies are designed to maintain currently healthy riparian conditions, and to encourage active management to accelerate recovery where riparian conditions are inadequate.

Currently available science does not indicate a "one-size-fits-all" solution to the design of riparian zones to protect discrete habitat, rather the single width buffer is prompted by administrative expediency. The Plan provides a more responsive, flexible and sure-footed approach to the establishment and protection of riparian areas in balance with existing uses. Modification of existing land use practices promises to be controversial and contentious. The transparency of the adaptive management process with its site specific monitoring and evaluation component provides an opportunity for collaboration and review that minimizes the chance of errors.

The primary objectives of the Plan are: (1) to accelerate the development of self sustaining plant communities in agriculture buffers along streams to promote the restoration of aquatic systems in salmon-bearing waters throughout the County, and (2) to develop mitigated rearing habitat in the lower river and estuarine areas to compensate for loss of rearing habitat that has resulted from long established drainage practices required by the agricultural community. The Plan's features, with respect to salmonids, are substantially greater than the goals of current state sponsored agriculture (BMP's). The Plan's features are intended to support federal and state efforts to recover salmonids to harvestable levels, as sought by the tribes and others, and to simultaneously maintain agriculture practices.

When considering the effects of success of the proposed buffer strategy on anadromous salmonids, three key points must be kept in mind: (1) there are other factors, such as over-harvest, disease, hatchery practices, timber harvesting, natural cyclical fluctuations, and other habitat impacts that have caused and will continue to affect salmonid populations; (2) the best science available, must include many disciplines, including agronomy, botany, hydrology, chemistry, sociology, economics and political considerations, in addition to the biological needs of salmon; and (3) intensively managed buffer systems can provide results at rates significantly accelerated from those calculated under the forest plan (FEMAT 1993).

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**Lower River/Delta**

The dynamics of natural channel morphology, as well as the location of mitigation efforts in the watershed, can significantly affect the degree of success of the Plan and the potential response of the river (i.e. channel migration and spawning bed relocation) to those mitigation efforts. For example, steep channels in the upper watershed tend to maintain their morphology while transmitting sediment downstream. Whereas low gradient channels (such as those in the agricultural zone in Skagit County) typically respond to increased sediment accumulation by changing its morphology. Thus, the low gradient streams in the agricultural zone of the lower Skagit River reflect, and are responsive to, both localized "and" total watershed processes. If site-specific mitigation efforts are to be effective in this situation, a complete watershed perspective must be employed.

Measures need to be proposed for tidal or estuarine portions of the watershed, where drainage is critical to agricultural viability, that include monitoring the drainage maintenance operations and designing optimal BMP's that minimize sedimentation and other disturbances. Additionally, the proposal contemplates the creation of new and restored rearing areas in the estuary in lieu of installing vegetated buffers on dikes and berms that will prohibit necessary ditch maintenance.

In particular, there is a need to evaluate the impact of reconfiguring barriers to fish passage at culverts such as those proposed in Appendix A. These measures, if implemented, will open and maintain previously unused habitat and increase the amount and connectivity of available habitat. Providing access to unused and underused habitat will provide salmonids with increased opportunities for rearing and migration, and thereby enhance the connectivity and size of currently isolated or range-limited populations. Removal of blockages and re-establishment of migration corridors between streams will also allow salmonids to move between habitats used at different life-stages, thereby enhancing survival and reproductive success.

Numerous studies have emphasized the importance of a watershed-scale approach when attempting to "recover" fish populations (FEMAT 1993; Moyle and Sato 1991; Naiman et al. 1992; Sheldon 1988; Williams et al. 1989). Cultivated lands represent a relatively small percentage of landmass within this watershed and primarily lie seaward of salmonid spawning areas. Nonetheless, the agricultural community and supporting agencies have already begun to evaluate strategies they can employ to enhance salmonid recovery. The Plan has been designed to supplement the ongoing efforts of federal, state, and county programs thus to increase the likelihood of recovery of listed salmonids within the lower Skagit watershed.

**Middle and Upper River**

The measures proposed for the freshwater segments adjacent to commercial agricultural lands in the watershed will contribute to increased riparian functions such as shade, large woody debris, nutrient flux, channel stability and reduced sedimentation. The vegetation comprising the riparian corridor contributes to the local characteristics of the channel and aquatic resources that will improve key habitat features for salmonids. (NRC 1995)

**Objectives and Goals of an Accelerated Buffer Installation Plan**

This riparian agriculture buffer and adaptive management program addresses the concerns over possible degradation to salmonid habitat by agricultural activities at two levels. First, with the implementation of a buffer that is supported by key members of the community, there will be

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immediate protection and thus more expeditious improvement of riparian structures and functions along fish-bearing streams. Secondly, in conjunction with the accompanying adaptive management and monitoring regime the Plan will provide an opportunity for stakeholders to observe, research and, in turn, develop alternatives optimal for watershed segments dominated by agricultural lands rather than ones in forested areas. In addition, the riparian agriculture buffers will confer benefits to riparian-dependent species other than fish. They will enhance habitat for species that are dependent on the transition zone between terrestrial and aquatic areas. Thus, implementation of this plan will represent an adequate companion strategy to the Federal Aquatic Conservation Strategy (ACS) and will help to prevent further degradation of aquatic habitat while supporting habitat recovery.

Although recovery of listed species is not a specific objective of GMA, nor a requirement of the conservation planning process for nonfederal entities, it is an important consideration. For this reason, the proposed buffer strategy was designed to be consistent with the recovery goals of the Federal Plans. It is proposed in the spirit of voluntary support for federal recovery programs, but does not preclude or impair other recovery opportunities. Creating managed buffers is compatible with standard agricultural BMPs and, if properly managed, can be an economically viable option for the agricultural community. Engaging the agricultural community in a practical, understandable, co-managed program will help insure its success.

*General Goals*

Short-term: Immediate planting of woody vegetation that will support canopy development and early recruitment of wood debris, implementation of a full, rigorous maintenance program for buffer areas, and design and establishment of a monitoring system that will ensure the use of best scientific data to support an ongoing adaptive management program.

Mid-term: A planned successional development of a diverse native and appropriate non-native riparian plant community.

Long-term: To provide an progressively sustainable vegetative buffer that will support high quality salmon habitat. Long-term objectives include: continuation of the full maintenance program, establishment of native conifers or other appropriate species, integrated longitudinal connectivity of the riparian ecosystem and improved resilience of stream banks and the riparian zone to flood events.

*Ecological Goals*

- Support spatial and temporal connectivity of salmonid habitat within and between agricultural areas.
- Support the physical integrity of shorelines and banks.
- Provide adequate volume and distribution of LWD by planting and protecting trees in the immediate riparian buffers for long-term LWD "conscription".
- Improve the sediment regime on agricultural perimeters by establishing an effective vegetated buffer that will reduce the volume, rate of delivery, and character of sediment input.
- Increase the diversity and structural complexity of plant species in the riparian buffers to provide adequate summer and winter thermal regulation, nutrient cycling, erosion control and habitat for riparian-dependent species.

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## Multiple Function Buffer Complex

Because in-stream habitat and riparian conditions throughout the watershed vary, the Plan proposes site-specific solutions for agricultural lands adjacent to salmon bearing waters. The recent amendment to Skagit County's Critical Areas Ordinance (CAO) provides for a five year lease of the fifty foot buffer complex by the County. Pursuant to the lease, the landowner will commit to making land available for a cooperatively managed buffer complex on appropriate watercourses. The buffer complex will have a net average width of 50 feet measured from the ordinary high water mark landward, but the total land committed to buffer will not exceed 15 percent of the landowner's or lessee's parcel contiguous to the waterway. This complex will consist of two 25-foot zones: a Riparian Buffer Zone (RBZ) and the Agricultural Management Zone (AMZ).

Riparian restoration guidelines have been developed for a variety of upland habitat types and geographic areas. Agricultural lands located adjacent to sloughs in the delta could have similar goals, albeit without dedicated forested buffers. The guidelines for each managed buffer area will differ according to 1.) the type of stream habitat present and 2.) the supporting functions adjacent riparian zones provide to salmonids using those aquatic habitats.

Each managed buffer area will have restoration guidelines identifying the goals and functions of the riparian complex, riparian species mix, vegetation density, and projected timeline for recovery. These criteria will be developed for both the RBZ and the AMZ so that each supports the other. These guidelines will be developed by a riparian restoration committee of limited size (five to nine persons) and composed of stakeholders including the County, agriculture, and Tribes. Based on the established guidelines, this group will work with individual landowners, to develop the riparian restoration plan for a particular land unit. The riparian restoration plans will have site-specificity for a particular land unit, habitat type (riparian and stream support functions) as well as geographic area; hence, each land unit could implement a different riparian mix. The potential for implementation of different site-specific plans will support the monitoring and adaptive management components of the Plan and ensure that both aquatic habitat and farm operations are well served. Examples of such site-specific plans are described in other sections of the Plan.

The proposed managed buffers will be sited on established commercial agricultural lands adjacent to salmon bearing waters. Modifications or exemptions to the buffer formula will be made to accommodate parcels where permanent bank armoring is in place, which requires access for maintenance. However, as noted above, agricultural or other buffers will not be located landward of the dikes and levees, and no buffers will be located in areas that might interfere with the operations of tidegates, floodgates and pump stations identified under Section 14.06.090(9) of the Skagit County CAO. The exemption from agricultural buffers will not carry the 40-foot restriction that appears in Section 14.06.090(9). The maintenance of water quality from agricultural ditches, and other drainage facilities falls under several jurisdictions and regulatory codes, including the Clean Water Act, and will continue to be strictly enforced.

The agricultural buffer zones have been designed to accomplish two objectives: (1) to provide ecological buffering of agricultural activities without unduly interfering with agricultural operations and (2) to provide riparian habitat amenity and protection through the establishment and maintenance of perennial native plant species with appropriate agricultural Best Management Practices. ASC takes the position that the managed character of the proposed agriculture buffers calls for adjustments to the formulas and protocols heretofore used for determining recruitment of LWD, shading, cover, nutrients, etc. from unmanaged buffers in largely undeveloped forested

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areas. Imperfect science, threatened status of salmon populations, social and economic considerations demand immediate effective action. Yet any action taken must minimize the potential risk of over-correction in the little-understood interface between long-developed agricultural areas and salmonids.

## Managed Riparian Buffer Zone (RBZ)

The RBZ extends landward 25 feet from the ordinary high water mark of salmon bearing streams. The objective of the RBZ is to create a functional, perennial, self-sustaining vegetative buffer within 7 to 10 years. Management includes limited site preparation, sequential planting of perennial species and regular maintenance. Once established, the RBZ will be a 'no touch' zone except for buffer maintenance, which will be managed jointly by the landowner and the County.

**Year One** - Site Evaluation and Preparation

Survey of existing riparian zone vegetation should include plant community characterization, species composition, and current structure (percent shade, by season, etc.). Watercourse characterization should include seasonal flow rates, temperature range, water quality, and existing fish and other aquatic factors.
Many riparian areas are currently occupied by a combination of native and exotic species, which provide some riparian amenity values.
Adequate land clearing and site preparation must be provided for successful perennial riparian plantings, and will be accomplished through careful mower and blade clearing, spot or other herbicide application and/or manual clearing. Such preparatory activities may take one or more years to be effective to ensure success of introduced plantings. Soil disturbances can be effectively mitigated through the implementation of approved BMPs. Fencing, permanent or temporary (electric), can be installed at this time to exclude livestock from streamside and adjacent riparian area.

**Year Two** – Out-Planting and Initial Establishment of Large Nursery Stock

Native black cottonwood or hybrid poplar-cottonwood whips (un-rooted 3 to 6 feet long) on 6 foot x 6 foot (up to 10 foot x 10 foot) spacing, will be planted using an iron bar as planting dibble. Organiform or other slow release fertilizer is recommended to enhance establishment and rapid growth. These fast growing trees, originally developed as a wood fiber plantation crop tree, can survive competition from in situ vegetation and (if protected with mesh basal collars) most predators, and establish early canopy dominance and shading. They will provide a sustained supply of coarse woody debris to the riparian ecosystem. The poplar-cottonwood hybrid can fill the role of native alders and cottonwoods and grow even more quickly, preparing the site for further perennial plantings. Concerns about the permanent placement of these "half-native" trees and resultant "genetic pollution" of the riparian buffer zone can be mitigated by planting "plus" selected native black cottonwood to serve the same ecological purposes. The Plan calls for all early successional poplars to be used as woody debris input over time, and eventually replaced by all native perennials. Control of competing vegetation is extremely important for the success of all out-planted riparian species. The poplar/cottonwood "smother crop" is recommended for this situation because it can compete adequately with in situ vegetation, thereby increasing its likelihood of success.

Along the fenced (landward) margin, other long-rotation riparian species such as red cedar (*Thuja plicata*), Sitka spruce (*Picea sitchensis*), Douglas fir (*Pseudotsuga menziesii*), grand fir (*Abies*

*grandis*), Oregon ash (*Fraxinus latifolia*), and big leaf maple (*Acer macrophyllum*) can also be planted initially.

Integration of existing woody vegetation should always be considered, particularly when this vegetation is effectively serving a stream shading and/or stream bank stabilization function. The conversion from exotic species-dominated plant communities to more native species-based riparian communities is the long-term goal of the Plan. More rapid establishment of native riparian plant communities carries a greater cost and requires more site disturbance. Aggressive non-native species such as Reed's canary grass, evergreen and Himalayan blackberries, Japanese and giant knotweed, etc., can, in the short-term, provide many of the desired ecological functions for salmonid habitat, but they also provide extensive, almost overwhelming competition to the establishment of native trees and shrubs. Aquatic and wetland weed control techniques should be a priority to accomplish the Plan's vegetation goals. Salmonid habitat restoration presents an opportunity to reintroduce and establish uncommon, native species into the riparian plant community.

**Year Three**

At this point in the planting Plan, it is very important to control competing vegetation, by mowing, spot herbicide application, or mulching. Control of any noxious weed populations will be undertaken. Two or more "weedings" will be conducted during the growing season. Tubes or other stem protective devices will control predation by moles, beavers, and other rodents. This part of a management plan is critically important to its success.

**Years Four to Five**

The management plan continues the same as year three, but with initial selection of dominant trees, thinning, and pruning. Thinning may be used to select dominant trees and to allow slower growing alders to achieve a position in the developing stand. This will help create early canopy development and height diversity as well as enhance shrub and tree species diversity.

**Year Six**

At this point in the planting Plan, the County or a designated riparian vegetation management contractor will begin cutting openings of 10 feet or more in diameter (per tree or small group of trees) to allow the introduction of long rotation conifers into the riparian zone. The most desirable trees are (in order) red cedar, Sitka spruce, grand fir and Douglas fir. The openings will be designed to maximize sunlight interception. Shading poplars may be topped or girdled to encourage recruitment of dead standing trees.

**Years Seven to Ten**

Continued management for stand development, structure and diversity will enhance the value of the riparian zone. By year 10 the understory will have a characteristic forest floor, with accumulations of soil and litter. Soil filtration and biotic factors will be improving. Some poplars and alders will be strategically delivered into stream margins, creating well-attached initial LWD contribution to the stream. Hybrid poplar-cottonwoods will range from 6 to 10 inches diameter at breast height at this age. Beavers could begin to take streamside trees in a natural process of LWD recruitment, but will be monitored for over zealous cutting. In low gradient streams, beaver activity contributes to riparian zone morphology, however, management of beaver activity will become a major concern over time, from both a fishery and agricultural management perspective.

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**Years Ten to Twenty**

By year ten, conifers will begin to dominate riparian stands, and can be side-pruned, topped, or girdled for early snag recruitment. The created riparian vegetation will provide most of the desirable functions of an unmanaged riparian zone, in a fraction of the time required under natural conditions. More shade tolerant conifers will become established in created openings, and riparian stand species and structural diversity will be increasing. Ongoing deliberate snag and LWD recruitment will contribute to the continuing improvement in stream habitat. Shade from growing trees will be an issue of concern for farmers in regards to reduced agricultural land productivity. Careful placement and appropriate pruning of long-rotation conifers can maximize localized solar radiation interception and increase shade. Solar aspect will be carefully considered in riparian buffer design.

## Agricultural Management Zone (AMZ)

The AMZ extends from a point 25 feet landward from the ordinary high water mark to a distance of 50 feet from the ordinary high water mark. Crops and management practices suited for effective biofiltration will be established for the AMZ. The landowner will have the opportunity to utilize the research expertise of USDA/WSU Extension Research, the Padilla Bay Demonstration Farm or other similar research facilities. Grazing will be prohibited from November to April and the area will be planted with a cover crop during this season. No pesticides will be used in this zone except in an extraordinary instance of infestation, in which case an integrated pesticide management plan will be submitted to the County for approval prior to application of any pesticides. The operation of this zone will be monitored to document the efficacy of the operation from both agricultural and salmonid habitat perspectives. The primary function of the AMZ is nutrient and sediment filtration (Madison et al. 1992), and additionally to serve as a spatial buffer from anthropogenic activities.

Functions of the proposed AMZ include:

- Biofiltration - erosion control and sediment reduction via improved soil structure; nutrient capture and uptake via perennial cover crops.
- Soil improvement - physical, chemical, and biotic through recommended agronomic practices including subsoil plowing, annual and perennial crop maintenance, timely seasonal and controlled intensity grazing.
- Flood event amelioration through established annual or perennial cover crops.
- Noxious weed control through regular maintenance.
- Farm income generation through pasture, forage, and other crops.
- Carbon sequestration through increased soil organic matter (SOM) accumulation.
- Incremental wildlife habitat improvement.

The following illustrates how a site-specific AMZ would become established:

**Year One**

**On row cropland:** Where congruent with current agricultural operations, soil will be prepared and planted with grass or grain crops. Subsoil plowing at this time can improve soil structure and water infiltration capacity or "no-till" methods of crop planting can be utilized for more effective soil conservation. Livestock will be prohibited from the AMZ during this developmental phase.

**On existing pasture:** No special requirements or measures are proposed except seasonal exclusion of grazing livestock.

Fencing must be constructed between riparian buffer and AMZ. It is recommended that fencing be placed 6-10 feet into AMZ to allow mowing on streamside of fence.

**Year Two**

Where congruent with current agricultural operations, a grass-clover pasture mix can be planted in Spring or Fall after soil fertility has been adjusted (i.e., pH, NPK, addition of organic materials to increase soil organic matter, etc.). Effective weed control at this time is important for successful perennial vegetative cover establishment. First cutting or brief pasturage of spring-planted forage may occur. Clipping of stand for weed control and mulching may take place.

**Years Three to Five**

Where congruent with current agricultural operations, begin forage, pasture, perennial cover crop cycle. Allow pasturage only from April 1st (or slightly later) until November 1st. Short duration intensive grazing can be facilitated with electric fencing. Established perennial cover crops could be inter-planted with selected shrubs and trees via standard horticultural methods (e.g., herbicide or tilled strips; spot plantings).

## MONITORING AND ADAPTIVE MANAGEMENT 17828

Monitoring involves a series of observations, measurements, or samples collected and analyzed over time. A monitoring plan describes the monitoring strategy that will be used to determine whether completed restoration projects achieve their intended goal. The establishment of managed buffer strips on agricultural land is a significantly different approach from "leave strips" that comprise forest buffers. The accessibility of agricultural lands coupled with their relatively low density and "transparency" affords a unique opportunity for observation and research.

Creating and maintaining new plant communities over established riparian agricultural zone edges will not be instant, inexpensive nor easy. There is always uncertainty, even when the best scientific knowledge is used, at the commencement of any long-term management plan. Uncertainty is appropriately addressed through the ongoing use of "adaptive management". Adaptive management provides a process whereby management practices can be incrementally assessed and improved in a timely manner by implementing changes and modifications pursuant to observations of hands-on operations and thus maximizes opportunities to learn from experience in a timely manner.

**A Working Definition**

Adaptive management is a formalized process allowing government agencies to modify their actions (i.e., policies, procedures, programs, and projects) in response to information generated through rigorous evaluation of those actions. Modification(s) should be undertaken when information indicates that government actions are not having the intended results or are not leading towards the protection and recovery of salmonids or their habitat.

An effective adaptive management process will:

- define what information will be collected and how;
- outline how new information and understanding will be incorporated into decision-making;
- identify the conditions and processes for making decisions and changes in management actions;
- provide a formal, systematic process for implementing change; and
- outline a systematic and explicit feedback process between decision-making, data collection, and evaluation.

**Essential Elements**

- ***Goals.*** Clear and agreed-upon management and natural resource recovery goals should be established that include appropriate and targeted timeframes. Goals should include measurable, nested objectives that link across scales and jurisdictions.

- ***Decisions.*** Decision-makers, processes, check points, and triggers for change will be identified early in the process.

- ***Performance measures.*** Performance measures, or indicators, should be developed to evaluate progress toward objectives and goals. Protocols should be identified for consistent information collection and evaluation. Indicators should evaluate both (1) institutional performance in carrying out management actions; and (2) the status and trends of the biophysical system. Progress should be measured against baseline information and across scales.

- *Types of evaluation and monitoring*. Responsibilities and procedures for monitoring and evaluation should be designed to address all three of the following questions:

1. Activities/Compliance: Are institutions carrying out management activities as intended?
2. Effectiveness: Are programs and projects accomplishing management objectives?
3. Validation: Are management strategies on track to achieve overall recovery goals?

- *Coordination across participating entities and geographic scales*. Procedures should be identified to ensure coordination across participating entities, jurisdictions, and geographic scales. Goals at the local and watershed levels should be nested within and consistent with recovery goals for the entire Puget Sound ESU. Management actions, information collection, and evaluation strategies will be coordinated across jurisdictions and entities so that they are compatible with one another and consistent with overall watershed and ESU goals.

- *Implementation assurances*. Assurances should be developed, through incentives or agreements, to ensure information that is collected and evaluated is shared, and that the response to new information and understanding is timely and that the appropriate course corrections are taken.

- *Appropriate funding*. Appropriate resources should be committed for administering both institutional and bio-physical evaluation and decision-making, and to ensure what is promised can be delivered.

- *Roles and Responsibilities*. Roles and responsibilities should be identified across participating entities, departments and geographic scales.

- *Stakeholder Investment*. A process for obtaining stakeholder participation and commitment should be developed to ensure a successful adaptive management process.

**Desired Outcomes**

1. Relevant information is gathered and coordinated to evaluate management decisions at the local, watershed, and regional scales.
2. The adaptive management process (how new information is collected, what triggers re-evaluation, who makes decisions) is clearly defined, predictable, and well understood by managers and stakeholders.
3. Course corrections will occur at predetermined milestones, or as required, to ensure continual progress toward specific, measurable species and habitat recovery goals.

**Principles**

- Our management systems should be dynamic and flexible enough to respond effectively to changes in the natural systems.

- An adaptive management implementation plan should identify key factors that limit ability to move forward, strategic interventions approaches, and relevant indicators.

- Interventions and evaluation measures should be developed for both the institutional and biophysical environments. Outcomes should be identified to determine effectiveness of the institutional environment and protection and re-establishment of ecosystem functions and processes.

- A strategic adaptive management framework should help prioritize investments effectively and efficiently.

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- An adaptive management framework should seek compatibility across regulations, programs, other task groups, and in coordination with WRIA planning.
- The adaptive management program should gain essential stakeholder participation, agreement, and commitment.
- Stakeholders and state and federal agencies should make a long term commitment to the process, recognizing that salmon recovery is a long-term undertaking.
- Underlying every management policy or program are a set of implicit assumptions about the way in which policy will affect the natural system. The adaptive management process should be designed to help identify those assumptions and, where appropriate, test them.
- Consistent protocols and standards should be agreed upon for collecting the relevant information for evaluation.
- In the presence of irretrievable actions, an environmentally protective approach will be taken.

There is a wide variety of monitoring that could be employed. Several types of monitoring that may be indicated are discussed below.

**Implementation Monitoring** - Will be required to ensure that the riparian buffers receive the treatment or management described in the Plan, and that other actions (e.g., mitigation) specifically identified in the Plan are conducted according to specifications contained or referenced in the Plan.

**Effectiveness Monitoring** - Used to ensure that post-treatment riparian buffers resemble that which was prescribed or predicted, either immediately after treatment or after some interval of time anticipated for buffer development, or to ensure that other actions (e.g., mitigation) has had the desired results for coordinated systematic efforts and mitigative activities, it checks for balance and synchronicity.

**Proximate-Effect Monitoring** - This type of monitoring is used to determine the effects of riparian management on the immediate environment, such as the effect on habitat, juvenile salmonid distribution and/or survival. Monitoring at this level should include a research and diverse data component to determine causes and effects, and therefore may provide useful early feedback about the value of the measures being implemented.

**Objective Monitoring** - This is used to determine if objectives specifically identified in the Plan are achieved. This review and project monitoring function could come from several directions and administrative levels, and should facilitate adaptive management.

**Validation Monitoring** - This type of monitoring will contain a significant research component and it will be used specifically to test concepts and models. Longer term research, some of which may contribute significantly to the scientific body of knowledge, may raise new questions and directions for further research.

Three important aspects of the Plan's monitoring strategy include: (a) monitoring on-site riparian vegetation development (b) employing scientifically driven management experiments, and (c) appointment of a Scientific Advisory Panel (SAP) to review monitoring reports and proposals for modifications to management of the buffers. These scientific components will be used to assess operational biological assumptions and inform adaptive management, and are expected to reduce

future opportunity costs, improve scientific understanding, and stimulate additional management options, techniques, and analysis methods.

A broad, program-responsive monitoring program is contemplated. The monitoring plan has been designed to determine the net environmental benefits for fish habitat, as well as BMPs for optimal agricultural operations. The monitoring plan will also specify predictions that can be tested, describing the basis of the predictions and providing an objective basis for results to be used to evaluate management effectiveness and to modify management procedures, if necessary. System-wide extrapolations can point to the success of the Plan and program, and identify cost effective future efforts.

The following are logical steps for consideration in developing the monitoring strategy for the Plan:

- Develop specific objectives for the monitoring strategy;
- Describe the subject and parameters of the monitoring strategy;
- Describe variables to be measured, who will take the measurements, and how data will be collected;
- Detail the frequency, timing, and duration of sampling for each variable;
- Describe how data will be analyzed and by who;
- Describe who will conduct the monitoring;
- Describe deliverables and when they will be due to reviewers; and
- Describe the Scientific Advisory Panel and its responsibility and authority.

The Monitoring schedule will consider:

- Who will monitor?
- What sections of the entire buffer area will be monitored?
- How will a sample section be chosen, what are the criteria?
- What parameters will be monitored? (i.e., what are the measurable criteria; do we want to establish thresholds for vegetation?)
- When will monitoring be done?
- How will parameters be monitored/data analyzed?
- Who will prepare the report?
- When will the report be submitted? (e.g., 90 days following completion of monitoring, for each of the five years)
- To whom will the report be submitted? (Scientific Advisory Panel)

## Conclusion

Implementing the measures outlined in the Plan will immediately act to protect salmonids and their habitat from existing negative impacts and initiate the development of data and methods for further improvement. The measures, designed to address habitat and water quality needs of salmonids, will provide considerably more conservation benefits to the recovery of listed species than will occur under the current situation or under a one size fits all dumb buffer program.

The Plan was developed through review and consultation with government agencies, the agricultural community, and experts in a variety of scientific disciplines. Considerations of baseline environmental conditions and the ability of the agricultural community to implement and maintain measures and procedures technically and in the context of business constraints served as

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the basis for the design of the proposed Plan. The Plan is intended to support recovery of listed salmonids while maintaining a viable agricultural economy. The mitigation measures outlined in the Plan are commensurate with the impacts. In light of the process of developing the Plan, which considered all of the above factors, the Plan minimizes and mitigates the impacts on salmonids to the maximum extent practicable.

## Funding

The cost of undertaking and carrying out a thorough and balanced program of: (1) assessment of the current situation and impacts of agricultural activities on salmonids and salmonid habitat, including the development of a comprehensive GIS generated watershed atlas, and (2) design and implementation of a fully managed and monitored 50 foot agricultural buffer zone throughout the watershed, is substantial. It is anticipated that the County does not have adequate funds available at this time to cover such costs. However, other federal and state programs with complementary goals and objectives may be available to support this effort. Thus, it is proposed that this program be implemented incrementally as funding is identified and secured jointly by the County, ASC and other stakeholders. A simplistic mandate and penalty for non-compliance will not achieve the desired habitat improvement goal as effectively as consensual, cooperative sign-on by all stakeholders, private and public.

The design and implementation of the watershed-wide buffer zone will require: (1) a lease agreement between the County and the landowner that assures the preservation of the original use designation of the property, (2) a competitive lease rate that reflects fair market value, (3) guarantee of no public access to the leased land, (4) a commitment for cooperation with the landowner for the design, implementation and management of the buffer complex, (5) a guarantee of full funding (for the lease and the management expenses) for the full lease term

The management expenses will include labor and materials for the fencing (between the AMZ and RBZ), clearing, planting and maintenance of the 25-foot riparian buffer, and the monitoring and oversight of the full 50-foot zone. Additional fencing of the AMZ for livestock control during the winter months will be the responsibility of the landowner.

## Unforeseen Circumstances

The Agricultural Community and the County recognize that circumstances and information may change over time and the Plan may need to be revised. Unforeseen circumstances are defined here as changes in circumstances surrounding the Agricultural Buffer Plan that were not or could not be anticipated by the Agricultural Community and the County that result in a substantial and adverse change in the status of fish, fish habitat, or the agricultural buffers. Any such circumstances will suspend the respective obligations of the County and the landowners until mutually acceptable modifications are negotiated and agreed to by both parties.

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APPENDIX A
Figures referred to in document are not available in this electronic format. To receive copies of figures, please contact NRC.

## SUPPLEMENT TO THE JANUARY 26TH 1999 FIR ISLAND SALMON ENHANCEMENT PROJECT INDENTIFICATION AND INVESTIGATION INCLUDING REVIEW OF POTENTIAL PROJECTS ADJACENT TO SWINOMISH CHANNEL & PADILLA BAY

### INTRODUCTION

In the July of 1999 the Skagit Valley Farm Leaders, through the office of the Western Washington Farm Crops Association (WWFCA), contracted with Northwest Chinook Recovery (NCR), a non-profit organization, to evaluate additional potential fisheries enhancement projects adjacent to Swinomish Channel and Padilla Bay. NCR retained the services of Daley Design, a consultant who specializes in fisheries enhancement and habitat restoration. Because of the limited time available to meet the deadline of mid August for preparation of a final report, the site evaluations have been limited to further evaluation of projects identified in the initial study. The conclusions are based on the previous studies and the results of habitat enhancement completed in similar areas. No detailed costs or project benefits will be presented in this paper.

In addition to the original series of site visits that were conducted an aerial overview of the entire area was completed. The flight started at the outlet of the Samish River and continued south along the Swinomish Channel, the outlet of the Northfork of the Skagit, including Skagit Bay, and all of Fir Island. This aerial overview provided a significant enhancement of the potential for additional projects in this region.

As in the original study the documents prepared for or by the Skagit System Cooperative, concerning the fisheries issues of the lower river have been very significant in terms of current data that has been collected and prepared in a scientific format. The time frame and budget for this project does not allow for the collection of data in the same manner as these studies. However, the use of the existing data is the basis for the technical decisions that are reached in this review. The documents are:

- PRELIMINARY ASSESSMENT OF HISTORIC CONDITIONS OF THE SKAGIT RIVER IN THE FIR ISLAND AREA: Implications for salmonid habitat restoration. Collins, 1998.
- JUVENILE SALMONID USE OF NATRURAL AND HYDROMODIFIED STREAM BANK HABITAT IN THE MAINSTEM SKAGIT RIVER. Beamer and Henderson, 1998.
- DEEPWATER SLOUGH RESTORATION FEASIBILITY ANALYSIS. Sheldon & Associates, 1996.

### FISHERIES BACKGROUND DATA

For the purposes of this report the species of primary importance will be the chinook salmon (Oncorhynchus tshawytscha). There are several other important salmonids that utilize the same critical habitat. However, due to the impending listing of Puget Sound stocks of chinook, we will focus on that species. Any project that is a benefit to chinook will also be a significant benefit to the other salmonids and to wildlife.

The historic data clearly indicates a significant decline in the number of adult chinook returning to the Skagit River. Personal communications with the local fishermen, the operators of the resort at the mouth of the North Fork, and the scientific data all support the evident decline in returning chinook adults.

The precise cause of the decline has not been determined. However, as is the case in most of the watersheds of the West Coast of the United States, there are 4 problem issues impacting the salmonid populations. The common reference is the 4 H's or Habitat, Harvest, Hatcheries and Hydro. An improvement in any one of these areas of impact will benefit the resource. When we refer to habitat there are three specific areas of concern that impact juvenile salmonids. These areas are freshwater mainstem habitat, off channel habitat (upper and lower river) and estuarine habitat. This report will focus on habitat in the lower river generally and specifically on slough habitat.

The importance of quality habitat in the transition from freshwater to saltwater has been understood and studied for years. In the 1991 publication Pacific Salmon Life Histories (Groot & Margolis) over 30 scientific documents were reviewed and referenced concerning the life history of juvenile chinook in estuary habitat. Many of these studies included the estuaries of the Skagit delta (Fir Island). The importance of this segment of the life history was identified as early as 1920. The majority of the research has been completed in the last 20 years.

The data presented in these documents (as it applies to the Skagit) is substantiated by the work done by Beamer for the Skagit Cooperative (referenced above). It is important to note that in the Skagit Cooperative documents there is concurrence with documentation in Groot & Margolis on the presence of two specific groups of juvenile chinook in the estuary. The groups are identified as 0+, ocean type, and the fingerling, or 1+ group, is identified as stream type. The 0+ fish are sometimes referred to as fall chinook and 1+ fish as spring chinook. However, in the research that has been referenced, this distinction is not made. There is a high probability that stormwater flows in the winter will displace newly emerged fry spring chinook downstream to the estuary habitat. These 0+ spring chinook may carry over for a year in the lower river. The significance of these two age classes is the time frame that each group uses the estuary (area of mixing of saltwater and freshwater). In the case of the 1+ group the research indicates that they spend only a very brief period in the transition while the 0+ group spend up to 180 days (February-July) in the estuary area. However, the 1+ group must have quality freshwater habitat for 1 to 2 years. This habitat may include the upper reaches of the sloughs, which are not influenced by saltwater but have a direct upstream connection to the river.

A critical element of this freshwater phase is habitat that protects these young fish during flood events. The study completed by Beamer and Henderson clearly indicates that the habitat adjacent to riprap banks does not provide the habitat needed by juvenile chinook. The areas of significant utilization included large amounts of woody debris, logs and rootwads.

AMMENDED SITE REVIEW

The primary area of evaluation is Fir Island and the associated sloughs and blind channels of the area. However, the initial site visits did include a review of old sloughs, tide gates and blind channels in the area north of the North Fork of the Skagit. Several local farmers and property owners provided access to old and existing dikes. Figures 1 & 2 show the project area for this report and identify the potential projects for salmonid enhancement. These projects were selected based on the original site visits on the ground and the subsequent aerial overview.

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PROJECT SELECTION

For this report and the site evaluations that were completed, the primary objective in identification of a project was to find a project that would provide a significant benefit to the salmonid populations (particularly chinook) with a minimum impact on the farm community. The critical elements in the restoration of slough habitat are access by the juvenile salmonids, riparian cover (shade), pool habitat with abundant amounts of woody material and adequate flow of quality water on a year round basis. The previous site visits and subsequent over-flight were conducted with all of these criteria as guidelines for the consideration of projects. In addition there is the complication of the dike system that has cut off much of the upstream flow into the sloughs. A project that has the potential for providing significant amounts of clean river water or estuary exchange with enhanced shoreline habitat was a primary consideration.

Figures 1 and 2 are taken from the La Conner and Upsalady quadrangle maps produced by the USGS. Figures 3, 4, 5, 6 and 7 are aerial photos of the recommended projects.

TELEGRAPH SLOUGH, BLIND SLOUGH & HIGGINS SLOUGH

Road construction and dike construction over the years has divided Telegraph Slough and isolated the northern portion from the slough to the south and the connection with Blind Slough and Higgins Slough that probably existed years ago. The first area of construction that needs to be completed is the installation of a culvert under SR 20. This can be done with a bore and jack method without having to close any of the highway during construction. In addition all of the sloughs need to be connected and opened to Swinomish Channel. The existing tide gates need to be modified to insure adequate fish passage and the continuous flow of water through the sloughs from the channel to Padilla Bay. The dredging of the interconnections and the placement of woody material and bank vegetation will provide additional habitat for juvenile salmonids as they migrate north out of Skagit Bay.

NORTHFORK OF THE SKAGIT ADJACENT TO IKA AND CRAFT ISLANDS

Figures 5 and 6 show the island areas along the left bank (south side) of the Northfork of the Skagit between Craft and Ika Islands. This area between the river and the mud flats has a few isolated channels with some trees beginning to establish shade and cover. There are several areas within this island system where it is feasible to use plastic explosives to construct meandering channels that can be treated with shade and habitat materials. This will provide significant additional transition areas for juvenile salmonids as they transition from fresh to saltwater. During the peak of the migration period these channels will offer areas of reduced flow and velocity that are predominantly fresh water with a limited saltwater wedge moving into the channels from Skagit Bay. Properly design sills at the downstream end of the channels will limit the saltwater wedge.

HALL SLOUGH AND BROWN SLOUGH

The final project for this preliminary assessment is the development of Hall and Brown Sloughs. This project has the potential of providing similar benefits as those identified in the Dry Slough study. Hall Slough and Brown Slough should be connected at the location shown on figure 2. In addition Brown Slough should be dredged north to the Skagit River and a control structure placed

in the dike to allow continuous flow of river water through the two sloughs. Fish friendly pipes similar to those already in place in Brown Slough should be installed in the outlet of Hall Slough.

All of these projects will provide habitat for use by juvenile salmonids. The level of the benefit requires additional analysis that was not possible at this time because of time constraints. The next level of evaluation will identify these benefits and quantify the overall impact. The costs of the projects will also be evaluated in the next study effort.



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REFERENCES

# Master Bibliography

## Literature Search Methodology

The literature search for information relating to managed riparian buffers was initiated by conducting computer searches of on-line commercial literature databases. To date, each database has been searched for appropriate sources by using the following keywords: agricultural buffers, bank modification, filter strips, flow velocity, riparian buffers, and salmon habitat. The search was extended to include sources of information from: existing bibliographies, research centers, federal and state agencies, professional organizations, environmental organizations, and individuals.


Abbe, T.B. and D.R. Montgomery. 1996. Large woody debris jams, channel hydraulics and habitat formation in large rivers. Regulated Rivers: Research and Management, 12:201-221.

Abbe, T.B., D.R. Montgomery, and C. Petroff. 1997. Design of stable in-channel wood debris structures of bank protection and habitat restoration: an example from the Cowlitz River, Washington. Proceedings of the Conference on Management of Landscapes Disturbed by Channel Incision (MLDCI). Langendoen, E.J. Center for Computational Hydroscience and Engineering, University of Mississippi.

Aitkin, J.K. 1998. The importance of estuarine habitats to anadromous salmonids of the Pacific Northwest: a literature review. USFWS, Western Washington Office, Puget Sound Program, Lacy, Washington.

Anonymous. 1990. Puget Sound Management periods and their derivation. Joint Report by Washington Department of Fish and Wildlife, Puget Sound Treaty Tribes, and Northwest Indian Fisheries Commission, Olympia, Washington.

Azous, A.L. and R.R. Horner, (eds.). 1997. Wetlands and Urbanization. Final Report of the Puget Sound Wetlands and Stormwater Management Research Program. Washington Department of Ecology, Olympia, Washington. 227pp.

Bartholow, J.M.; Laake, et al. 1993. A salmonid population model with emphasis on habitat limitations. Rivers 4:265-279.

Beamer, E.M., C. Amato, W.E. Dietrich, T. Mendenhall, R. Nichols, and W. Hamilton. 1994. Project priority methods and rationale for 1994 Skagit Watershed Project Packages. Report prepared for Skagit River Basin Local Interagency Team.

Beamer, E.M., T. Beechie, and J. Klochak. 1998. A Strategy for implementation, effectiveness, and validation monitoring of habitat restoration projects, with two examples from the Skagit River Basin, Washington. Report to Mt. Baker-Snoqualmie National Forest, Mount Baker District. 126pp.

Beechie, T.J. 1992. Delineation of hydrologic regions in the Skagit River Basin. Skagit System Cooperative. La Conner, Washington. 38pp.




BK0094PG4469

17896

17938 17828

Beechie, T.J. 1998. Modeling recovery of large woody debris and pool abundance after disturbance. Ph.D. Dissertation, University of Washington, Seattle, Washington.

Beechie, T.J. and S. Bolton (1999) An approach to restoring salmonid habitat-forming processes in Pacific Northwest watersheds. Fisheries 24(4):6-15.

Beechie, T.J. and T.H. Sibley. 1997. Relationships between channel characteristics, woody debris, and fish habitat in northwestern Washington streams. Transactions of the American Fisheries Society 126:217-229.

Beechie, T.J., E. Beamer, B. Collins, L. Benda. 1996. Restoration of habitat forming processes in Pacific Northwest watersheds: a locally adaptable approach to salmonid habitat restoration. In: D.L. Peterson, D.L. and C.V. Klimas (eds.). The Role of Restoration in Ecosystem Management. Society for Ecological Restoration, Madison, Wisconsin.

Behnke, R.J. and R.F. Raleigh. 1978. Grazing and the riparian zone: impact and management perspectives. In: Strategies for protection of wetland floodplains and other riparian ecosystems. USDA Forest Service General Technical Report WO-12. U.S. Department of Agriculture, Forest Service.

Belt, G.H., J. O'Laughlin, T. Merrill. 1992. Design for forest riparian buffer strips for the protection of water quality: analysis of scientific literature. Report No. 8, Idaho Forest, Wildlife, and Range Policy Analysis Group. Idaho Forest, Wildlife and Range Experiment Station, Moscow, Idaho.

Beschta, R.L. 1987. Conceptual Models of sediment transport in streams. C.R. Thorne, and R.D. Bathurst (eds.). Sediment Transport in Gravel-bed Rivers. John Wiley and Sons.

Beschta, R.L., R.E. Bilby, G.W. Brown, L.B. Holtby, and T.D. Hofstra. 1987. Stream temperature and aquatic habitat: fisheries and forestry interactions. Pages 191-232, In: E.O. Salo and T.W. Cundy (eds.). Streamside management: forestry and fisheries interactions. University of Washington, Institute for Forest Resources. Contribution No. 57. University of Washington, Seattle, Washington.

Bilby, R.E. and J.W. Ward. 1991. Characteristics and function of large woody debris in streams draining old-growth, clear-cut, and 2nd-growth forest in southwestern Washington. Can. J. of Fish. and Aquatic Sci. 48:2499-2508.

Bishop, S. and A. Morgan (eds.). 1996. Critical habitat issues by basin for natural chinook salmon stocks in coastal and Puget Sound areas of Washington state. Northwest Indian Fisheries Commission, Olympia, Washington.

Bisson, R.A.; R.E. Bilby, M.D. Bryant, C.A. Dolloff, G.B. Grette, R.A. House, M.L. Murphy, K.V. Koski, and J.R. Sedell. 1987. Large woody debris in forested streams in the Pacific Northwest: past, present, and future. Pages 143-190. In: E.O. Salo and T.W. Cundy (eds.). Streamside management: forestry and fishery interactions. Institute of Forest Resources, Contribution No. 57. University of Washington, Seattle, Washington.

Bjornn, T.C. 1971. Trout and salmon movements in two Idaho streams as related to temperature, food, streamflow, cover, and population density. Trans. Amer. Fish. Soc. 100:423-438.

BK0094PG4470

Booth, D., D. Montgomery, and J. Bethel. 1996. Large Woody debris in the urban streams of the Pacific Northwest. Pages 178-197. In: L. Rosner (ed.). Proceedings of Engineering Foundation Conference: effects of watershed development and management on aquatic systems. Snowbird, Utah, August 4-9.

Booth, D.B. and C.R. Jackson. 1997. Urbanization of aquatic systems: degradation thresholds, stormwater detention, and the limits of mitigation. JAWRA 33:1077-1090.

Bortleson, G.C. and D.A. Davis. 1997. Pesticides in selected small streams in the Puget Sound Basin, 1987-1995. U.S. Geological Survey, Fact Sheet 067-97. Tacoma, Washington.

Brazier, J.R. and G.W. Brown. 1973. Buffer strips for stream temperature control. Research Paper 15, Paper 865. Oregon State University, School of Forestry, Forest Research Laboratory, Corvallis.

Broderson, J.M. 1973 Sizing buffer strips to maintain water quality. M.S. Thesis, University of Washington, Seattle, Washington. 86pp.

Brooks, R.P., E.D. Bellis, C.S. Keener, M.J. Croonquest, and D.E. Arnold. 1991. A methodology for biological monitoring of cumulative impacts on wetland, stream and riparian components of watershed. Pages 387-398. In: J.A. Kusler and S. Daly (eds.). Proceedings of an international symposium: Wetlands and River Corridor Management, July 5-9, 1989, Charleston, South Carolina.

Brown, G.W. 1983. Forestry and water quality, Oregon State University Bookstore, Inc. Corvallis, Oregon.

Budd, W.W., P.L. Cohen, P.R. Saunders, and F.R. Steiner. 1987. Stream corridor management in the Pacific Northwest: determination of stream corridor widths. Environmental Management 11:587-597.

Bustard, D.R. and D.W. Narver. 1975. Aspects of the winter ecology of juvenile coho salmon (*Oncorhynchus kisutch*) and steelhead trout (*Salmo gairdneri*). J. Fish. Res. Board Can. 32:667-680.

Caldwell, J.E., K. Doughty, and K. Sullivan. 1991. Evaluation of downstream temperature effects of type 4/5 waters. TFW Report No. WQ5-91-004. Washington Dept. Nat. Res., Olympia, Washington.

Capel, P.D., A.H. Spexet, and S.J. Larson. 1999. Occurrence and behavior of the herbicide Prometon in the hydrologic system. Environmental Science and Technology 33:674-680.

Castelle, A.J., C. Conolly, and M. Emers. 1992 Wetland buffers: use and effectiveness. Washington Department of Ecology, Shore lands and coastal zone management Program, Olympia, Washington. Publication 92-10. 171pp.

Chapman, D. (ed.). 1996. Water Quality assessments: a guide to the use of biota, sediments and water in environmental monitoring. 2nd Edition. Chapman and Hall, London. 585pp.

Chapman, D.W. and T.C. Bjornn. 1969. Distribution of salmonids in streams, with special reference to food and feeding. Pages 153-176. In: T.G. Northcote (ed.). Symposium on salmon and trout in streams. H.R. McMillan Lectures in Fisheries. Institute of Fisheries, University of British Columbia, Vancouver, British Columbia. 388pp.

Collins, B.D., T.J. Beechie, L.E. Benda, P.M. Kennard, C.N. Veldhuisen, V.S. Anderson, and D.R. Berg, D.R. 1994. Watershed assessment and salmonid habitat restoration strategy for Deer Creek, North Cascades of Washington. Report to Stillaguamish Tribe of Indians and Washington Department of Ecology. 10,000 Years Institute, Seattle, Washington.

Congleton, J.L. S.K. Davis, and S.R. Foley. 1982. Distribution, abundance and outmigration timing of chum and chinook salmon fry in the Skagit salt marsh. Pages 153-163. In: E.L. Brannan and E.O. Salo (eds.). Salmon and trout migrating behavior symposuim. School of Fisheries, University of Washington, Seattle, Washington.

Cramer, S.P., P.R. Mundy, P. Bahls, G. Grete, J. Norris, S. Vigg, K. O'Neal, J. Hogle, and C. Steward. 1999. Status of chinook salmon and their habitat in Puget Sound. Final report to Coalition of Puget Sound Businesses, Gresham, Oregon.

Daar, S. and S. King. 1997. Integrated Vegetation Management for Roadsides. Olympia, Washington. Washington State Department of Transportation. Olympia, Washington.

Dietrich, W.E. J.W. Kirchner, H. Ikeda, F. Iseya. 1989. Sediment supply and the development of the course surface layer in gravel bed rivers. Nature 340:215-217.

Dillaha, T.A., R.B.Reneau, S. Mostaghimi, and D. Lee. 1989 Vegetative filter strips for agricultural nonpoint source pollution control. Trans. ASAE 32:513-519.

Dopplet, B. M. Scurlock, C. Frissel, and J. Karr. 1993. Entering the watershed. Island Press, Covelo, California.

Docey, A.H.J., T.G. Northcote, and D.V. Ward. 1978. Are the Fraser marshes essential to salmon? Westwater Research Center, Lecture 1, University of British Columbia, Vancouver, British Columbia.

Doyle, R.C. G.C. Stanton, and D.C. Wolf. 1977. Effectiveness of forest and grass buffer strips in improving the water quality of manure polluted runoff. ASAE, Paper 77-2501, St. Joseph, Michigan.

Ebbesmeyer, C.C. and W. Tangborn. 1995. Modification of Puget Sound's surface salinity by hydroelectric reservoirs: case study of the Skagit River's influence on Whidbey Basin. Proceedings of Puget Sound Research 1995, Puget Sound Water Quality Action Team, Olympia, Washington.

Elmore, W. and R.L. Beschta. 1987. Riparian Areas: perceptions in management. Rangelands 9:260-265.

Elmore, W. and J.B. Kauffman. 1994. Riparian and watershed systems: degradation and restoration. Pages 211-232. In: M. Vavra, W.A. Laycock, and R.D. Piper (eds.). Ecological Aspects of livestock herbivory in the West. Society for Range Management, Denver, Colorado.

BK0094PG4472

17896
17828
17938

Entranco. 1991. Lower Skagit River Basin water quality study analysis of historical water quality data. Entranco, Bellevue, Washington.

Entranco. 1993. Lower Skagit River Basin water quality study final report. Prepared by Entranco, Bellevue, Washington. Revised and edited by Skagit County Department of Planning and Community Development, Mt. Vernon, Washington.

Ewing, R. 1999. Diminishing Returns: Salmon Decline and Pesticides. J. Pesticide Reform 19(1); Spring 1999.

Fairchild, W.L., E.O. Swansburg, J.T.Arsenault, and S.B. Brown. 1999. Does an association between pesticide use and subsequent declines in catch of Atlantic Salmon (*Salmo salar*) represent a case of endocrine disruption? Environmental Health Perspectives 107:349-357.

Flint, M.L. S. Daar, and R. Molinar, R. 1991. Establishing Integrated Pest Management Policies and Programs: A guide for public agencies. University of Davis, California. Davis, California. IPM Publication 12.

Forest Ecosystem Management Team (FEMAT). 1993. Forest ecosystem assessment: an ecological, economic, and social assessment. Report of the Forest Ecosystem Management Assessment Team. USDA Forest Service, Portland, Oregon.

Frissel, C. 1993. A new strategy for watershed restoration and recovery of Pacific Salmon in the Pacific NW. Report prepared for the Pacific Rivers Council. Pacific Rivers Council, Eugene, Oregon.

Gardner, S.C. and C.E. Grue. 1996. Effects of Rodeo and Garlon 3A on nontarget wetland species in Central Washington. Environmental Toxicology and Chemistry 12:441-451.

Ghaffarzadeh, M., C.A. Robinson, and R.M. Cruis. 1992. Vegetative filter strips effect on sediment deposition from overland flow. Page 324. In: Agronomy Abstracts, ASA, Madison, Wisconsin.

Geist, D.R. and D.D. Dauble. 1998. Redd site selection and spawning habitat use by fall chinook salmon: the importance of geomorphic features in large rivers. Environ. Management 22:655-669.

Gregory, S.V., F.J. Swanson, W.A. McKee, and K.W. Cummins. 1991. An Ecosystem perspective on riparian zones. Bioscience 41:540-551.

Groot, C., L. Margolis, and W.C. Clarke. 1995. Physiological ecology of Pacific salmon. Univ. British Columbia Press. Univ. British Columbia, Vancouver, British Columbia.

Hansen Watershed Analysis. 1993. Washington Department of Natural Resources, NW Region, Sedro Woolley, Washington.

Hayman, R., E. Beamer, and R. McClure. 1996. FY 1995 Skagit River Chinook Research .Skagit System Cooperative, Chinook Restoration Research Progress Report #1, NWIFC Contract #3311 for FY95.

BK0094PG4473

Healey, M.C. 1982. Juvenile Pacific salmon in estuaries: the life support system. Pages 315-341. In: V.S. Kennedy (ed.). Estuarine Comparisons. Academic Press, New York.

Healey, M.C. 1991. Life history of chinook salmon (*Oncorhynchus tshawytscha*). Pages 311-393. In: C. Groot and L. Margolis (eds.). Pacific salmon life histories. Univ. British Columbia Press, Vancouver, British Columbia.

Hicks, B.J. J.D. Hall, P.A. Bisson, and J.R. Sedell, J.R. 1991. Responses of salmonids to habitat change. In: W.R. Meehan (ed.). Influences of Forest and Rangeland Management on Salmonid Fisheries and their Habitats. American Fisheries Society Special Publication 19, Bethesda, Maryland.

Hillman, T.W., J.S. Griffith, and W.S. Platts. 1987. Summer and winter habitat selection by juvenile chinook salmon in a highly sedimented Idaho stream. Trans. Amer. Fish. Soc. 116:185-195.

Hubbard, R.K. and R.R. Lowrance. 1992. Solute transport through a riparian forest buffer system. Pages 43-44. In: Agronomy Abstracts. ASA, Madison, Wisconsin.

Hynes, H.B.N. 1970. The ecology of running waters. Univ. Toronto Press, Toronto, Canada. 555pp.

Iwamoto, R.W. and E.O. Salo. 1977. Estuarine survival of juvenile salmonids: a review of the literature. Wash. Dept. Fish. Contract Number 807. Fish. Res. Inst., University of Washington, Seattle, Washington 64pp.

Johnson, A.W. and D.M. Ryba, D.M. 1992. A literature review of recommended buffer widths to maintain various functions of stream riparian areas. King County Surface Water Management Division, Seattle, Washington.

Johnson, R.R., C.D. Zeibell, D.R. Patton, R.F. Folliott, and R.H. Hamre (Tech. Coords). 1997. Riparian ecosystems and their management: reconciling conflicting uses. General Technical Report RM-120 USDA, Forest Service, Rocky Mountain Forest and Range Experiment Station, Fort Collins, Colorado.

Karr, J.R., and E.W. Chu. 1997. Biological monitoring and assessment: using multimetric indexes effectively. EPA 235-R97-001. University of Washington, Seattle, Washington.

Kauffman, J.B., R.L. Beschta, N.Otting, and D. Lytjen. 1997. An ecological perspective of riparian and stream restoration in the western United States. Fisheries 22:12-24.

Kleindl, W. 1995. A benthic index of biotic integrity for Puget Sound Lowland streams, Washington, USA. M.S. Thesis, University of Washington. Seattle, Washington.

Kreutzweiser, D.P.; and P.D. Kingsbury. 1987. Permethrin treatments in Canadian forests. Part 2: Impact on stream invertebrates. Pesticide Science 19: 49-60.

Kruzynski, G.M. and I.K. Birtwell. 1994. A predation bioassay to quantify the ecological significance of sublethal responses to juvenile chinook salmon (*Oncorhynchus tshawytscha*) to the antisapstain fungicide TCMTB. Can. J. Fish. and Aquatic Sci. 51:1780-1790.

BK0094PG4474

Larson, A. 1994. The contribution of groundwater to low-flow in the lower Skagit River. Memorandum to Paul Pickett, Environmental Investigations and Laboratory Services Program, Washington State Department of Ecology, Olympia, Washington. October 19, 1994.

Levings, C.D. and R.B. Lauzier. 1991. Extensive use of the Fraser River basin as winter habitat by juvenile chinook salmon (*Oncorhynchus tshawytscha*). Can. J. Zool. 69:1759-1767.

Levy, D.A. and T.G. Northcote. 1981. The distribution and abundance of juvenile salmon in marsh habitats of the Fraser River estuary. Westwater Research Center, Technical Report No. 25, University of British Columbia, Vancouver, British Columbia.

Levy, D.A. and T.G. Northcote. 1982. Juvenile salmon residency in a marsh of the Fraser River estuary. Can. J. Fish and Aquatic Sci. 39:270-276.

Levy, D.A., T.G. Northcote, and G.J. Birch. 1979. Juvenile salmon utilization of tidal channels in the Fraser River estuary, British Columbia. Westwater Research Center, Technical Report No. 23, University of British Columbia, Vancouver, British Columbia.

Lisle, T.E. 1989. Sediment transport and resulting deposition in spawning gravels, north coastal California. Water Resources Research 25:1303-1319.

Lisle, T.E. 1982. Effects of aggradation and degradation on pool-riffle morphology in natural gravel channels, northwestern California. Water Resources Research 18:1643-1651.

Lowrance, R.R., R. Todd, J. Fail, O. Hendriksen, R. Leonard, and L. E. Asmussen. 1984a. Riparian forests as nutrient filters in agricultural watersheds. Bioscience 34:374-377.

Lowrance, R.R., R. Todd, and L.E. Asmussen. 1984b. Nutrient cycling in an agricultural watershed: Phreatic movement. J. Environmental Quality 13:22-27.

Lunetta, R., B. Cosentino, D.R. Montgomery, E.M. Beamer, and T.J. Beechie. 1997. GIS-based evaluation of salmon habitat in the Pacific Northwest. Photogrammetric Engineering and Remote Sensing 63:1219-1229.

Madej, M.A. and V. Ozaki. 1996. Channel response to sediment wave propagation and movement, Redwood Creek, California, USA. Earth Surface Processes and Landforms 21:911-927.

Madison, C.E., R.C. Blevins, W.W. Frye, and B.J. Barfield. 1992. Tillage and grass filter strip effects upon sediment and chemical losses. Page 331. In: Agronomy Abstracts. ASA, Madison, Wisconsin.

Maryland Cooperative Extension 1999. Integrated Pest Management in Schools: IPM Training Manual for Grounds Maintenance. University of Maryland and Maryland Department of Agriculture, Bulletin No. 358. College Park, Maryland.

Masser, C. and J.R. Sedell. 1994. From the forest to the sea: the ecology of wood in streams, rivers, estuaries, and oceans. St. Lucie Press, Delray Beach, Florida.

BK0094PG4475

May, C.W. 1996. Assessment of the cumulative effects of urbanization on small streams in the Puget Sound Lowland Ecoregion: Implications for salmonid resource management. Ph.D. Dissertation. University of Washington, Seattle, Washington.

McArdle, R.E., W.H. Meyer, and D. Bruce. 1961. The yield of Douglas Fir in the Pacific Northwest. USDA Technical Bulletin No. 201. USDA, Forest Service.

McDade, M.H., F.J. Swanson, and W.A. McKee, J. Franklin, and J. Van Sickle. 1990. Source distance for coarse woody debris entry into small streams in western Oregon and Washington. Can. J. For. Res. 20:326-330.

Messman, S., G. Dorf, and B. Duffy. 1994. Watershed approach to water quality management: needs assessment for Skagit/Samish/Stilliguamish. Water Quality Program, Washington State Department of Ecology, Olympia, Washington.

Meyers, J.M, R.G. Kope, G.J. Bryant, D. Teel, L.J. Lierheimer, T.C. Wainwright, W.S. Grant, F.W. Waknitz, K. Neely, S.T. Lindley, and R.S. Waples. 1998. Status review of chinook salmon from Washington, Idaho, Oregon, and California. U.S. Department of Commerce, NOAA Tech. Memo. NMFS-NWFSC-35, Seattle, Washington. 443pp.

Mitchell, D.G., P.M. Chapman, and T.J. Long. 1987. Seawater challenge testing of coho salmon smolts following exposure to Roundup herbicide. Environmental Toxicology and Chemistry 6:875-878.

Mitsch, W.J. (ed.). 1994. Global Wetlands: Old World and New. Elsevier, Amsterdam. 967pp.

Mitsch, W.J. and J.G. Gosselink. 1993. Wetlands. 2nd edition. Van Nostrand Reinhold, New York, New York. 722pp.

Montgomery, D. 1993. Road surface drainage, channel extension, and slope stability. Geomorphological Watershed Analysis Project. Final report for the period from 10/1/91 to 6/3/93. Report # TFW-SH01-93-001. Washington Department of Natural Resources, Olympia, Washington.

Montgomery, D.R. and J.M Buffington. 1997. Channel-reach morphology in mountain drainage basins. Geological Society of America Bulletin 109:596-611.

Montgomery, D.R., M. Buffington, R.D. Smith, K.M. Schmidt, and G. Pess. 1995. Pool spacing in forest channels. Water Resources 31:1097-1105.

Montgomery, D.R., G.E. Grant, and K. Sullivan. 1995. Watershed analysis as a framework for implementing ecosystem management. Water Resources Bulletin 31:1-18.

Moore, A. and C.P. Waring. 1996. Sublethal effects of the pesticide Diazinon on olfactory function in mature male Atlantic salmon parr. J. Fish Biology 48:758-775.

Morgan, A. and F. Hinojosa. 1996. Literature review and monitoring recommendations for salmonid winter habitat. TFW Technical Report TFW-AM-9-96-004. TFW Ambient Monitoring Program. Olympia, Washington.

BK0094PG4476

Moscrip, A.L. and D.R. Montgomery. 1997. Urbanization, Flood frequency, and salmon abundance in Puget Lowland streams. JAWRA 33:1289-1297.

Moser, M.L. A.F. Olson, and T.P. Quionn. 1991. Riverine and estuarine migratory behavior of coho salmon (*Oncorhynchus kistuch*) smolts. Can. J. Fish Aquatic Sci. 48:1670-1678.

Moyle, P.B. and G.M. Sato. 1991. On the design of preserves to protect native fishes. Pages 155-169. In: W.L. Minckley and J.E. Bacon (eds.). Battle against extinction: native fish management in the American West. University of Arizona Press, Tucson, Arizona.

Murphy, M.L. and K.V. Koski. 1989. Input and depletion of woody debris in Alaska streams and implications for streamside management. North Amer. J. Fish. Management 9:427-436.

Murphy, M.L., C.P. Hawkins, and N.H. Anderson. 1981. Effects of canopy modification and accumulated sedimentation on stream communities. Trans. Amer. Fish. Soc. 110:469-478.

Murphy, W.L., J. Heifetz, J.F. Thedinga, S.W. Johnson, and K.V. Koski. 1989. Habitat utilization by juvenile Pacific salmon (*Oncorhynchus*) in the glacial Taku River, southeast Alaska. Can. J. Fish. Aquatic Sci. 46:1677-1685.

Naiman, R.J., T.J. Beechie, L.E. Benda, D.R. Berg, P.A. Bisson, L.H. MacDonald, M.D. O'Connor, P.L. Olson, and E.A. Steel. 1994. Fundamental elements of ecologically healthy watersheds in the Pacific NW Eco-region. Pages 127-188. In: R.J. Naiman (ed.). Watershed management: balancing sustainability and environmental change. Springer-Verlag, New York.

Naiman, R.J., D.G. Longzarich, T.J. Beechie, and S.C. Ralph. 1992. General principles of classification and the assessment of conservation potential in rivers. P.J. Boon, P. Calow, and G.E. Petts (eds.). River Conservation and Management. John Wiley and Sons. New York.

National Marine Fisheries Service. 1999. Biological Opinion. Endangered Species Act - Section 7 Consultation. Oregon Conservation Reserve Program. NMFS Log #6112; USFWS Log #1-7-99-F-117.

National Research Council (NRC). 1995. Science and the Endangered Species Act. Washington, D.C., Natural Academy Press.

National Research Council. 1996. Upstream: Salmon and Society in the Pacific Northwest. Committee on Protection and Management of PNW Anadromous Salmonids, Board on Environmental Studies and Toxicology, and Commission on Life Sciences. National Academy of Sciences. National Academy Press, Washington, D.C.

Nikl, D.L. and A.P. Farrell. 1993. Reduced swimming performance and gill structural changes in juvenile salmonids exposed to 2-(thiocyanomethylthio) benzothiazole. Aquatic Tox. 27:245-264.

Oliver, C.D. and T.M. Hinckly. 1987. Species, stand structures and silvicultural manipulation patterns for the streamside zone. Pages 259-276. In: E.O. Salo and T.W. Cundy (eds.). Streamside Management: forestry and fishery interactions. Institute for Forest Resources, University of Washington, Seattle, Washington.

Olla, B.L., M.W. Davis, and C.B. Schreck. 1995. Stress-induced impairment of predator evasion and non-predator mortality in Pacific Salmon. Aquaculture Res. 26:393-398.

Oregon Forest Industries Council (OFIC). 1993. Oregon stream temperature and shade recovery monitoring project. Report prepared by Beak Consultants, Inc., Kirkland, Washington. 26pp.

Paulson, K. 1997. Estimating changes in sediment supply due to forest practices: A sediment budget approach applied to the Skagit River Basin in Northwestern Washington. M.S. Thesis, University of Washington. Seattle, Washington. 156pp.

Pavelgio, F.L., K.M. Kilbride, C.E. Grue, C.A. Simenstad, and K.L. Fresh. 1996. Use of Rodeo and X-77 Spreader to control smooth cordgrass (*Spartina alterniflora*) in a southwestern Washington estuary. Environmental Toxicology and Chemistry 15:961-968.

Peterson, N.P. and L.M. Reid. 1984. Wall-base channels: their evolution, distribution, and use by juvenile coho salmon in the Clearwater River, Washington. Proceedings of the Olympic Wild Fish Conference.

Peterson, N.P., A. Hendry, and T. Quinn. 1992. Assessment of cumulative effects on salmonid habitat: some suggested parameters and target conditions. Washington Department of Natural Resources. TAW-F3-92-001. Olympia, Washington.

Phillips, C., R. Cooper, and T. Quinn. 1981. Skagit River Salmonid Studies, 1977-1981. Washington Department of Game and U.S. Fish and Wildlife Service. Olympia, Washington. 104pp.

Phillips, C., W. Freymond, D. Campton, and R. Cooper, R. 1980. Skagit River salmonid studies, 1997-1979. Washington Department of Game, Olympia, Washington. 132pp.

Pickett, P.J. 1996. Lower Skagit River Total Maximum Daily Load data summary. Ecology Report No. 96-345, Environmental Investigations and Laboratory Services Program, Washington State Department of Ecology, Olympia, Washington.

Pickett, P.J. 1997. Lower Skagit River Total Maximum Daily Load water quality study. Publication number 97-326a; Water Body WA-03-1010. Environmental Investigations and Laboratory Services Program, Watershed Assessment Section, Washington State Department of Ecology, Olympia, Washington.

Reeves, G.H., L.A. Benda, K.M. Burnett, P.A. Bisson, and J.R. Sedell. 1995. A disturbance-based ecosystem approach to maintaining and restoring freshwater habitats of evolutionary significant units of anadromous salmonids in the Pacific Northwest. American Fisheries Society Symposium 17:334-349.

Rhay, T. 1994. Avoid IPM Implementation Pitfalls. Anne R. Leslie. Integrated Pest Management for Turf and Ornamentals. Lewis Publishers, CRC Press.

Richter, B.D., J.V. Baumgartner, R. Wigington, and D.P. Braun. 1997. How much water does a river need? Freshwater Biology 37:231-249.

Ryall, R. and C.D. Levings. 1987. Juvenile salmon utilization of rejuvenated tidal channels in the Squamish estuary, British Columbia. Can. Man. Report of Fish. Aquatic Sci. Report No. 1904. 23 pp.

Scott, J., S. Moore, and R. Moore. 1992. Review of the chinook exploitation rate and indicator stock program for thew Washington Coast and Puget Sound. Draft Report, May, 1992, cited by Cramer et al. 1999.

Sedell, J.R., J. Yusaka, and R. Speaker. 1984. Habitats and salmonid distribution in pristine, sediment-rich valley systems: South Fork Hoh and Queets River, Olympic National Park. In: Proceeding of a symposium on Fish and Wildlife Relationships in Old-growth forests held in Juneau, Alaska, April 12-15, 1982.

Sedell, J.R., P.A. Bisson, F.J. Swanson, and S.V. Gregory. 1988. What we know about large trees that fall into streams and rivers. Pages 47-81. In: C. Masser, R.F. Tarrant, J.M. Trappe, and F. Franklin (eds). From the forest to the sea: a story of fallen trees. USDA Forest Service, Pacific NW Research Station, Portland, Oregon. General Technical Report PNW-229.

Seiler, D., L. Kishimoto, and S. Newhauser. 1998. 1997 Skagit River wild chinook production. Annual Report, Washington Department of Fish and Wildlife, Olympia, Washington.

Sheldon, A.I. 1988. Conservation of stream fishes: patterns of diversity, rarity, and risk. Conservation Biology 2:149-156.

Shelton, J.M. and R.D. Pollack. 1996. Siltation and egg survival in incubation channels. Trans. Am. Fish Soc. 95:183-187.

Shepard, M.F. 1981. Status and review of the knowledge pertaining to the estuarine habitat requirements and life history of chum and chinook salmon juveniles in Puget Sound. Wash. Coop. Fish. Res. Unit, College of Fisheries, University of Washington, Seattle, Washington.

Shreffler, D.K., C.A. Simenstad, and R.M. Thom. 1990. Temporary residence by juvenile salmon in a restored estuarine wetland. Can. J. Fish. Aquatic Sci. 47:2079-2084.

Sidle, R.C., A.J. Pearce, and C.L. O'Loughlin. 1985. Hillslope stability and land use. American Geophys. Union. Water Resources Mono. No.11.

Simenstad, C. 1983. The ecology of estuarine channels of the Pacific Northwest coast: a community profile. USFWS, FWS/OBS-83/05. 181pp.

Simenstad, C.A., K.L. Fresh, and E.O. Salo. 1982. The role of Puget Sound and Washington coastal estuaries in the life history of Pacific salmon: an unappreciated function. Pages 343-364. In: V.S. Kennedy (ed.). Estuarine Comparisons. Academic Press, New York,

Smith, B.S., and D. Prichard. 1992. Management techniques in riparian areas. BLM Technical Reference 1737-6. U.S. Department of the Interior, Bureau of Land Management.

Statzner, B. and B. Higler. 1985. Questions and comments on the river continuum concept. Can. J. Fish. and Aquatic Sci. 42:1038-1044.

Sullivan, K., T.E. Lisle, and C.A. Dolloff. 1987. Stream channels: the link between forest and fish. Pages 39-97. In: E.O. Salo and T.W. Cundy (eds). Streamside management: forestry and fishery interactions. University of Washington, Institute of Forest Resources, Contribution No. 57, Seattle, Washington.

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Sullivan, K., J. Tooley, K. Doughty, J.E. Caldwell, and P. Knudsen. 1990. Evaluation of prediction models and characterization of stream temperature regimes in Washington. Timber/Fish/Wildlife Report No. TFW-WQ3-90-006. Washington Department of Natural Resources, Olympia, Washington. 224pp.

Swanson, F.J. and G.W. Lienkaemper. 1978. Physical consequences of large organic debris in Pacific NW streams. General Technical Report PNW-69. USDA, Forest Service. Pacific NW Forest and Range Experiment Station, Portland, Oregon.

Swanson, F.J. and G.W. Lienkaemper. 1982. Interactions among fluvial processes, forest vegetation, and aquatic ecosystems, South Fork Hoh River, Olympic National Park. Pages 30-34. In: E.E. Starkey, J.F. Franklin, and J.W. Mathews (Tech. Coordinators). Ecological research in National Parks of the Pacific NW. Oregon State University, Forest Research Lab., Corvallis, Oregon.

Swanson, F.J., G.W. Lienkaemper, and J.R. Sedell. 1976. History, physical effects, and management implications of large organic debris in western Oregon streams. USDA, Forest Service. Pacific Northwest Forest and Range Experiment Station, Portland, Oregon. General Technical Report PNW-56. 15pp.

Swanston, D.N. 1991. Natural Processes. Pages 139-179. In: W.R. Meehan (ed.). Influences of forest and rangeland management on salmonid fishes and their habitats. Amer. Fish. Soc. Special Publ. No.19

Theurer, F.D., K.A. Voos, and W.J. Miller. 1984. In stream water temperature model. In stream flow information Paper No. 16. U.S. Fish and Wildlife Service. FWS/OBS-84-15.

Voss, F.D., S.S. Embrey, J.C. Ebbert, D.A. Davis, A.M. Frahm, and G.H. Perry. 1999. Pesticides detected in urban streams during rainstorms and relations to retail sales of pesticides in King County, Washington. U.S. Geological Survey, Fact Sheet 097-99. Seattle, Washington.

Walls, J. Executive Director, Columbia-Pacific Resource Conservation and Development, Aberdeen, Washington. September 1999. Personal Interview: on agricultural riparian buffer programs in Gray's Harbor County.

Ward, J.V., and J.A. Stanford. 1995. Ecological Connectivity in alluvial river ecosystems and its disruption by flow regulation. Regulated Rivers: Research and Management 11:105-119.

Washington Department of Health (WDOH). 1995. Office of shellfish programs 1995 Annual Inventory. Washington Department of Health, Olympia, Washington. Washington Forest Practices Board. 1995. Standard methodology for conducting watershed analysis under Chapter 222-22 WAC. Version 3.0 Module to evaluate hydrologic change. Pages C1-C57. Olympia, Washington.

Williams, J.E., J.E. Johnson, D.A. Hendrickson, S. Conreras-Balderas, J.D. Williams, M. Navarro-Mendoza, D.E. McAllister, and J.E. Bacon. 1989. Fishes of North America: endangered, threatened, and of special concern. Fisheries 14:2-20.

Williams, R.W., R.M. Laramie, and J.J. Ames. 1975. A catalog of Washington streams and salmon utilization. Vol. 1, Puget Sound Region. Washington Department of Fisheries, Olympia, Washington.

BK0094PG4480

Xu, L., J.W. Gilliam, and R.B. Daniels. 1992. Nitrate movement and loss in riparian buffers area. In: Agronomy Abstracts. Pp. 342 ASA, Madison, Wisconsin.



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# Attachment P

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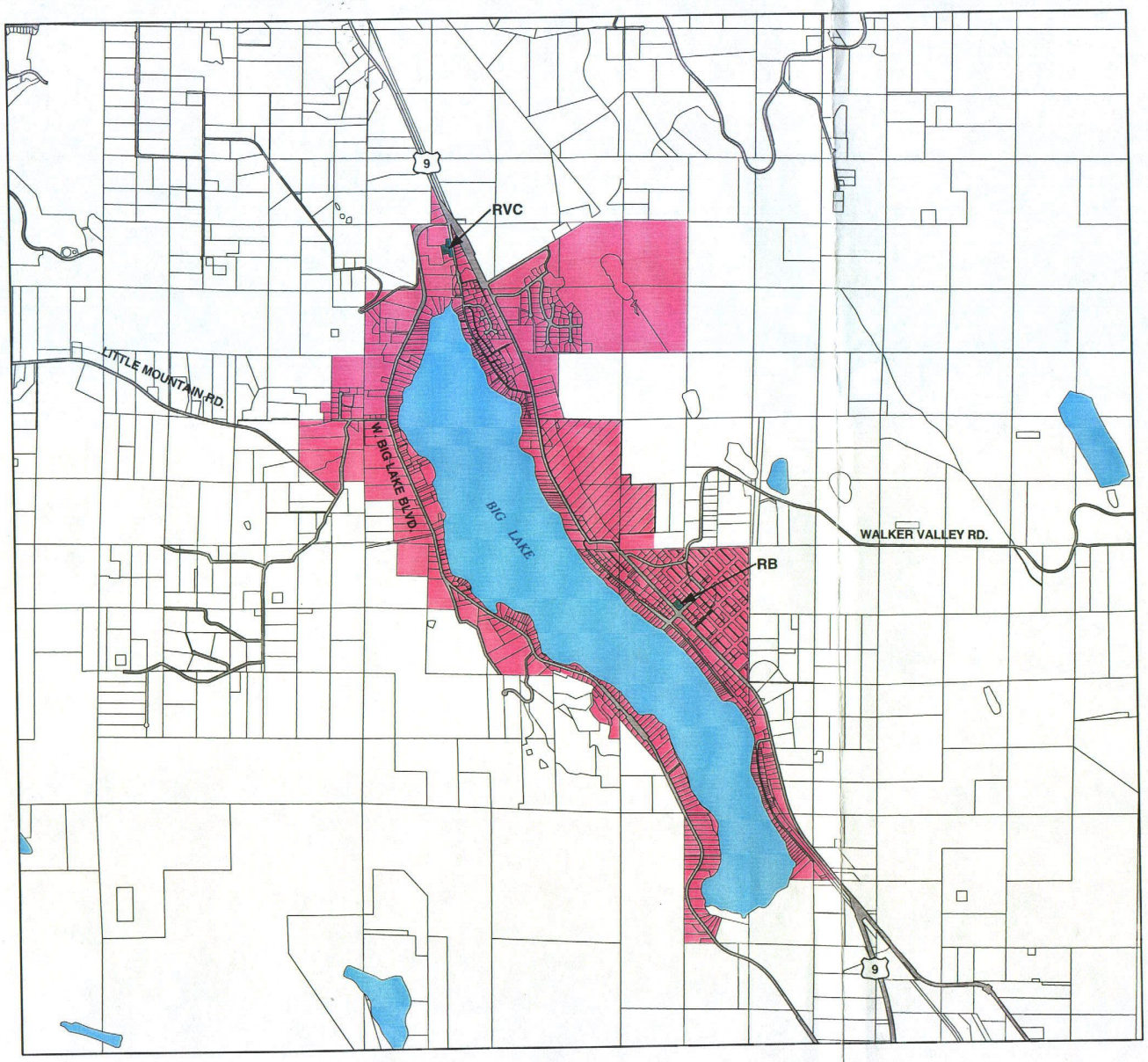


## LEGEND

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[RV] Rural Village Residential

[RV] Rural Village Residential
(Land divisions only by CaRD)

Commercial / Industrial

| | |
|---|---|
| [RB] | Rural Business |
| [RC] | Rural Center |
| [RVC] | Rural Village Commercial |
| [RFS] | Rural Freeway Service |
| [NRI] | Natural Resource Industrial |
| [SRT] | Small-Scale Recreation & Tourism |
| [CSB] | Cottage Industry / Small-Scale Business |
| [RMI] | Rural Marine Industrial |
| [MID] | Major Industrial Developments (No properties currently designated) |
| [MPR] | Master Planned Resorts (No properties currently designated) |

July 24, 2000

GIS
Skagit County

N
W E
S

0 0.25 0.5 1 Miles

# Big Lake Rural Village

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# Attachment Q

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# CAPITAL FACILITIES PLAN

# 2000-2005

***Goals and Policies***

***Capital Improvements***

***And***

***Implementation Programs***

**SKAGIT COUNTY COMPREHENSIVE PLAN**

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# I. INRODUCTION

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The Capital Facilities Plan (CFP) is one of the elements of Skagit County's comprehensive plan that is required by Washington's Growth Management Act (GMA). Capital facilities generally have very long useful lives, significant costs, and are not mobile. The definition of "capital improvement" is given in Policy 1.1.

The focus of the CFP is the planning and provision of needed capital facilities for the County's unincorporated and countywide populations, irrespective of land use patterns. A high priority of the CFP is to provide adequate public facilities to support the adopted level of service (LOS) for each type of capital facility. The County's population base and other demand factors, together with the adopted LOS, is the principal basis for the CFP.

In addition, several non-county public facility and service providers have developed capital facilities plans for their services and facilities (e.g., Fire Districts, School Districts, Sewer Districts, Water Districts).

This CFP is based on the following population data:

**Table 1. Population Data Used for the Capital Facilities Plan**

| Year | County-Wide | Unincorporated County (Non-UGA) |
|---|---|---|
| 2000 | 103,475 | 36,489 |
| 2005 | 114,635 | 39,116 |
| 2016 | 140,138 | 48,842 |

The population forecasts represent the yearly total County population as determined by the Office of Financial Management. City and growth area population distribution was calculated by the County's Department of Community Development (planning) staff. Year 2016 population totals are based on jurisdictional plans. Unincorporated population growth (Non-UGA) reflects 20% of total growth.

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# II. CAPITAL COSTS OF SKAGIT COUNTY FACILITIES

The cost of County-owned and managed capital improvements for 2000-2005 is:

**Table 2. Cost of County-owned and Managed Capital Improvements, 2000-2005**

| TYPE OF FACILITY | 2000-2005 COST (x $1,000) |
|---|---|
| Administration and Operations Offices | 1,175 |
| Courthouse/Annex Administration Offices | 175 |
| Court Facilities | 250 |
| Maintenance Shop Facilities | 500 |
| Fairgrounds | 100 |
| Parks and Recreation | 1,620 |
| Stormwater Management | 6,247 |
| Transportation | 47,565 |
| **TOTAL** | **57,382** |

The sources of these capital costs are found in the tables in Chapter 3 of the *Capital Facilities Plan*, by Henderson, Young & Company.

## FINANCING FOR SKAGIT COUNTY CAPITAL FACILITIES

The financing plan for these capital improvements includes:

**Table 3. Financing Plan for Capital Facilities**

| REVENUE SOURCE | 2000-2005 | CAPITAL FACILITY |
|---|---|---|
| Existing Revenues: | | |
| Real Estate Excise Tax | 100 | Fairgrounds |
| Real Estate Excise Tax | 175 | General Government |
| Facility Improvement Fund | 1,675 | General Government |
| Park Acq.&Dev.Fund | 40 | Parks and Recreation |
| Real Estate Excise Tax | 270 | Parks and Recreation |
| IAC Grant (State) | 200 | Parks and Recreation |
| U.S. Forest Service | 115 | Parks and Recreation |
| MV Fuel Tax | 995 | Parks and Recreation |
| Road Fund | 27,171 | Transportation |
| State | 11,199 | Transportation |
| Federal | 6,197 | Transportation |
| TEA-21 | 2,998 | Transportation |
| Stormwater Utility Fees | 6,247 | Stormwater Drainage |
| | | |
| | | |
| **TOTAL** | **57,382** | |

## CFP SOURCE DOCUMENTS

The source documents primarily used in preparing this Capital Facilities Plan (CFP) are the six-year capital improvement plans prepared routinely, and updated annually as required by the State, and which are necessary for obtaining funding from the State. These individual capital improvement plans define projects and proposed funding



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for those projects required first to rehabilitate existing facilities and secondly to provide level of service (LOS) capacity to accommodate new growth in the County.

Generally, the proposed new capacity, replacement and rehabilitation of capital facilities, and financing for the next six years (2000-2005) reflect the general planning goals and policies, as well as land use infrastructure requirements identified in longer-range planning documents. These documents include: the Transportation Plan; the Comprehensive Park, Recreation, Open Space, and Trails Plan; the Skagit County Coordinated Water System Plan; other Wastewater Facilities Plans, and Engineering Reports for water and wastewater facilities.

The CFP planning process described above, combined with the level of service (LOS) methodology used to identify the requirements for, and affordability of future capital facilities constitutes the capital facilities planning process. This process enables the County to make more (1) informed decisions about its investment of public dollars, and (2) timely decisions about maintaining levels of service in accordance with the goals, policies, and implementation programs of this CFP.

## CFP SUPPORT DOCUMENTS

Skagit County's CFP consists of this CFP of the comprehensive plan, and the following supporting documents:

- Skagit County Capital Facilities Plan 2000-2005
- Revenue sources for Capital Facilities Plan 2000-2005
- Skagit County Transportation Systems Plan, August 30, 1999
- Anacortes School District Capital Facilities Plan
- La Conner School District Capital Facilities Plan
- Burlington-Edison School District Capital Facilities Plan
- Mount Vernon School District Capital Facilities Plan
- Sedro-Woolley School District Capital Facilities Plan
- Sewer District No. 2 (Big Lake) Capital Facility Plan
- Port of Skagit County Capital Facility Plan
- Town of La Conner Sewer Plan
- City of Burlington Sewer Plan for Bayview Ridge (Urban Growth Area)
- Coordinated Water System Plan
- Fire District budgets, manpower rosters and equipment lists



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## DEFINITION AND PURPOSE OF CAPITAL FACILITIES PLAN

The CFP is a 6-year plan (2000-2005) for capital improvements that support Skagit County's current and future population and economy. The capital improvements are fully funded. The CFP contains LOS and requires that new development be served by adequate facilities (i.e., the "concurrency" requirement). The CFP also contains broad goals and specific policies that guide and implement the provision of adequate public facilities.

The purpose of the CFP is to use sound fiscal policies in order to provide adequate capital facilities consistent with the land use element and concurrent with, or prior to, the impacts of development, in order to achieve and maintain adopted standards for levels of service.

The County is responsible for capital facilities and service levels related to roads, law enforcement, parks and recreation, fairgrounds, general government, senior centers, stormwater drainage and solid waste disposal. Capital facilities and service levels for provision of water service, fire service, schools, sewer service, drainage and port property development are the responsibility of other agencies, which are outside the ownership and beyond the control of the County. However, GMA requires the county to consider these other facility providers plans and to recognize their facilities and service needs when adopting the County Comprehensive Plan land use element.

The County has reviewed the following Capital Facilities Plans as part of this comprehensive plan:

School Districts
Sewer District #2 (Big Lake)
Port of Skagit County
Drainage agreement between Drainage District #19 and Port of Skagit County
Fire Districts
Town of La Conner Sewer Plan
City of Burlington Sewer Plan for Bayview Ridge UGA
Coordinated Water System Plan
Port of Anacortes

The County presumes the cities will do planning and land use regulation sufficient to manage growth within their respective Urban Growth Areas, and by so doing further the transformance of governance from the County to the cities as contemplated by GMA.

## WHY PLAN FOR CAPITAL FACILITIES?

There are at least three reasons to plan for capital facilities: (1) growth management, (2) good management, and (3) eligibility for grants and loans.

1. Growth Management

A CFP is required by the GMA. The CFP is one of six required elements of Skagit County's Comprehensive Plan:

a. Land Use

b. Housing

c. Transportation

d. Utilities

e. Rural (counties only)

f. Capital Facilities Plan



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Capital facilities plans are required in the Comprehensive plan in order to:

a. Provide capital facilities for land development that is envisioned or authorized by the land use element of the Comprehensive Plan.

b. Maintain the quality of life for existing and future development by establishing and maintaining standards for the level of service of capital facilities.

c. Coordinate and provide consistency among the many plans for capital improvements.

d. Insure the timely provision of adequate facilities as required in GMA.

e. Document all capital projects and their financing (including projects to be financed by impact fees and/or real estate excise taxes that are authorized by GMA).

2. Good Management

Planning for major capital facilities and their costs enables Skagit County to:

a. demonstrate the need for facilities and the need for revenues to pay for them.

b. Take advantage of sources of revenue (i.e., grants, impact fees, real estate excise taxes) that require a CFP in order to quality for the revenue.

3. Eligibility for Grants and Loans

Washington Department of Community Trade & Economic Development (DCTED) Public Works Trust Fund requires local governments to have some type of a CFP to be eligible for loans. Some other grants and loans have similar requirements, or give preference to governments that have a CFP.

## STATUTORY REQUIREMENTS FOR CAPITAL FACILITIES PLANS

The GMA requires the CFP to identify public facilities that will be acquired/constructed during the six years following adoption of the plan (2000 through 2005). The CFP must include the location and cost of the facilities, and the sources of revenue that will be used to fund the facilities.

RCW 36.70A.070(3)(d) requires the capital facilities plan to include "a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes." RCW 36.70A.070(3)(e) requires that all capital facilities have "probable funding" to pay for capital facility needs, or else the County must "reassess the land use element." The law does not preclude the County from taking other steps before "reassessing" the land use element, including reduction of level of service standards, reducing the quality of facilities that meet the quantitative standards, or reducing demand by reducing consumption.

In the event that "reassessment" is required for facilities provided by entities other than the County (i.e., fire districts, water districts, sewer districts, school districts, etc.), the County and the special district that provides the facility will collaborate in order to develop an appropriate strategy to enable the County and those districts to serve at least the minimum population forecast provided by the State of Washington Office of Financial Management (OFM).

Again, the County is not responsible for the provision of planning and land use regulation services within the municipal UGAs or for the provision of services in the rural area that are not the domain of County government (schools, water service, sewer service and fire service). The County must assure that public facilities and services are available, adequate and concurrent with development.

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Other requirements of GMA mandate forecasts of future needs for capital facilities and level of service standards of facility capacity as the basis for capital facilities contained in the CFP (see RCW 36.70A.020 (12). As a result, capital facilities in the CFP must be based on quantifiable, objective measures of capacity, such as traffic volume capacity per mile of road, and acres of park per capita.

The GMA requires concurrency for transportation facilities. GMA also requires those other capital facilities and services necessary to support development, to be "adequate" (RCW 19.27.097, 36.70A.020, 36.70A.030, and 58.17.110). Concurrency management procedures will be developed to ensure that sufficient facility capacity is available for each proposed development.

Each year the CFP must be updated. The annual update will be completed before the County's budget is adopted in order to incorporate the capital improvements from the updated CFP in the County's annual budget.

Selection of a specific level of service to be the "adopted standard" should be accomplished by a 7-step process:

(1) The "current" actual level of service is calculated.

(2) Departmental service providers research national/regional standards or guidelines and examples of local LOS from other local governments, master plans, ordinances and development regulations.

(3) Departmental service providers recommend a standard for the County's CFP and drafts a corresponding Capital Facilities Requirements Report.

(4) The Board of County Commissioners reviews, comments and makes recommendations regarding comments regarding the draft Capital Facilities Requirements report.

(5) The draft CFP is prepared using the current actual LOS (unless the Board of County Commissioners indicates an interest in a different LOS). The LOS in the draft CFP serves as the basis of capital projects, their costs, and a financing plan necessary to pay for the costs.

(6) The draft CFP is made available for public review and comment in accordance with requirements of GMA and County's public participation process.

(7) The Board of County Commissioners formally adopts levels of services as part of the CFP after a public hearing.

The final standards for levels of service are adopted in Policy 1.3. The adopted standards determine the need for capital improvements projects and are the benchmark for testing the adequacy of capital facilities for each proposed development pursuant to the "concurrency" requirement. The adopted standards may be amended as part of the annual amendment of the comprehensive plan.

# II. OBJECTIVES AND POLICIES

## CAPITAL FACILITY NEEDS

**Objective 1: Define types of capital facilities, establish standards for levels of service for each type of capital facility, and determine what capital improvements are needed in order to achieve and maintain the standards for existing and future populations, and to repair or replace existing capital facilities.**

Policies

1.1 Definitions The following definitions apply throughout this Capital Facilities Plan:



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(a) "Capital improvement" means land, improvements to land, structures (including design, permitting, and construction), initial furnishings, and selected equipment. Capital improvements have an expected useful life of at least five years. Other "capital" costs, such as motor vehicles and motorized equipment, computers and office equipment, office furnishings, and small tools are considered to be minor capital expenses in the County's annual budget, but such items are not "capital improvements" for the purposes of the Comprehensive Plan, or the issuance of development permits.

(b) "Category of capital facilities" means a specific group of public facilities, as follows:

(i) Category-A capital facilities are facilities owned or operated by Skagit County and subject to the requirement for concurrency. These facilities are County Roads and Sheriff officer staffing.

(ii) Category-B capital facilities are facilities owned or operated by Federal, State, or City governments, independent districts, or private organizations and subject to the requirement for concurrency. These facilities include water, fire and sewer where applicable.

(iii) Category-C capital facilities are facilities owned or operated by Skagit County but not subject to the requirement for concurrency. These include Parks and Recreation, general government, Fair, Senior Services, stormwater drainage, Public Safety and Solid Waste.

(iv) Category-D public facilities are facilities owned or operated by Federal, State, or City governments, independent districts, or private organizations but not subject to the requirement for concurrency. These include schools and drainage.

(c) Any action requiring a land use permit or approval regulated by SCC Titles 14 and 15 including but not limited to subdivision, binding site plans, rezones, unclassified special use permits, variances, building permits, shoreline permits, or flood area development permits.

1.2 Application of Standards. The County shall establish standards for levels of service for Categories A and C of capital facilities. For Capital Facilities categories B and D, the County will review appropriate documentation prepared by the service provided to assure they meet any minimum level of urban services established by the County for these services. Following is the application of the LOS standards:

(a) Category-A. The standards for levels of service of each type of capital facility in Category-A shall apply to development permits issued by the County after the effective date of this Plan and shall be used in evaluating future capital improvement programs and budgets.

(b) Category-B. The standards for levels of service of each type of capital facility in Category-B shall apply to development permits issued by the County after the effective date of this plan. Category-B capital facilities are provided by entities other than Skagit County, therefore the standards for levels of service shall not apply to the County's annual budget or the County's Capital Improvements Program.

(c) Category-C. The standards for levels of service of each type of public facility in Category-C shall be the basis of annual concurrency reporting, but not development permit review.



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(d) Category-D. The standards for levels of service of each type of public facility in Category-D shall be the basis of annual concurrency reporting, but not development permit review.

1.3 Standards for Levels of Service. The standards for levels of service of public facilities shall be as follows ("per person" or "per 1,000 population" where used means population of the jurisdiction that provides the capital facility, unless otherwise indicated). For some capital facilities the County should create separate standards for rural and urban services consistent with C.P.P.1.7 as amended.

(a) Category-A Capital Facilities

(i) Roads (Local)

- (See Transportation Element)

(ii) Sheriff

(1) Within urban growth areas, one commissioned law enforcement officer per 1,000 population served or one officer per 100 acres of developed commercial or industrial property, whichever is the higher number.

(2) 1 commissioned officer per 2,000 population - rural

(b) Category-B Public Facilities

(i) Water – See Comprehensive Water System Plan

(ii) Sewer – See La Conner, Sewer District 2 (Big Lake), and Burlington Sewer CFP's as appropriate.

(iii) Fire

- Urban

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 en route 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.

- Non-Urban

A Washington Surveying and Rating Bureau (WSRB) with a public protection classification #8 or better and fire flow in accordance with the Coordinated Water Supply Plan (Section 4, Minimum Design Standards).

Within an IF-NRL designation, a Washington Surveying and Rating Bureau (WSRB) with a public protection classification #8 or better and must be within 5 road miles from a recognized Community A fire station, or within 10 road miles to a recognized Community A fire station and within 5 road miles of a fire station housing an Initial Attack Fire Apparatus. Fire flow in accordance with the Coordinated Water Supply Plan (Section 4, Minimum Design Standards).

(c) Category-C Public Facilities

(i) Fairgrounds: The County fairgrounds serve as the location for the annual four-day County fair held each August to celebrate the County's historic agricultural roots, natural bounty and sense of community. The general-purpose display buildings, animal facilities, open space and public services exist to support the fair. On an as available basis, the facilities are leased to other groups for use throughout the year. The R.V. parking/camping area is primarily utilized by visitors or groups of like minded people utilizing the facility as part of a reunion of schedule activity.

(1) General Purpose Buildings

--298 square feet per 1,000 population

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(2) Livestock Barns

-200 square feet per 1,000 population

(3) Public Restrooms

--15.5 square feet per 1,000 population

17938 (ii) General Government:

General Government facilities are provided for the overall function of County government, including all core functions except public safety and the courts. The primary facilities for such services are located within the County government campus and owned or leased facilities from Mount Vernon to Concrete. Space utilization is constantly monitored and the need for space on a population basis continues to diminish as technology and ultimately Internet commerce enable the County to improve operational efficiencies.

Court facilities are provided within our County Courthouse and District Court Facilities. We have also established a courtroom on a semi-permanent basis in a former meeting room within our Administration building.

Maintenance facilities are provided in Mount Vernon, Burlington and Concrete, with facilities in Burlington and Concrete being vehicle and roadwork oriented.

(1) Administration and Operations

--1394 square feet per 1,000 population

(2) District Court

--0.02 courtrooms per 1,000 population

(3) Superior Court

--0.02 courtrooms per 1,000 population

(4) Maintenance Shop Facilities

--1024 square feet per 1,000 population (unincorporated)

(iii) Parks:

Park and recreation facilities represent a diverse blend of facilities, provided by a broad array of organizations both public and private, and serving a very broad spectrum of users. It is difficult, if not irrelevant, to look at County facilities in isolation of other service providers. National Park land, designated Wilderness Areas, National Forests and state-managed resources lands account for more than 90% of the land ownership in eastern Skagit County. State parks, school facilities, County facilities, City parks and private facilities such as golf courses abound throughout the County, from Rockport to the shores of Puget Sound. As such, the standards discussed within Skagit County's Recreation Needs Assessment published in 1994 are deemed advisory only, as they focus primarily on County facilities without inclusion of others that provide similar or overlapping services, both public and private.



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(1) Day Use Parks

--0.88 acres per 1,000 population

(2) Community Parks

--0.23 acres per 1,000 population

(3) Regional Parks

--1.31 acres per 1,000 population

(4) Undeveloped Open Space

--5.1 acres per 1,000 population

(5) Special Use Areas

--.95 acres per 1,000 population

(iv) Public Safety:

Public safety facilities provide space for operation of the Sheriff's office as well as for the incarceration of both juvenile and adult offenders. Skagit County's jail opened in 1984 and was a state of the art facility at the time. Capacity of the jail was nearly doubled with the addition of more beds in 1992. In addition, work release and electronic home monitoring programs reduce the demand for jail beds. The Sheriff's office, as constructed in 1987, remains an outstanding law enforcement service facility. The juvenile detention facility was remodeled and expanded in 1993. Levels of service for all of the County public safety facilities far surpass those of our neighbor Snohomish County, in recognition of our facility investments over the past decade or more.

In addition to facilities, the Sheriff has a Level of Service standard for commissioned law enforcement officers as well, based upon service to the unincorporated population. The minimum standard for commissioned officers is to evaluate total staffing needs in the County. In determining the location of capital facilities and patrol routes, the need for urban or rural levels of service will be taken into account.

(1) Sheriff Administration and Operations

--300 square feet per 1,000 population

(2) County Jail

--1.00 beds per 1,000 population

(3) Youth and Family Services Administration and Operations

--50 square feet per 1,000 population

(4) Juvenile Detention Facility

--0.3 beds per 1,000 population

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(v) Senior Centers:

Senior centers are provided by County-City partnerships throughout Skagit County. In Mount Vernon and Concrete, services are provided in County owned senior centers. In Anacortes, Sedro-Woolley and Burlington, senior citizen programming and meal service are provided in city facilities by County staff. These historical arrangements in some cases date back more than 25 years. The overriding purpose is to have a senior center in each community, regardless of facility ownership, where meal service and a host of senior oriented programs can be offered. For purposes of calculating our level of service standard, both County owned and County operated facility space is being accounted for, in recognition of the long-term service relationship between the County and the cities.

(1) 111 square feet per 1,000 population

(vi) Solid Waste:

See the Skagit County Solid Waste Management Plan – adopted in 1994.

(vii) Stormwater Drainage:

Stormwater drainage is addressed by the Skagit County Drainage Utility and a host of independent drainage districts. The County tends to operate outside the boundaries of drainage districts, unless working on a road related drainage issue. Development related drainage impacts are reviewed and addressed by County staff and the affected drainage district, if applicable.

Stormwater quality and quality requirements, including the sizing and type of structures should be addressed in local drainage standards and further should be based upon Puget Sound Water Quality manual standards and Critical Areas Ordinance. New drainage facilities required by development should be constructed consistent with the aforementioned standards.

1.4 Determining Public Facility Needs. The County shall determine the quantity of capital improvements that is needed as follows:

(a) The quantity of capital improvements needed to eliminate existing deficiencies and to meet the needs of future growth shall be determined for each public facility by the following calculation:.

$$[Q = (S \times D) - I]^*$$

*Where Q is the quantity of capital improvements needed, S is the standard for level of service, D is the demand, such as the population, and I is the inventory of existing facilities.

(i) The calculation shall be used for existing demand in order to determine existing deficiencies. The calculation shall be used for projected demand in order to determine needs of future growth. The estimates of projected demand shall account for demand that is likely to occur from previously issued development permits as well as future growth.

(b) In the annual evaluation and prioritization of Capital Facilities there are three circumstances in which the standards for levels of service are not the exclusive determinant of need for a capital improvement:

(i) Repair, remodeling, renovation, and replacement of obsolete or worn out facilities shall be determined by the Board of County Commissioners.

(ii) Capital improvements that provide levels of service in excess of the adopted standards may be approved by the Board of County Commissioners for construction or acquisition at any time.

(iii) The County may provide non-capital alternatives to achieve and maintain the adopted standard for level of service. Non-capital alternatives use programs, strategies or methods other than traditional "brick and mortar" capital standards. Non-capital alternatives include, but are not limited to the following:

(1) Programs that reduce or eliminate the need for the capital facility (i.e., education, housing and jobs programs as alternatives to incarcerating people).

(2) Programs that provide a non-capital substitute for the capital facility (i.e., electronic home monitoring or other sentencing alternatives to incarceration in traditional jail facilities or a long term lease.

(3) Programs that reduce the demand for a capital facility or the service it provides (i.e., telecommuting as an alternative to commuting to work; transit as an alternative to cars; recycling as an alternative to landfills).

(4) Programs that use alternative methods to provide levels of service (i.e., "natural" drainage in managed flood basins as an alternative to levees and dikes).

(5) Programs that use existing facilities more efficiently to reduce the need for additional facilities (i.e., night court as an alternative to more courtrooms during the day; flextime and evening and night shifts as an alternative to additional space for government staff).

(6) Programs that would monitor or assist individuals to maintain their capital existing facilities, such as water and septic systems, to eliminate the need for new facilities.

1.5 Priorities The relative priorities among capital improvements projects are as follows:

(a) Priorities Among Types of Capital Facilities. Legal restrictions on the use of many revenue sources limit the extent to which different types of facilities compete for priority. All capital improvements that are necessary for achieving and maintaining a standard for levels of service adopted in this Capital Facilities Plan are included in the schedule of capital improvements. The relative priorities among types of capital facilities (i.e., roads, parks, etc.) were established by adjusting the standards for levels of service and the available revenues until the resulting capital facilities needs became financially feasible. This process is repeated with each update of the Capital Facilities Plan, thus allowing for changes in priorities among types of capital facilities.

(b) Priorities of Capital Improvements Within a Type of Capital Facility. Capital improvements within a type of public facility are to be evaluated on the following criteria. The County shall establish the final priority of all capital facility improvements using the criteria as general guidelines.

(i) New public facilities, and improvements to existing public facilities, that eliminate hazards.

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(ii) Reconstruction, rehabilitation, remodeling or renovation of obsolete or worn out facilities.

(iii) New or expanded facilities that reduce or eliminate deficiencies in levels of service for existing demand.

(iv) New or expanded facilities that provide the adopted levels of service for new development and redevelopment during the next six fiscal years, as updated by the annual review of this Capital Facilities Plan.

(v) Improvements to existing facilities or new facilities that significantly reduce the operating cost of providing a service or facility.

(vi) New facilities that exceed the adopted levels of service for new growth during the next six fiscal years.

(c) All facilities scheduled for construction or improvement in accordance with adopted policies shall be evaluated to identify any plans of State or local governments or districts that affect the proposed County capital improvement.

1.6 The County shall review and incorporate into its Capital Facilities Plan the Capital Facilities Plans or amendments thereto from other public facility and service providers that the County determines are consistent with this Comprehensive Plan.

## FINANCIAL FEASIBILITY

**Objective 2: Provide needed public facilities that are within the ability of the County to fund the facilities.**

Policies

2.1 Financial Feasibility The estimated costs of all needed capital improvements shall not exceed estimates of revenues from sources that are available to the County pursuant to current statutes.

2.2 Financial Responsibility Existing and future development shall both pay for the costs of needed capital improvements.

(a) Existing development.

(i) Existing development should pay for capital improvements that reduce or eliminate existing deficiencies, some or all of the replacement of obsolete or worn out facilities, and may pay a portion of the cost of capital improvements needed by future development.

(ii) Existing development's payments may take the form of user fees, charges for services, special assessments and taxes.

(b) Future development



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(i) Future development should pay its fair share of the capital improvements needed to address the impact of such development, and may pay a portion of the cost of the replacement of obsolete or worn out facilities, if appropriate to serve the needs of that future development.

(ii) Future development's payments may take the form of, but are not limited to, voluntary contributions for the benefit of any capital facility, impact fees, mitigation payments, capacity fees, dedications of land, provision of public facilities, and future payments of user fees, charges for services, special assessments and taxes. Future development shall not pay impact fees for the portion of any public facility that reduces or eliminates existing deficiencies.

(c) Both existing and future development may have part of their costs paid by grants, entitlements or public facilities from other levels of government and independent districts.

2.3 Financing Policies Capital improvements shall be financed, and debt shall be managed as follows:

(a) Capital improvements financed by County enterprise funds (i.e., water, sanitary sewer, solid waste, stormwater drainage) shall be financed by:

(i) debt to be repaid by user fees and charges and/or connection or capacity fees for enterprise services, or

(ii) current assets (i.e., reserves, equity or surpluses, and current revenue, including grants, loans, donations and interlocal agreements), or

(iii) a combination of debt and current assets.

(b) Capital improvements financed by non-enterprise funds shall be financed from either current assets: (i.e., current revenue, fund equity and reserves), debt, private sources, or a combination thereof. Financing decisions shall include consideration for which funding source (current assets, debt, or both) will be a) most cost effective, b) consistent with prudent asset and liability management, c) appropriate to the useful life of the project(s) to be financed, and d) the most efficient use of the County's ability to borrow funds.

2.4 Revenues Requiring Referendum for Facilities In the event that sources of revenue listed under "CFP Projects and Financing Plan" require voter approval in a local referendum, and a referendum is not held within one year of the effective date of this Plan or any subsequent amendment, or the referendum is held and is not successful, this Comprehensive Plan shall be revised at the next annual amendment to adjust for the lack of such revenues, in any of the following ways:

(a) Reduce the level of service for one or more public facilities;

(i) Increase the use of other sources of revenue;

(ii) Decrease the cost, and therefore the quality of some types of public facilities while retaining the quantity of the facilities that is inherent in the standard for level of service;

(iii) Decrease the demand for and subsequent use of capital facilities;

(iv) A combination of the above alternatives.

2.5 Uncommitted Revenue All development permits issued by the County which require capital improvements that will be financed by sources of revenue which have not been approved or implemented (such as future debt requiring referenda) may be conditioned on the approval or

implementation of the indicated revenue sources, or the substitution of a comparable amount of revenue from existing sources.

2.6 Available Revenue and Capital Facilities to Support Land Use. The County shall finance the six-year Capital Facilities Plan within the County's financial capacity. If the projected funding is inadequate to finance needed capital facilities based on adopted level of service and forecasted growth, make adjustments to the level of service, the land use element, the sources of revenue, or any combination, to achieve a balance between available revenue and needed capital facilities.

2.7 Alternative Resources. Alternative programs, funding techniques and operations, including contracts for service with other agencies, private providers, and joint use of facilities should be explored.

2.8 Joint Ventures. Joint venture facility construction, construction timing, and other facility coordination measures with cities, school districts, fire districts and other potential partners in developing capital facilities should be pursued.

## PROVIDE NEEDED IMPROVEMENTS AND CONCURRENCY MANAGEMENT

**Objective 3: Provide adequate public facilities by constructing needed capital improvements which (1) repair or replace obsolete or worn out facilities, (2) eliminate existing deficiencies, and (3) meet the needs of future development and redevelopment caused by previously issued and new development permits. The County's ability to provide needed improvements will be demonstrated by maintaining a financially feasible schedule of capital improvements in the Capital Facilities Plan.**

Policies

3.1 Schedule of Capital Improvements The schedule of capital improvements shall be updated annually in conjunction with the annual budget process. The following guidelines shall be followed:

(a) Pursuant to the Growth Management Act, amendments to the schedule of capital facilities may be in conjunction with the Comprehensive Plan or may be concurrent with adoption or amendment of the County budget.

(b) In certain cases, and after public notice, capital improvements may be adjusted by budgetary amendment rather than through an amendment to the Capital Facilities Plan. The conditions under which this may occur include: correction of errors, updates of data, declared emergencies, reallocation of funds between projects appearing within the adopted plan regardless of year; and modifications concerning costs; revenue sources; or the date of construction of any facility enumerated in the schedule of capital improvements.

(c) Any act, or failure to act, that causes any project listed in the schedule of capital improvements for which concurrency is required to be delayed beyond the fiscal year indicated in the schedule of capital improvement shall be allowable only if the act, or failure to act, causing the delay is subject to one of the following:

(i) Projects providing capacity equal to, or greater than the delayed project are accelerated within, or added to the schedule of capital improvements, in order to provide capacity of public facilities in the fiscal year at least equal to the capacity scheduled prior to the act which delayed the subject project.

(ii) Amendment of the Capital Facilities Plan to reduce the adopted standard for the level of service for public facilities until the fiscal year in which the delayed project is scheduled to be completed.

3.2 Evaluation of Buildings and Space Improvements The annual review of the six-year CIP should include a program for evaluation of buildings and space improvement to efficiently provide work space for projected staffing levels.

(a) Functional services (administration, solid waste, parks, etc.) needing a new or additional capital facility to operate shall have developed rationales supporting the establishment of the respective facility or service.

3.3 Budget Appropriation of Capital Improvement Projects: The County shall include in the capital appropriations of its annual budget all the capital improvements projects listed in the schedule of capital improvements for expenditure during the appropriate fiscal year, except that the County may omit from its annual budget any capital improvements for which a binding agreement has been executed with another party which requires that party to provide the same project in the same fiscal year.

3.4 Adequate Public Facility Concurrency: The County finds that the impacts of development on capital facilities within the County occur at the same time as occupancy of development authorized by a final development permit. The County shall issue development permits only after a determination that there is sufficient capacity of Category-A and Category-B public facilities to meet the standards for levels of service for existing development and the impacts of the proposed development concurrent with the proposed development.

(a) The availability of public facility capacity to support development for which concurrency is required shall be determined in accordance with the following:

(i) The necessary facilities and services are in place at the time a development permit is issued; or

(ii) The necessary facilities are under construction at the time a development permit is issued, and the necessary facilities will be in place when the impacts of the development occur; or

(iii) Development permits are issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or

(iv) The County has in place binding financial commitments to complete the necessary public facilities within six years.

(b) No development permit shall be issued by the County after the effective date of this Plan, unless there shall be sufficient capacity of Category-A and Category-B public facilities available to meet the standards for levels of service for existing development and for the proposed development.

(c) Minor development activity determined not to create significant impact on Capital facilities may be exempt from concurrency review.

(d) Development permits issued pursuant to Policies 3.4(b) and 3.4(c) shall be subject to the following requirements:



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(i) The certification that facility capacity is available shall apply only to specific uses, densities and intensities based on information provided by the applicant and included in the development permit.

(ii) The certification that facility capacity is available shall be valid for the same period of time as the underlying development permit, including any extensions of the underlying development permit.

(iii) The standards for levels of service of Category-A and Category-B public facilities shall be applied to the issuance of development permits based on geographics.

(e) The County shall adopt land development regulations that establish the criteria for determining the vested rights of previously issued development permits and establishing the procedures for reserving capacity of public facilities needed to address the impacts of the vested development permits.

3.5 Regional Capital Facilities in Urban Growth Areas. Lands designated for urban growth by this Comprehensive Plan shall have an urban level of regional public facilities prior to or concurrent with development.

3.6 Capital Facilities and Concurrency in Municipal UGAs. Capital facility requirements and concurrency within municipal Urban Growth Areas shall be governed by the Capital Facilities Plan and concurrency requirements of the respective municipality.

## COORDINATE CAPITAL IMPROVEMENTS WITH LAND DEVELOPMENT

**Objective 4: Manage the land development process to insure that all development receives capital facility levels-of-service equal to the standards adopted in Policy 1.3 by implementing the schedule of capital improvements contained in this Capital Facilities Plan, and by using the fiscal resources provided for in Goal 2 and its supporting policies.**

Policies

4.1 Category-A and Category-C. Public capital facility improvements shall be consistent with the adopted land use map and the goals and policies of other elements of this Comprehensive Plan.

4.2 Other Capital Facilities Plans For informational and coordinating purposes the capital facilities plans of cities and special purpose districts, including water purveyors, fire districts, port districts, public utility districts, and others as appropriate shall be identified for use and reference.

4.3 Integration and Implementation The County shall integrate its land use planning and decisions with its planning and decisions for capital facility improvements.

4.4 Coordination with Non-County Providers Coordination with Non-County providers of capital facilities and services shall be integrated and consistent with locally adopted comprehensive plans and implementing regulations.

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**Objective 5: Encourage the involvement of citizens in the capital facilities planning process.**

Policies

5.1 Public Participation in Capital Facility Proposals A public process shall be developed that informs, notifies and allows participation on significant capital facility proposals in conjunction with associated comprehensive plan amendment or budget processes.

5.2 Capital Facilities Financing Citizens shall have the opportunity to participate in and comment on proposed capital facilities financing.

5.3 Public Participation 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.

# III. CAPITAL IMPROVEMENTS

## 1. INTRODUCTION

Section III of the CFP presents capital improvements projects for Category A and C Capital Facilities, and the financing plan to pay for those projects. It also contains the inventory of existing facilities, the level of service standard, and concurrency requirements for Category A and C Capital Facilities.

Each type of public facility in the CFP is presented in a separate subsection which follows a standard format. Throughout this section, tables of data are identified with abbreviations that correspond to the type of facility: Table PR-1 refers to Table 1 for PR (Parks and Recreation). Each abbreviation corresponds to the name of the type of facility.

Detail discussion and analysis of Category B and D Capital Facilities are contained in the capital facilities plans of the respective purveyors. These Capital Facilities plans include:

| | |
|---|---|
| Water Purveyors | Coordinated Water System Plan |
| Sewer Purveyors | Sewer District #2 (Big Lake) Capital Facilities Plan<br>City of Burlington Sewer Plan for Bayview Ridge UGA<br>Town of La Conner Sewer Plan for District #1 and Swinomish UGA |
| Port Districts | Port of Skagit County Capital Facilities Plan |
| School Districts | Mount Vernon School District Capital Facilities Plan<br>Burlington-Edison School District Capital Facilities Plan<br>Anacortes School District Capital Facilities Plan<br>La Conner School District Capital Facilities Plan<br>Conway School District Capital Facilities Plan<br>Sedro-Woolley School District Capital Facilities Plan |



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Fire Districts Equipment, manpower and budget summaries for districts providing a rural level of fire service.
No. 1 (N & E of Mt. Vernon)
No. 2 (W of Mt. Vernon)
No. 3 (S of Mt. Vernon)
No. 4 (Clear Lake)
No. 5 (Bow, Edison, Blanchard)\
No. 6 (Burlington)
No. 7 (Lake Cavanaugh)
No. 8 (Sedro-Woolley)
No. 9 (Big Lake)
No. 10 (Concrete)
No. 11 (Dewey Beach)
No. 12 (Bayview)
No. 13 (La Conner)
No. 14 (Alger)
No. 15 (Lake McMurray)
No. 16 (Day Creek)
No. 17 (Guemes Island)
No. 18 (Mansford)
No. 19 (Rockport, Marblemount)

Dike Districts

Dike District No. 1 (West Mount Vernon)
Dike District No. 3 (South Mount Vernon)
Dike District No. 4 (Bow)
Dike District No. 5 (Bow)
Dike District No. 8 (Mount Vernon/Bayview)
Dike District No. 9 (La Conner)
Dike District No. 12 (NW Mount Vernon)
Dike District No. 17 (NW Mount Vernon)
Dike District No. 19 (Bow Edison)
Dike District No. 20 (NE Mount Vernon)
Dike District No. 22 (Fir Island/Conway/Mount Vernon)
Dike District No. 25 (Burlington/Bow)

Drainage Districts

Drainage District No. 8 (Bayview)
Drainage District No. 14 (NW Burlington)
Drainage District No. 15 (W Mount Vernon)
Drainage District No. 16 (Bow)
Drainage District No. 17 (S Mount Vernon)
Drainage District No. 18 (Bow)
Drainage District No. 19 (W Mount Vernon)
Drainage District No. 20 (N Mount Vernon)
Drainage District No. 21 (E Mount Vernon)
Drainage District No. 22 (La Conner)
Drainage District No. 25 (Burlington)

1. Narrative Summary

Overview of the data, with sections devoted to Current Facilities, Level of Service, Capital Facilities Projects and Financing.



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2. Inventory of Current Facilities

A list of existing capital facilities, including the name, capacity (for reference to levels of service), and location.

3. Level of Service Capacity Analysis

A table analyzing facility capacity requirements is presented for each type of public facility. The capital improvements projects that provide the needed capacity are listed below the requirements table, and their capacities are reconciled to the total requirement in the table.

4. Capital Projects and Financing Plan

A list of capital improvements that will eliminate existing deficiencies, make available adequate facilities for future growth and repair or replace obsolete or worn out facilities through December 31, 2005. Each list of capital improvements begins with a financing plan, then itemizes the individual projects.

a) Specific sources and amounts of revenue are shown, which will be used to pay for the proposed capital projects. The amounts of the revenue forecasts are based on data from one support document: "Revenue Sources for Capital Facilities."

b) Each capital improvement project is named, and briefly described. Project locations are specified in the name or description of the project. The cost for each of the next six fiscal years is shown in thousands of dollars ($1,000). All cost data is in current dollars; no inflation factor has been applied because the costs will be revised as part of the annual review and update of the Capital Facilities Plan.

## 2. SELECTING REVENUE SOURCES FOR THE FINANCING PLAN

Sources of revenue are analyzed in the support document "Revenue Sources for Capital Facilities." This document forecasts sources of revenue that Skagit County currently collects or could generate for capital facilities projects.

The process of identifying specific revenues for the financing plan is as follows:

1. Calculate total costs for each type of public facility.
2. Match existing restricted revenue sources to the type of facility to which they are restricted.
3. Subtract existing restricted revenues from costs to identify unfunded "deficit." (1-2= 3).
4. Apply new restricted revenues to the type of facility to which they are restricted.
5. Allocate unrestricted revenue to unfunded deficits. Decision makers can choose which revenues to assign to specific capital projects for the final CFP.

## GENERAL GOVERNMENT

### Current Facilities

The current 1999 inventory of County government administration and operations facilities includes administrative offices (159,680 square feet), District Court (2 courtrooms) and Superior Court (2 courtrooms), plus one shared courtroom, and maintenance shop facilities (50,185) square feet). Table GG-1 "Current Facilities Inventory", lists the facilities along with their alpha codes, as well as their current capacity and location.

**Level of Service (LOS)**

Administration and Operations. The 1997 level of service (LOS) of 1,394 square feet per 1,000 population, has increased to 1,534 square feet per thousand population with the addition of the Emergency Communications Center and the Family Resource Center, as well as the long-term leasing of facilities in both Mount Vernon and Concrete. This LOS is more than twice that of Snohomish County (713 square feet per 1,000 population). By the year 2005, the LOS will decrease back toward the 1997 LOS of 1,394 square feet/1,000 population, still far in excess of an advisory standard of 600-808 square feet/1,000 population. No space additions are contemplated during the planning period, although property acquisitions may occur to enable future construction of additional facilities near the County campus and remodels will occur to enhance current facilities.

Courts. The 1997 LOS of .021 courtrooms/1,000 population for both District and Superior Courts has increased to .024 courtrooms/1,000 population with the permanent conversion of a meeting into a dedicated shared courtroom. An additional two courtrooms will be constructed for Superior Court during the planning period. The aforementioned shared courtroom will be transitioned to District Court. The desired level of service of .02 courtrooms/1,000 population for both District and Superior Courts will be exceeded throughout the planning period, with an estimated LOS of .026 and .034 courtrooms/1,000 respectively. As a further measure, each Judge and Court Commissioner will have a dedicated courtroom available to them at all times, a further measure of facility adequacy.

Maintenance Shops. The 1997 LOS of 1024 square feet/1,000 population (unincorporated) has increased to 1,375 square feet/1,000 population with construction of a new 12,800 square foot vehicle maintenance facility at the Burlington Road Shop. This maintenance facility will provide for Skagit County's vehicle maintenance needs far beyond the planning period. Unincorporated population estimates are used because virtually all of the maintenance resources are directed at maintaining roads and other infrastructure in unincorporated Skagit County. During the planning period the LOS will remain significantly above the 1997 LOS standard of approximately 1,000 square feet/1,000 population. During the planning period construction of a park maintenance facility is contemplated.

**Capital Facilities Projects and Financing**

The County's General Government facilities includes five (5) capital projects at a cost of $850,000 and possible land purchases in the amount of $1,000,000. The proposed financing plan is shown on Table GG-3.



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TABLE GG-1

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CURRENT FACILITIES INVENTORY
GENERAL GOVERNMENT FACILITIES

| FACILITY | CAPACITY (Square Feet) | LOCATION |
|---|---|---|
| **Administration and Operations** | | |
| A. Administration Building | 53,170 | 700 South 2nd, Mt Vernon |
| B. Public Defender | 4,200 | 700 South 2nd, Mt Vernon |
| C. Moen Building (P&R) | 4,710 | 315 South Third, Mt Vernon |
| D. Fairgrounds Office (P&R) | 1,050 | County Fairgrounds |
| E. Public Works Administration | 10,800 | 1111 Cleveland, Mt Vernon |
| F. Mental Health Building | 7,400 | 108 Broadway, Mt Vernon |
| G. Mental Health Building | 6,000 | Kincaid, Mt Vernon |
| H. Search & Rescue Building | 4,800 | Section St, Mount Vernon |
| I. Planning and Permit Center | 6,000 | South 2nd, Mount Vernon |
| J. Family Resource Center | 12,000 | College Way, Mount Vernon |
| K. Long-term leased facilities for: | 9,000 | |
| • Human Services | | South 1st, Mount Vernon |
| • Cooperative Extension | | South 1st, Mount Vernon |
| • Upriver Services | | Main Street, Concrete |
| L. Courthouse Building | 27,550 | 700 South 2nd, Mt Vernon |
| M. Courthouse Annex | 13,000 | 700 South 2nd, Mt Vernon |
| **Total** | 159,680 | |
| **Maintenance Shops** | | |
| N. Administration Building | 1,000 | 700 South 2nd, Mt Vernon |
| **Public Works:** | | |
| O. Bayview | 4,950 | 2nd St, Bayview |
| P. Burlington | 39,035 | Avon/Burlington |
| Q. Concrete | 3,000 | SR 20/Concrete |
| R. Marblemount | 2,200 | Cascade River Rd |
| **Total** | 50,185 | |

| FACILITY | CAPACITY (Courtrooms) | LOCATION |
|---|---|---|
| **Courts** | | |
| S. District Court | 2.0 | 700 South 2nd, Mt Vernon |
| T. Superior Court | 2.0 | 700 South 2nd, Mt Vernon |
| U. Multi-use Courtroom | 1.0 | 700 South 2nd, Mt. Vernon |
| **Total** | 5.0 | |



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**TABLE GG-2A**

**GENERAL GOVERNMENT: ADMINISTRATION AND OPERATIONS**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 1394 SQUARE FEET PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 1.394 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 144,244 | 159,680 | 15,436 |
| 2000-2005 GROWTH PERIOD | 10,890 | 15,180 | 0 | -15,180 |
| TOTAL AS OF 2005 | 114,365 | 159,424 | 159,680 | 256 |

**PROPOSED LOS = 1394 SQUARE FEET PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 1.394 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 144,244 | 159,680 | 15,436 |
| 2000-2005 GROWTH PERIOD | 10,890 | 15,180 | 0 | -15,180 |
| TOTAL AS OF 2005 | 114,365 | 159,424 | 159,680 | 256 |
| CAPACITY PROJECTS: None | | | | |



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**TABLE GG-2B**

**GENERAL GOVERNMENT: DISTRICT COURT**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 0.021 COURTROOMS PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) COURTROOMS REQUIRED @ 0.000021 PER CAPITA | (4) COURTROOMS AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 2.0 | 2.5 | .5 |
| 2000-2005 GROWTH PERIOD | 10,890 | 0.3 | 0.0 | -.3 |
| TOTAL AS OF 2005 | 114,365 | 2.3 | 2.0 | .2 |

**PROPOSED LOS = 0.02 COURTROOMS PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) COURTROOMS REQUIRED @ 0.000020 PER CAPITA | (4) COURTROOMS AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 2.0 | 2.5 | .5 |
| 2000-2005 GROWTH PERIOD | 10,890 | 0.2 | 0.0 | -.2 |
| TOTAL AS OF 2005 | 114,365 | 2.2 | 2.5 | .3 |
| CAPACITY PROJECTS: Addition of .5 courtrooms (2000) | | | .5 | .8 |



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**TABLE GG-2C**

**GENERAL GOVERNMENT: SUPERIOR COURT**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 0.021 COURTROOMS PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) COURTROOMS REQUIRED @ 0.000021 PER CAPITA | (4) COURTROOMS AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 2.0 | 2.5 | .5 |
| 2000-2005 GROWTH PERIOD | 10,890 | 0.3 | 0.0 | -.3 |
| TOTAL AS OF 2005 | 114,365 | 2.3 | 2.5 | .2 |

**PROPOSED LOS = 0.020 COURTROOMS PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) COURTROOMS REQUIRED @ 0.000020 PER CAPITA | (4) COURTROOMS AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 2.0 | 2.5 | .5 |
| 2000-2005 GROWTH PERIOD | 10,890 | 0.2 | 0.0 | -.2 |
| TOTAL AS OF 2005 | 114,365 | 2.2 | 2.5 | .3 |
| CAPACITY PROJECTS:<br>1. Construction of Courtrooms (2000) | | | 1.5 | 1.8 |



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**TABLE GG-2D**

**GENERAL GOVERNMENT: MAINTENANCE SHOP FACILITIES**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 1024 SQUARE FEET PER 1,000 POPULATION (Unincorporated)**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 1.024 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 36,489 | 37,364 | 50,185 | 12,821 |
| 2000-2005 GROWTH PERIOD | 2,627 | 2,690 | 0 | -2,690 |
| TOTAL AS OF 2005 | 39,116 | 40,054 | 50,185 | 10,131 |

**PROPOSED LOS = 1024 SQUARE FEET PER 1,000 POPULATION (Unincorporated)**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 1.024 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 36,489 | 37,364 | 50,185 | 12,821 |
| 2000-2005 GROWTH PERIOD | 2,627 | 2,690 | 0 | -2,690 |
| TOTAL AS OF 2005 | 39,116 | 40,054 | 50,185 | 10,131 |
| CAPACITY PROJECTS: | | | | |
| Construction of Parks and Recreation Maintenance Shop Facilities (2000-2001) | | | 6,400 | 16,531 |



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**TABLE GG-3**
**CFP PROJECTS AND FINANCING PLAN**
(All projects are times $1,000)

**GENERAL GOVERNMENT**
**SKAGIT COUNTY**

| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
|---|---|---|---|---|---|---|---|
| COSTS/REVENUES | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | TOTAL |
| **Capacity Project: Courthouse/ Superior Court Expansion of Superior Court Office Space (+500 sq ft) & New Courtrooms** | | | | | | | |
| Cost | 175.0 | | | | | | 175.0 |
| Rev – Real Estate Excise Tax | 175.0 | | | | | | 175.0 |
| **Sub-Total** | 175.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 175.0 |
| New Maintenance Building Construction for Parks Department (6,400 sq ft) | | | | | | | |
| Cost | 300.0 | 200.0 | | | | | 500.0 |
| Rev – Facility Improvements Fund | 300.0 | 200.0 | | | | | 500.0 |
| **Sub-Total** | 300.0 | 200.0 | 0.0 | 0.0 | 0.0 | 0.0 | 500.0 |
| **Non-capacity Projects: Administration/Operations Remodel Office Space for Treasurer** | | | | | | | |
| Cost | 50.0 | | | | | | 50.0 |
| Rev Facility Improvement Fund | 50.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 50.0 |
| **Courtyard Parking lot Paving & Stripping** | | | | | | | |
| Cost | 75.0 | | | | | | 75.0 |
| Rev-Facility Improvement Fund | 75.0 | | | | | | 75.0 |
| **Roof Repairs** - (Mental Health Building) | | | | | | | |
| Cost | 50.0 | | | | | | 50.0 |
| Rev – Facility Improvement Fund | 50.0 | | | | | | 50.0 |
| Sub-Total | 175.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 175.0 |
| Land Purchases | | | | | | | |
| Cost | 1,000.0 | | | | | | 1,000.0 |
| Rev-Facility Improvement Fund | 1,000.0 | | | | | | 1,000.0 |
| **Sub-Total** | 1,000.0 | | | | | | 1,000.0 |

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**TABLE GG-4**

**CFP PROJECTS AND FINANCING PLAN**
(All projects are times $1,000)

**GENERAL GOVERNMENT**
**SKAGIT COUNTY**

| (1) COSTS/REVENUES | (2) 1997 | (3) 1998 | (4) 1999 | (5) 2000 | (6) 2001 | (7) 2002 | (8) TOTAL |
|---|---|---|---|---|---|---|---|
| SUMMARY: COSTS AND REVENUES | | | | | | | |
| **COSTS:** | | | | | | | |
| Administration/Operations | 1175.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 1175.0 |
| Courthouse/Annex Admin | 175.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 175.0 |
| Maintenance Shops | 300.0 | 200.0 | 0.0 | 0.0 | 0.0 | 0.0 | 500.0 |
| **Total Costs** | **1650.0** | **200.0** | **0.0** | **0.0** | **0.0** | **0.0** | **1,850.0** |
| **EXISTING REVENUES:** | | | | | | | |
| Rev- Real Estate Excise Tax | 175.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 175.0 |
| Rev-Facility Improvement Fund | 1475.0 | 200.0 | 0.0 | 0.0 | 0.0 | 0.0 | 1675.0 |
| **Total Revenues** | **1650.0** | **200.0** | **0.0** | **0.0** | **0.0** | **0.0** | **1850.0** |
| **BALANCE** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** |



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**Current Facilities**

The County Fairgrounds is located on 14 acres in Mount Vernon, and serves both the unincorporated and incorporated populations of the County.

**Level of Service (LOS)**

The 1997 LOS of 298 square feet/1,000 population for general exhibit purposes has increased to 371 square feet/1,000 population currently. The 1997 LOS for livestock barns of 268 square feet/1,000 population has declined to 247 square feet/1,000 population currently. The 1997 LOS for public restrooms of 15.5 square feet/1,000 population has declined to 14.3 square feet/1,000 population

While population is our current LOS determining factor, the annual presentation of a four-day fair begs a different analysis, as the facilities are used at a rate far below capacity nearly the entire year. Given this reality, we will retain the 1997 LOS indicators for general exhibit purposes and public restrooms, while establishing the LOS for livestock barns at 200 square feet/1,000 population. A new restroom facility will be constructed in order to meet or exceed the LOS for public restrooms during the planning period.

**Capital Facilities Projects and Financing**

The County Fairgrounds includes one (1) capital project at a cost of $100,000. The proposed financing plan is shown on Table FG-3.



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**TABLE FG-2A**

**FAIRGROUNDS: GENERAL PURPOSE BUILDINGS**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 298 SQUARE FEET PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 0.298 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 30,835 | 38,430 | 7.595 |
| 2000-2005 GROWTH PERIOD | 10,890 | 3,245 | 0 | -3,245 |
| TOTAL AS OF 2005 | 114,365 | 34,080 | 38,430 | 4,350 |

**PROPOSED LOS = 298 SQUARE FEET PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 0.298 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 30,835 | 38,430 | 7,595 |
| 2000-2005 GROWTH PERIOD | 10,890 | 3,245 | 0 | -3,245 |
| TOTAL AS OF 2005 | 114,365 | 34,080 | 38,430 | 4,350 |
| CAPACITY PROJECTS: None. | | | | |

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**TABLE FG-2B**

**FAIRGROUNDS: LIVESTOCK BARNS**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

| CURRENT LOS = 247 SQUARE FEET PER 1,000 POPULATION | | | | |
|---|---|---|---|---|
| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 0.247 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
| 2000 ESTIMATED | 103,475 | 25,545 | 25,545 | 0 |
| 2000-2005 GROWTH PERIOD | 10,890 | 2,690 | 0 | -2,690 |
| TOTAL AS OF 2005 | 114,365 | 28,235 | 25,545 | -2,690 |

| PROPOSED LOS = 200 SQUARE FEET PER 1,000 POPULATION | | | | |
|---|---|---|---|---|
| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 0.200 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
| 2000 ESTIMATED | 103,475 | 20,695 | 25,545 | 4,850 |
| 2000-2005 GROWTH PERIOD | 10,890 | 2,178 | 0 | -2,178 |
| TOTAL AS OF 2005 | 114,365 | 22,873 | 25,545 | 2,672 |
| CAPACITY PROJECTS: None. | | | | |



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**TABLE FG-2C**

**FAIRGROUNDS: PUBLIC RESTROOMS**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 15.5 SQUARE FEET PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 0.0155 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 1,604 | 1,475 | -129 |
| 2000-2005 GROWTH PERIOD | 10,890 | 170 | 0 | -170 |
| TOTAL AS OF 2005 | 114,365 | 1,774 | 1,475 | -299 |

**PROPOSED LOS = 21.1 SQUARE FEET PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 0.0155 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 1,604 | 1,475 | -129 |
| 2000-2005 GROWTH PERIOD | 10,890 | 10,890 | 0 | -170 |
| TOTAL AS OF 2005 | 114,365 | 1,774 | 1,475 | -299 |
| CAPACITY PROJECTS: Restroom Construction | | | 1,250 | 951 |



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**TABLE FG-3**

**CFP PROJECTS AND FINANCING PLAN**
(All projects are times $1,000)

**FAIRGROUNDS**
**SKAGIT COUNTY**

| (1) COSTS/REVENUES | (2) 2000 | (3) 2001 | (4) 2002 | (5) 2003 | (6) 2004 | (7) 2005 | (8) TOTAL |
|---|---|---|---|---|---|---|---|
| Capacity Projects: Public Restrooms | | | | | | | |
| **Restrooms Construction (1,250 sq ft)** | | | | | | | |
| Cost | 100.0 | | | | | | 100.0 |
| Rev - Real Estate Excise Tax | 100.0 | | | | | | 100.0 |
| **Sub-Total** | **100.0** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** | **100.0** |


**TABLE FG-3**

**CFP PROJECTS AND FINANCING PLAN**
(All projects are times $1,000)

**FAIRGROUNDS**
**SKAGIT COUNTY**


| (1) COSTS/REVENUES | (2) 2000 | (3) 2001 | (4) 2002 | (5) 2003 | (6) 2004 | (7) 2005 | (8) TOTAL |
|---|---|---|---|---|---|---|---|
| ***SUMMARY: COSTS AND REVENUES*** | | | | | | | |
| **COSTS:** | | | | | | | |
| General Purpose Buildings | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Livestock Barns | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Public Restrooms | 100.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 100.0 |
| **Total Costs** | **100.0** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** | **100.0** |
| **EXISTING REVENUES:** | | | | | | | |
| Rev - Real Estate Excise Tax | 100.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 100.0 |
| Subtotal | **100.0** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** | **100.0** |
| **Total Revenues** | **100.0** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** | **100.0** |
| **BALANCE** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** |



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**Current Facilities**

The current 1997 County-owned parks inventory includes 1,525 acres of parks and 36.0 miles of trails. The table below shows the current parks inventory:

**ACRES OF COUNTY-OWNED PARK LAND**

| | |
|---|---|
| Regional Parks | 133.0 |
| Day Use Parks | 159.0 |
| Community Parks | 28.0 |
| Special Use Areas | 438.0 |
| Undeveloped/ Open Space | 767.0 |
| Total | 1,525.0 |
| Trails | 36 miles |

Table PR-1 "Current Facilities Inventory", lists each facility including location and current/proposed use.

**Level of Service (LOS)**

Acreage that is currently owned or under a long-term lease, regardless of its state of development, is counted as capacity for the purpose of calculating LOS for County-owned parks. The 1997 LOS for parks in total of 7.6 acres/1000 population will be achieved throughout the planning period. Currently, the LOS for parks in total is 14.7 acres/1000 population. At the end of the planning period, the estimated LOS is 13.3 acres/1000 population. Further, as demonstrated in the tables, for each category of park the 1997 LOS will be met or exceeded throughout the planning period.

Regarding LOS for trails, the County has committed 5% of the motor vehicle fuel tax to funding on an incremental basis trail improvements outlined in the Non-motorized transportation plan.

**Capital Facilities Projects and Financing**

Parks and Recreation facilities include 1 capacity-related capital project (regional, day use, and special use areas parks) and 5 non-capacity projects at various locations throughout the County at a cost of $1,620,000. The proposed financing plan is shown on Table PR-3.



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TABLE PR-1

CURRENT FACILITIES INVENTORY
PARKS AND RECREATION FACILITIES

The inventory of current parks and recreational facilities is included as Appendix A in this Capital Facilities Plan.

**TABLE PR-2A**

**REGIONAL PARKS**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 0.137 ACRES PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) ACRES REQUIRED @ 0.000137 PER CAPITA | (4) PARK ACRES AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 15.0 | 133.0 | 118.0 |
| 2000-2005 GROWTH PERIOD | 10,890 | 2.1 | 0.0 | -2.0 |
| TOTAL AS OF 2005 | 114,365 | 17.1 | 133.0 | 116 |

**PROPOSED LOS = .137 ACRES PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) ACRES REQUIRED @ 0.001306 PER CAPITA | (4) PARK ACRES AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 15.0 | 133.0 | 118 |
| 2000-2005 GROWTH PERIOD | 10,890 | 2.0 | 0.0 | -2 |
| TOTAL AS OF 2005 | 114,365 | 17.0 | 133.0 | 116 |



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**TABLE PR-2B**

**DAY USE PARKS**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 0.88 ACRES PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) ACRES REQUIRED @ 0.000883 PER CAPITA | (4) PARK ACRES AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 91.0 | 159.0 | 68.0 |
| 2000-2005 GROWTH PERIOD | 10,890 | 10.0 | 0.0 | -10.0 |
| TOTAL AS OF 2005 | 114,365 | 101.0 | 159.0 | 58.0 |

**PROPOSED LOS = 0.88 ACRES PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) ACRES REQUIRED @ 0.000931 PER CAPITA | (4) PARK ACRES AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 91.0 | 159.0 | 68.0 |
| 2000-2005 GROWTH PERIOD | 10,890 | 10.0 | 0.0 | -10.0 |
| TOTAL AS OF 2005 | 114,365 | 101.0 | 159.0 | 58.0 |



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**TABLE PR-2C**

**COMMUNITY PARKS**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 0.23 ACRES PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) ACRES REQUIRED @ 0.000213 PER CAPITA | (4) PARK ACRES AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 24.0 | 28.0 | 4.0 |
| 2000-2005 GROWTH PERIOD | 10,890 | 3.0 | 0.0 | -3.0 |
| TOTAL AS OF 2005 | 114,365 | 27.0 | 28.0 | 1.0 |

**PROPOSED LOS = 0.23ACRES PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) ACRES REQUIRED @ 0.00023 PER CAPITA | (4) PARK ACRES AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 24.0 | 28.0 | 4.0 |
| 2000-2005 GROWTH PERIOD | 10,890 | 3.0 | 0.0 | -3.0 |
| TOTAL AS OF 2005 | 114,365 | 27.0 | 28.0 | 1.0 |



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**TABLE PR-2D**

**SPECIAL USE AREAS**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 0.95 ACRES PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) ACRES REQUIRED @ 0.000951 PER CAPITA | (4) PARK ACRES AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 98.0 | 438.0 | 340.0 |
| 2000-2005 GROWTH PERIOD | 10,890 | 10.0 | 0.0 | -10.0 |
| TOTAL AS OF 2005 | 114,365 | 108.0 | 438.0 | 330.0 |

**PROPOSED LOS = .95 ACRES PER 1,000 POPULATION**

| TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) ACRES REQUIRED @ 0.0095 PER CAPITA | (4) PARK ACRES AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 98.0 | 438.0 | 340.0 |
| 2000-2005 GROWTH PERIOD | 10,890 | 10.0 | 0.0 | -10.0 |
| TOTAL AS OF 2005 | 114,365 | 108.0 | 438.0 | 330.0 |


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**TABLE PR-2E**

**NATURAL OPEN SPACE**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 5.1 ACRES PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) ACRES REQUIRED @ 0.0051 PER CAPITA | (4) PARK ACRES AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 528.0 | 767.0 | 239.0 |
| 2000-2005 GROWTH PERIOD | 10,890 | 56.0 | 0.0 | -56.0 |
| TOTAL AS OF 2005 | 114,365 | 584.0 | 767.0 | 183.0 |

**PROPOSED LOS = 5.1 ACRES PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) ACRES REQUIRED @ 0.0051 PER CAPITA | (4) PARK ACRES AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 528.0 | 767.0 | 239.0 |
| 2000-2005 GROWTH PERIOD | 10,890 | 56.0 | 0.0 | -56.0 |
| TOTAL AS OF 2005 | 114,365 | 584.0 | 767.0 | 183.0 |

**TABLE PR-3**
**CFP PROJECTS AND FINANCING PLAN**
(All projects are times $1,000)

**PARKS AND RECREATION**
**SKAGIT COUNTY**

| (1) COSTS/REVENUES | (2) 2000 | (3) 2001 | (4) 2002 | (5) 2003 | (6) 2004 | (7) 2005 | (8) TOTAL |
|---|---|---|---|---|---|---|---|
| *Non-Capacity Projects: Regional* | | | | | | | |
| **Pressentin Park Dev (40.0 ac)** | | | | | | | |
| Cost | 185.0 | | | | | | 185.0 |
| Rev – Real Estate Excise Tax | 70.0 | | | | | | 70.0 |
| Rev - U.S. Forest Service | 115.0 | | | | | | 115.0 |
| Rev – Community Donations | | | | | | | |
| **Sub-Total** | 185.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 185.0 |
| **Non-Capacity Projects: Special Use Skagit Playfields** | | | | | | | |
| Cost | 150.0 | | | | | | 150.0 |
| Rev-Real Estate Excise Tax | 150.0 | | | | | | 150.0 |
| **Swinomish Boat Launch** | | | | | | | |
| Cost | 250.0 | | | | | | 250.0 |
| Rev – IAC Grant | 200.0 | | | | | | 200.0 |
| Rev – Real Estate Excise Tax | 50.0 | | | | | | 50.0 |
| **Sub-total** | 400.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 400.0 |



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**TABLE PR-3**
**CFP PROJECTS AND FINANCING PLAN**
(All projects are times $1,000)
**PARKS AND RECREATION**
**SKAGIT COUNTY**

| (1) Costs/Revenues | (2) 2000 | (3) 2001 | (4) 2002 | (5) 2003 | (6) 2004 | (7) 2005 | (8) Total |
|---|---|---|---|---|---|---|---|
| **Non-Capacity Projects:** | | | | | | | |
| **Undeveloped/Open Space** | | | | | | | |
| **Northern State Park Planning** | 100.0 | 300.0 | 300.0 | 300.0 | 300.0 | 300.0 | 1600.0 |
| Cost | 20.0 | | | | | | 20.0 |
| Rev – Park Acq. Dev Fund | 20.0 | | | | | | 20.0 |
| Rev—Real Estate Excise Tax | 100.0 | 300.0 | 300.0 | 300.0 | 300.0 | 300.0 | 1600.0 |
| **Sub-Total** | 20.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 20.0 |
| Capacity Projects: Trail System Improvements | | | | | | | |
| Cost | 146.0 | 154.0 | 161.0 | 169.0 | 178.0 | 187.0 | 995.0 |
| Rev – Motor Vehicle Fuel Tax | 146.0 | 154.0 | 161.0 | 169.0 | 178.0 | 187.0 | 995.0 |
| **Sub-total** | 146.0 | 154.0 | 161.0 | 169.0 | 178.0 | 187.0 | 995.0 |
| **Non-Capacity Projects:** | | | | | | | |
| **Trail Padilla Bay Trail Parking** | | | | | | | |
| Cost | 20.0 | | | | | | 20.0 |
| Rev –Park Acq/Dev Fund | 20.0 | | | | | | 20.0 |
| **Sub-total** | **20.0** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** | **20.0** |

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**TABLE PR-3**

**CFP PROJECTS AND FINANCING PLAN**
(All projects are times $1,000)
**PARKS AND RECREATION**
**SKAGIT COUNTY**

| (1) COSTS/REVENUES: | (2) 2000 | (3) 2001 | (4) 2002 | (5) 2003 | (6) 2004 | (7) 2005 | (8) TOTAL |
|---|---|---|---|---|---|---|---|
| **SUMMARY COST** | | | | | | | |
| **REVENUES:** | | | | | | | |
| **COSTS:** | | | | | | | |
| Regional Parks | 185.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 185.0 |
| Day Use Parks | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Community Parks | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Special Use Areas | 400.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 400.0 |
| Undeveloped/Open Space | 20.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 20.0 |
| Trails | 166.0 | 154.0 | 161.0 | 169.0 | 178.0 | 187.0 | 1015.0 |
| Northern State Park Planning | 100.0 | 300.0 | 300.0 | 300.0 | 300.0 | 300.0 | 1600.0 |
| **Total Costs** | 871.0 | 454.0 | 461.0 | 469.0 | 478.0 | 487.0 | 3220.0 |
| **EXISTING REVENUES:** | | | | | | | |
| Rev-Real Estate Excise Tax | 270.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 270.0 |
| Rev-Park Acq & Dev Fund | 40.0 | 00.0 | 0.0 | 0.0 | 0.0 | 0.0 | 40.0 |
| Rev-IAC Grant | 200.0 | 00.0 | 0.0 | 0.0 | 0.0 | 0.0 | 200.0 |
| Rev-U.S. Forest Service | 115.0 | 00.0 | 0.0 | 0.0 | 0.0 | 0.0 | 115.0 |
| Rev-Motor Vehicle Fuel Tax | 146.0 | 154.0 | 161.0 | 169.0 | 178.0 | 187.0 | 995.0 |
| Rev-Real Estate Excise Tax | 100.0 | 300.0 | 300.0 | 300.0 | 300.0 | 300.0 | 1600.0 |
| **Total Revenues** | 871.0 | 454.0 | 461.0 | 469.0 | 478.0 | 487.0 | 3220.0 |
| **BALANCE** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** | **0.0** |

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## PUBLIC SAFETY

### Current Facilities

The current 2000 inventory of the Sheriff administration and operations offices totals 65,400 square feet, and serves both the unincorporated and incorporated populations of the County. In addition, the current inventory of Public Safety facilities includes 145 inmate beds at the County Jail, and 44 beds at the Juvenile Detention Facility and 6,000 square feet of leased space for the Youth and Family Services Department.

### Level of Service (LOS)

Due to capital investments and long-term leases over the past several years, the County's level of service for public safety facilities is very high, in some cases more than twice that of neighboring Snohomish County. Skagit County's proposed levels of service will equal or exceed those of neighboring Snohomish County throughout the planning period. The proposed level of service for Sheriff Administration is 300 square feet/1000 population, which exceeds Snohomish County's LOS recommended service level of 259 square feet/1000 population. Regarding jail space, Skagit County's LOS is 1 bed/1000 population, exceeding the Snohomish standard of .75 bed/1000. Electronic home monitoring has offset the need for additional beds. Finally, for Juvenile detention beds the Skagit County LOS of .30 bed/1000 population vs. 23 bed/1000 population in Snohomish County. As the Youth and Family Services Department formerly was included in the LOS space for general government administration, additional leased space has provided an enhanced service level. The current leased space of 6,000 square feet is intended to provide sufficient space through the year 2005. Therefore, the LOS for Youth and Family Services (Juvenile Probation) is 50 square feet/1000 population.

The County's Public Safety facilities includes no capital projects during 2000-2005 as all actual levels of service will exceed the proposed service levels during the planning period.

**TABLE PS-1**

**CURRENT FACILITIES INVENTORY**
**PUBLIC SAFETY FACILITIES**

| FACILITY | CAPACITY (Square Feet) | LOCATION |
|---|---|---|
| A. Admn/Opns Offices | 65,400 | 600 South 3rd, Mt Vernon |
| B. Youth and Family Services Offices | 6,000 | 613 South 2nd, Mt. Vernon |
| **FACILITY** | **CAPACITY (Inmate Beds)** | **LOCATION** |
| C. County Jail | 158 | 600 South 3rd, Mt Vernon |
| D. Juvenile Detention Facility | 44 | 600 South 3rd, Mt Vernon |



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**TABLE PS-2A**

**PUBLIC SAFETY: SHERIFF ADMINISTRATION AND OPERATIONS**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 687 SQUARE FEET PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 0.687 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 71,087 | 65,400 | -5,687 |
| 2000-2005 | 10,890 | 7,481 | 0 | -7,481 |
| TOTAL AS OF 2005 | 114,365 | 78,568 | 65,400 | -13,168 |

**PROPOSED LOS = 300 SQUARE FEET PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 0.605898 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,405 | 31,042 | 65,400 | 34,358 |
| 200-2005 GROWTH PERIOD | 10,890 | 3,267 | 0 | -3,267 |
| TOTAL AS OF 2005 | 114,365 | 34,309 | 65,400 | 31,091 |
| CAPACITY PROJECTS: None. | | | | |

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**TABLE PS-2B**

**PUBLIC SAFETY:**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 1.66 BEDS PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) BEDS REQUIRED @ 0.00166 PER CAPITA | (4) BEDS AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 Estimated | 103,475 | 172 | 158 | -14 |
| 2000-2005 GROWTH PERIOD | 10,890 | 18 | 0 | -18 |
| TOTAL AS OF 2005 | 114,365 | 190 | 158 | -32 |

**PROPOSED LOS = 1.0 BEDS PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) BEDS REQUIRED @ 0.00146 PER CAPITA | (4) BEDS AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 104 | 158 | 54 |
| 2000-2005 GROWTH PERIOD | 10,890 | 11 | 0 | -11 |
| TOTAL AS OF 2005 | 114,365 | 115 | 158 | 43 |
| CAPACITY PROJECTS: None. | | | | |

**TABLE PS-2C**

**PUBLIC SAFETY: YOUTH AND FAMILY SERVICES**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

**CURRENT LOS = 50 SQUARE FEET PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 0.05 PER CAPITA | (4) SPACE AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 5,174 | 6,000 | 826 |
| 2000-2005 GROWTH PERIOD | 10,890 | 545 | 0 | -545 |
| TOTAL AS OF 2005 | 114,365 | 5,719 | 6,000 | 281 |

**PROPOSED LOS = 50 SQUARE FEET PER 1,000 POPULATION**

| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 0.05 PER CAPITA | (4) SPACE AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
|---|---|---|---|---|
| 2000 ESTIMATED | 103,475 | 5,174 | 6,000 | 826 |
| 2000-2005 GROWTH PERIOD | 10,890 | 545 | 0 | -545 |
| TOTAL AS OF 2005 | 114,365 | 5,719 | 6,000 | 281 |
| CAPACITY PROJECTS: None. | | | | |



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**TABLE PS-2D**

**PUBLIC SAFETY: JUVENILE DETENTION FACILITY**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

| CURRENT LOS = 0.462 BEDS PER 1,000 POPULATION | | | | |
|---|---|---|---|---|
| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) BEDS REQUIRED @ 0.000462 PER CAPITA | (4) BEDS AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
| 2000 ESTIMATED | 103,475 | 48 | 44 | -4 |
| 2000-2005 GROWTH PERIOD | 10,890 | 5 | 0 | -5 |
| TOTAL AS OF 2005 | 114,365 | 53 | 44 | -9 |

| PROPOSED LOS = 0.3 BEDS PER 1,000 POPULATION | | | | |
|---|---|---|---|---|
| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) BEDS REQUIRED @ 0.0003 PER CAPITA | (4) BEDS AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
| 2000 ESTIMATED | 103,475 | 31 | 44 | 13 |
| 2000-2005 GROWTH PERIOD | 10,890 | 3 | 0 | -3 |
| TOTAL AS OF 20025 | 114,365 | 34 | 44 | 10 |
| CAPACITY PROJECTS: None. | | | | |



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## SENIOR CENTERS

### Current Facilities

The current inventory of senior centers totals 39,034 square feet, and includes 2 County-owned facilities in Mount Vernon and Concrete totaling 10,625 square feet and City owned-County operated facilities in Burlington, Sedro-Woolley and Anacortes totaling 28,409 square feet. Table SS-1 "Current Facilities Inventory", lists the facilities along with their alpha codes, as well as their current capacity and location.

### Level of Service (LOS)

The current and proposed LOS is 111 square feet per 1,000 population and does not require any additional square feet of space through the year 2005 (See Table SS-2).

### Capital Facilities Projects and Financing

The County's senior centers includes no capital projects during 2000-2005.

**TABLE SS-1**
**CURRENT FACILITIES INVENTORY**
**SENIOR SERVICES FACILITIES**

| FACILITY | CAPACITY (Square Feet) | LOCATION |
|---|---|---|
| A. Senior Center | 8,275 | 1401 Cleveland, Mt Vernon |
| B. Senior Center | 2,350 | 153 Railroad, Concrete |
| C. Senior Center | 9,856 | 219 Skagit, Burlington |
| D. Senior Center | 7,168 | State Street, Sedro-Woolley |
| E. Senior Center | 11,385 | 1701 22nd Ave., Anacortes |

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**TABLE SS-2**

**SENIOR CENTERS**
**SKAGIT COUNTY**

**ANALYSIS OF CAPITAL FACILITY REQUIREMENTS**

| CURRENT LOS = 111 SQUARE FEET PER 1,000 POPULATION | | | | |
|---|---|---|---|---|
| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 0.111 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
| 2000 ESTIMATED | 103,475 | 11,486 | 39,034 | 27,548 |
| 2000-2005 GROWTH PERIOD | 10,890 | 1,208 | 0 | -1,208 |
| TOTAL AS OF 2005 | 114,365 | 12,694 | 39,034 | 26,340 |

| PROPOSED LOS = 111 SQUARE FEET PER 1,000 POPULATION | | | | |
|---|---|---|---|---|
| (1) TIME PERIOD | (2) COUNTYWIDE POPULATION | (3) SQUARE FEET REQUIRED @ 0.111 PER CAPITA | (4) SQUARE FEET AVAILABLE | (5) NET RESERVE OR DEFICIENCY |
| 2000 ESTIMATED | 103,475 | 11,486 | 39,034 | 27,548 |
| 2000-2005 GROWTH PERIOD | 10,890 | 1,208 | 0 | -1,208 |
| TOTAL AS OF 2005 | 114,365 | 12,694 | 39,034 | 26,340 |
| CAPACITY PROJECTS: None. | | | | |

## SOLID WASTE

### Current Facilities

Skagit County is responsible for the management of solid waste generated within the County. There are three principal components of the County's solid waste management system: (1) Collection, (2) Disposal, and (3) Recycling.

Collection Systems. The municipalities of Anacortes, Burlington, Mount Vernon, and Sedro-Woolley provide their own waste collection. Private firms provide waste collection for the unincorporated areas of the County, and the Towns of Hamilton, La Conner, Lyman, and Concrete are also provided waste collection by private firms. The County



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operates three (3) compactor sites (which do not accept demolition waste), and the Sauk transfer site. Refuse collected at these sites is transferred to the Skagit County Recycling and Transfer Facility (SCRTF).

Disposal Systems. Municipal solid waste generated with the County is delivered to SCRTF. The solid waste generated within the County is long-hauled out of the Roosevelt Regional Landfill in Klickitat County.

Recycling. As recommended in the "Skagit County Comprehensive Solid Waste Management Plan," the County assisted in organizing curbside collection for single-family residences, and collection for multi-family residences in the cities of Mount Vernon, Burlington, Anacortes, and Sedro-Woolley. County-operated recycling collection centers include the Sauk Transfer Site; the SCRTF; and the County's three (3) compactor sites.

**Level of Service**

Please refer to the Skagit County Comprehensive Solid Waste Management Plan for details of solid waste service delivery.

**Capital Facilities Projects and Financing**

The County's solid waste program does not include any capital projects during the planning period.

**TABLE SW-1**

**CURRENT FACILITIES INVENTORY**
**SOLID WASTE**

| FACILITY | CAPACITY (Square Feet) | LOCATION |
|---|---|---|
| A. Recycling and transfer facility | 28,520 | 1200 Ovenell Road |
| B. Household Hazardous Waste | 2,000 | 1200 Ovenell Road |
| **FACILITY** | **CAPACITY (Acres)** | **LOCATION** |
| C. Transfer Station | 5.0 | Sauk E. of Concrete |
| D. Collector Station | 1.0 | Clear Lake |
| E. Collector Station | 0.2 | Similk-Hwy 20 Marches Point |
| F. Collector Station | 0.3 | Birdsview Highway 20 |
| G. Gibraltar Landfill | 11.0 | Site Closed |
| H. Inman Landfill | 43.5 | Site Closed |

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Storm drainage facilities within Skagit County include a diverse combination of natural systems and constructed conveyance and control facilities. Ownership, maintenance responsibility, and stewardship of drainage facilities takes place by a variety of means. This section of the CFP identifies the type and condition of stormwater facilities within Skagit County and describes the County's plan for capital improvements to the drainage system infrastructure.

The National Pollutant Discharge Elimination System (NPDES) program administered by the U.S. Environmental Protection Agency requires that point source discharges meet federal and state water quality standards, and that routine monitoring be conducted to insure compliance. The program was authorized by the Clean Water Act of 1972, and is administered by the Washington State Department of Ecology (WSDOE). Discharges from Skagit County's stormwater infrastructure are not currently regulated under the NPDES municipal discharge requirements. It is anticipated that Skagit County will be required to meet permit requirements by the year 2000.

The Puget Sound Water Quality Management Plan, first adopted in 1989, identified the need for a watershed management process to systematically address non-point sources of pollution throughout the Puget Sound Basin. The plan also directed each county within the Puget Sound Basin to rank its watersheds in order of priority for developing action plans to control non-point source pollution. Ranking of the County's 10 primary watersheds prioritizes watersheds most in need of corrective actions to manage non-point source pollution. Many of the watersheds are also located within areas of urbanization where potential impacts on fisheries and shellfish resources are a consideration.

The Nookachamps Watershed Action Plan, and Samish and Padilla Bay Plans were approved by WSDOE and adopted by the Skagit County Board of Commissioners in 1995.

The Puget Sound Water Quality Management Plan also directed WSDOE to develop a technical manual addressing erosion and sedimentation control, runoff control, and pollution from urban land uses. WSDOE was also charged with providing program implementation guidance to local jurisdictions within the Puget Sound Basin. The final WSDOE Stormwater Management Manual for the Puget Sound Basin was developed in February 1992. All cities and counties within the basin are required to adopt ordinances and technical manuals that are "substantially equivalent" to that of WSDOE.

Skagit County is currently in the process of developing a manual that meets the minimum requirements as specified by WSDOE. In the interim, Skagit County requires that all development projects in need of land use approval must conform to the existing Skagit County Drainage Ordinance #9763.

### Current Facilities

Drainage facilities within Skagit County are composed of three basic types: (1) conveyance systems, (2) rate control detention facilities, and (3) natural and man-made enhancement facilities. The nature and function of the County's infrastructure is governed by topography and Geology, and flows without consideration to property ownership, land use, or political boundaries.

Conveyance systems include natural and man-made open channels as well as pipe systems and culverts. These systems may be located on private property, or within County right-of-way. The division of ownership, function, and location determines the entity responsible for facilities maintenance.

Development activities taking place within Skagit County are conditioned during the application process to comply with minimum requirements of the Skagit County Drainage Ordinance. Drainage control and water quality enhancement facilities constructed for residential, commercial, and multi-family developments are maintained privately.

**Level of Service**

Skagit County currently assumes responsibility for the maintenance of those stormwater facilities that lie within the existing County right-of-way or are adjacent to and associated with County roadway drainage. Since 1983, land development activities requiring permits and approvals from Skagit County have been conditioned to meet the minimum requirements of the Skagit County Drainage Ordinance (SCC 14.36). The County is currently in the process of rewriting a technically equivalent manual meeting state requirements that includes the WSDOE Technical Manual; Drinking Water Statutes; the current SCC 14.36, Water Drainage and Erosion/Sedimentation Control Ordinance; and SCC 14.06, Critical Areas Ordinance.

In response to public concerns following the 1990 flood events, Skagit County initiated a Countywide drainage study to develop a Skagit County Drainage Utility. Following the conclusion of the two year study and public involvement period, the Board of Skagit County Commissioners adopted Ordinance No. 15572 in December 1994. This officially formed the Skagit County Drainage Utility.

The purpose of the Skagit County Drainage Utility is to:

- Minimize property damage
- Promote and protect the public health, safety and welfare
- Minimize water quality degradation
- Protect aquifers
- Insure the safety of County roads and rights of way
- Increase education and recreational opportunities
- Restore fisheries and foster other beneficial uses

**Capital Facilities Projects and Financing**

The countywide drainage study included the identification and ranking of problem areas. The study provides criteria that assisted in the prioritization of projects. It is intended that this criteria will be utilized in the annual update of the Stormwater CFP. The criteria provides for four major elements:

1. Public Safety - Does the problem present a danger to public health and/or safety?
2. Property Damage - What is the extent of historic an/or potential property damage?
3. Flooding Frequency - how often does the flooding/drainage problem occur?
4. Existing or Potential - Is the problem an existing one or potential one? Will the problem or risk become worse in the future if left unaddressed?

Criteria Weighting

| Criteria | Weight |
|---|---|
| Public Safety | 5 |
| Property Damage | 4 |
| Flooding Frequency | 3 |
| Present of Potential | 2 |

Examples of the Scoring criteria and the ranking of problem areas are included in the countywide Study (Technical Paper No.2, September 16, 1993, Montgomery Watson).

## STORMWATER MANAGEMENT PROJECTS

| CAPACITY PROJECTS | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | TOTAL |
|---|---|---|---|---|---|---|---|
| **White Cap Lane** | | | | | | | |
| Cost | 107 | 0 | 0 | 0 | 0 | 0 | 107 |
| Rev. Drainage Utility | 107 | 0 | 0 | 0 | 0 | 0 | 107 |
| **Edison III** | | | | | | | |
| Cost | 533 | 0 | 0 | 0 | 0 | 0 | 533 |
| Rev. Drainage Utility | 533 | 0 | 0 | 0 | 0 | 0 | 533 |
| **Drainage Projects** | | | | | | | |
| Cost | 253 | 996 | 1025 | 1055 | 1086 | 1117 | 5442 |
| Rev-Drainage Utility | 253 | 996 | 1025 | 1055 | 1086 | 1117 | 5442 |
| Sub-Total | 893 | 996 | 1025 | 1055 | 1086 | 1117 | 6172 |
| **NON-CAPACITY PROJECT** | | | | | | | |
| **Carpenter Creek Watershed Study** | | | | | | | |
| Cost | 75 | 0 | 0 | 0 | 0 | 0 | 75 |
| Rev-Drainage Utility | 75 | 0 | 0 | 0 | 0 | 0 | 75 |
| Sub-total | 75 | 0 | 0 | 0 | 0 | 0 | 75 |
| **TOTAL** | **968** | **996** | **1025** | **1055** | **1086** | **1117** | **6247** |

## TRANSPORTATION

The Growth Management Act has placed a major emphasis on capital facilities planning for transportation, which is apparent from the detailed requirements for the Transportation Element of the Comprehensive Plan per RCW 36.70A.070(6). These requirements are met in Skagit County through the Transportation Systems Plan, adopted as part of the Transportation Element. The result of this effort is the 20-year Transportation Facilities Plan, which is based on level of service deficiencies.

The statutory requirement for producing a six-year capital facilities plan for transportation existed before GMA through the various RCWs and WACs related to the Six Year Transportation Improvement Program (TIP). Traditionally, the Six Year TIP has been required to be based, to some degree, on a Priority Programming technique (priority array). which is based primarily on the physical needs of the roadway.

The GMA has made some adjustments to the various RCWs and WACs a requirement that the Six Year TIP also be based on parts of the Transportation Element. In addition, the Six Year TIP. Transportation Element, and overall Comprehensive Plan must all be mutually consistent. Over the past two years, a new Six Year TIP development process has been implemented in the County, which not only incorporates these specific GMA requirements, but also expands public input.

Transportation for the County has been included in the 2000-2005 Facilities Plan to ensure a comprehensive listing of all the County's six-year capital facility projects. The transportation section of the Capital Facilities Plan summarizes information from both the Transportation Element (Transportation Systems Plan) and the Six Year TIP.

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**Current Facilities**

The County's road system consists of just over 800 miles of roadway, with 176 miles of minor collectors, 426 miles of rural local roads, and 22 miles of roads with urban classifications. The detailed road inventory for the County is included in the Transportation Systems Plan, Chapter II and Appendices A and B.

**Level of Service (LOS)**

The Transportation Systems Plan introduces level of service standards, as follows:

> *"Level of service (LOS) is a term that normally refers to the relative congestion of an intersection or a street, road, or highway segment. (LOS can also be used for other transportation modes). While there is a very specific methodology from the Highway Capacity Manual that is often used for its measurement, level of service is a broad concept which can be measured in a variety of ways. Many cities and counties throughout Washington have developed customized LOS methodologies to fit their specific local needs. In Skagit County, we have done this as well.*
>
> *Once a level of service methodology is in place, a level of service standard or level of service standards can be set. A level of service standard is usually a congestion level measured by the LOS methodology, above which a road is considered to no longer function adequately in the manner to which is was designed. Once the LOS standard is exceeded on a road, the road is considered in need and improvements will need to be made."*

The traditional methods for evaluating and determining the level of service for a roadway are documented in the Highway Capacity Manual. Generally, the level of service is rated on a scale from "A" to "F", much like academic grading. LOS "A" through "C" implies free flow traffic with minimal delays, while LOS "D" and "E" imply unstable traffic flow with significant delays. LOS "F" implies forced unstable traffic flow with the potential for substantial delays.

For several reasons, Skagit County decided to implement the Birdsall Methodology for rural road LOS, instead of the traditional "A" through "F" LOS rating. One of the main features of the Birdsall methodology is the concept of "planned capacity" of a roadway. (The "planned capacity" of a roadway tends to be lower than the actual traffic capacity of the roadway as defined in the Highway Capacity Manual.) Another feature of this methodology is including the use of VMT (vehicle miles of travel) on roadway segments in need when determining concurrency.

A final important feature of this methodology is the "overload tolerance standard". For the County, that standard is adopted at 30%, which means that at any given time, 30% of the VMT on the County road system are allowed to be on segments in need without violating concurrency requirements. Because this non-traditional LOS methodology has been adopted for use in Skagit County, most of the detailed discussion and procedures related to LOS and concurrency presented in earlier sections of this Capital Facilities Plan do not apply to transportation. A detailed description of the County's LOS methodology and standards for transportation is included in Chapter V of the County's Transportation Systems Plan.

**Capital Facilities Projects and Financing**

The County's transportation system includes (1) five road improvement programs at a cost of $17,819,000; (2) twenty-four "capacity" road projects at a cost of $28,487,000; and (4) Guemes Island Ferry System projects at a cost of $1,259,000. The proposed financing plan is shown on Table TR-3.

**Concurrency (Adequate Public Facilities)**

Each year, in conjunction with the development of the Six-Year TIP, the County Engineer will produce a Concurrency Report for County Roads. This report will include both a system-wide concurrency analysis and an individual road segment and intersection concurrency analysis. The information used in the analysis will reflect both new planned

capacity from recently completed road projects and additional traffic from new development projects and from general traffic growth. The Concurrency Report will be used to help determine the balance between LOS projects and other types of projects for the Six-Year TIP. It will also be used in the concurrency review for specific development projects. The Transportation Systems Plan (Chapters V and VI) provides more detailed information on concurrency and road needs in the County.

| TABLE TR-2<br>CURRENT FACILITIES INVENTORY<br>ROADWAY FACILITIES* |
|---|
| *The detailed road inventory for the County is included in the Transportation Systems Plan. |

**□TABLE TR-3**
**CFP PROJECTS AND FINANCING PLAN**
(All projects are times $1,000)
**TRANSPORTATION**
**SKAGIT COUNTY**

| (1) COSTS/REVENUES | (2) 2000 | (3) 2001 | (4) 2002 | (5) 2003 | (6) 2004 | (7) 2005 | (8) TOTAL |
|---|---|---|---|---|---|---|---|
| ***Non-Capacity Projects: Road Improvement Programs*** | | | | | | | |
| **Spot Safety Improvement Program (Various Locations)** | | | | | | | |
| Cost | 0.0 | 420.0 | 420.0 | 420.0 | 420.0 | 420.0 | 2100.0 |
| Rev. - Road Fund | 0.0 | 420.0 | 420.0 | 420.0 | 420.0 | 420.0 | 2100.0 |
| **County Guardrail Program (Various Locations)** | | | | | | | |
| Cost | 28.0 | 220.0 | 220.0 | 220.0 | 220.0 | 220.0 | 1128.0 |
| Rev. - Road Fund | 28.0 | 220.0 | 220.0 | 220.0 | 220.0 | 220.0 | 1128.0 |
| **Minor Construction Program (Various Locations)** | | | | | | | |
| Cost | 270.0 | 323.0 | 323.0 | 323.0 | 323.0 | 323.0 | 1885.0 |
| Rev - Road Fund | 270.0 | 323.0 | 323.0 | 323.0 | 323.0 | 323.0 | 1885.0 |
| **Asphalt Overlay Program (Various Locations)** | | | | | | | |
| Cost | 56.0 | 730.0 | 730.0 | 730.0 | 730.0 | 730.0 | 3706.0 |
| Rev. - Road Fund | 56.0 | 370.0 | 370.0 | 370.0 | 370.0 | 370.0 | 1906.0 |
| Rev. – CAPP | 0.0 | 360.0 | 360.0 | 360.0 | 360.0 | 360.0 | 1800.0 |
| **Fish Passage Projects (Various Locations)** | | | | | | | |
| Cost | 1500.0 | 1500.0 | 1500.0 | 1500.0 | 1500.0 | 1500.0 | 9000.0 |
| Rev. - Road Fund | 750.0 | 750.0 | 750.0 | 750.0 | 750.0 | 750.0 | 4500.0 |
| Rev. – State | 375.0 | 375.0 | 375.0 | 375.0 | 375.0 | 375 | 2250.0 |
| Rev. – Federal | 375.0 | 375.0 | 375.0 | 375.0 | 375.0 | 375.0 | 2250.0 |
| **Sub-Total** | **1854.0** | **3193.0** | **3193.0** | **3193.0** | **3193.0** | **3193.0** | **17819.0** |
| **Alger Can Lake Road – Old Hwy. 99 N. To County Line (Widening-Restructuring)** | | | | | | | |
| Cost | 84.0 | | | | | | 84.0 |
| Rev.-Road Fund | 8.0 | | | | | | 8.0 |
| Rev. – Federal | 76.0 | | | | | | 76.0 |
| **Cascade River Road – End of Pavement (Grading, Drainage, Widening, Paving Gravel Surface)** | | 200.0 | 920.0 | | | | 1120.0 |
| **Casino Drive – S. March Point Road to Casino (Grading, etc.)** | | | | | | | |
| Cost | 44.0 | 456.0 | | | | | 500.0 |
| Rev-Road Fund | 8.8 | 91.2 | | | | | 100.0 |
| Rev-State | 35.2 | 364.8 | | | | | 400.0 |

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**TABLE TR-3**

**CFP PROJECTS AND FINANCING PLAN**
(All projects are times $1,000)

**TRANSPORTATION**
**SKAGIT COUNTY**

| (1) COSTS/REVENUES | (2) 2000 | (3) 2001 | (4) 2002 | (5) 2003 | (6) 2004 | (7) 2005 | (8) TOTAL |
|---|---|---|---|---|---|---|---|
| ***Capacity Projects: Roads (Continued)*** | | | | | | | |
| **Cook Rd. – Green Road to S-W City Limits (Widening, Grading, Etc.)** | | | | | | | |
| Cost | 6000.0 | | | | | | 600.0 |
| Rev – Road Fund | 3232.0 | | | | | | 3232.0 |
| Rev – State | 700.0 | | | | | | 700.0 |
| Rev – Federal | 2068.0 | | | | | | 2068.0 |
| **Cook Rd. – SW City Limits To SR-20 (Widening, Grading, etc.)** | | | | | | | |
| Cost | 1531.0 | | | | | | 1531.0 |
| Rev. -Road Fund | 0.0 | | | | | | 0.0 |
| Rev. - State | 558.0 | | | | | | 558.0 |
| Rev.-Federal | 973.0 | | | | | | 973.0 |
| **Cook Rd. Intersection & Old Hwy.99N.(Signal upgrade, etc.)** | | | | | | | |
| Cost | 250.0 | 1250.0 | | | | | 1500.0 |
| Rev. - Road Fund | 125.0 | 625.0 | | | | | 750.0 |
| Rev. -State | 125.0 | 625.0 | | | | | 750.0 |
| **Farm to Market Rd. #2 Ovenell Rd. To Josh Wilson Rd. (Grading, widening, etc.)** | | | | | | | |
| Cost | 987.0 | 2138.0 | | | | | 3125.0 |
| Rev.- Road Fund | 513.2 | 1111.8 | | | | | 1625.0 |
| Rev.- State | 315.8 | 684.2 | | | | | 1000.0 |
| Rev.- Federal | 157.9 | 342.1 | | | | | 500.0 |
| **Francis Rd. (UGA) – M.V. City Limits to Lindgren Rd.** | | | | | | | |
| Cost | | | | | 84.0 | 872.0 | 956.0 |
| Rev.- Road Fund | | | | | 17.0 | 174.0 | 191.0 |
| Rev.- State | | | | | 67.0 | 698.0 | 765.0 |
| **Francis Rd. (Rural) – Nookachamps Creek to SR-9 (Grading, Drainage, etc.)** | | | | | | | |
| Cost | | | | 279.0 | 885.0 | | 1164.0 |
| Rev. - Road Fund | | | | 159.0 | 505.0 | | 664.0 |
| Rev. – Federal | | | | 120.0 | 380.0 | | 500.0 |



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**TABLE TR-3**
**CFP PROJECTS AND FINANCING PLAN**
(All projects are times $1,000)

**TRANSPORTATION**
**SKAGIT COUNTY**

| (1) COSTS/REVENUES | (2) 2000 | (3) 2001 | (4) 2002 | (5) 2003 | (6) 2004 | (7) 2005 | (8) TOTAL |
|---|---|---|---|---|---|---|---|
| ***Non-Capacity Projects: Bridge Projects*** | | | | | | | |
| **Josh Wilson Road – Higgins Airport Way to Farm to Market (Grading, drainage, etc.)** | | | | | | | |
| Cost | | | | 920.0 | | | 920.0 |
| Rev. – Road Fund | | | | 420.0 | | | 420.0 |
| Rev. – Federal | | | | 500.0 | | | 500.0 |
| **Kelleher Rd. #1 – Old Hwy 99 N. East for .9 miles (Grading, widening, etc.)** | | | | | | | |
| Cost | 83.0 | 642.0 | | | | | 725.0 |
| Rev. – Road Fund | 26.0 | 199.0 | | | | | 225.0 |
| Rev. – State | 57.0 | 443.0 | | | | | 500.0 |
| **Kelleher Rd. #2 – Mile Post .9 to Mile Post 1.8 (Grading, widening, etc.)** | | | | | | | |
| Cost | 83.0 | 642.0 | | | | | 725.0 |
| Rev. – Road Fund | 26.0 | 199.0 | | | | | 225.0 |
| Rev. – State | 57.0 | 443.0 | | | | | 500.0 |
| **Lake Cavanaugh Rd. – Granstrom Rd. West for 1.85 Miles (Grading, drainage, etc.)** | | | | | | | |
| Cost | | | 125.0 | 615.0 | | | 740.0 |
| Rev. – Road Fund | | | 125.0 | 615.0 | | | 740.0 |
| **Peterson Rd. – Burlington County limits to Pulver Rd. (Grading, widening, etc.)** | | | | | | | |
| Cost | 640.0 | | | | | | 640.0 |
| Rev. – Road Fund | 160.0 | | | | | | 160.0 |
| Rev. – State | 480.0 | | | | | | 480.0 |
| **Prairie Rd. RR Crossing – at BNSF RR Overpass** | | | | | | | |
| Railroad Bridge Replacement | 78.0 | 922.0 | | | | | 1000.0 |
| Rev. – Road Fund | 78.0 | 922.0 | | | | | 1000.0 |

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**TABLE TR-3**
**CFP PROJECTS AND FINANCING PLAN**
(All projects are times $1,000)

**TRANSPORTATION**
**SKAGIT COUNTY**

| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
|---|---|---|---|---|---|---|---|
| COSTS/REVENUES | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | TOTAL |
| Non-Capacity Projects: Road Improvement Programs | | | | | | | |
| **Prairie Rd. #1 – Upper Samish Rd. To SR-9 (Grading, drainage, etc.)** | | | | | | | |
| Cost | 175.0 | 695.0 | | | | | 870.0 |
| Rev. – Road Fund | 75.0 | 295.0 | | | | | 370.0 |
| Rev. – State | 100.0 | 400.0 | | | | | 500.0 |
| **Prairie Rd. #2 – Old Hwy. 99 N. To Samish River Bridge (Grading, drainage, etc.)** | | | | | | | |
| Cost | | | | | 250.0 | 1760.0 | 2010.0 |
| Rev. – Road Fund | | | | | 188.0 | 1322.0 | 1510.0 |
| Rev. – Federal | | | | | 62.0 | 438.0 | 500.0 |
| **Prevedell Rd. – to Pipeline Rd. (Grading, paving, etc.)** | | | | | | | |
| Cost | 532.0 | | | | | | 532.0 |
| Rev. – Road Fund | 532.0 | | | | | | 532.0 |
| **South Shore Rd. – Guemes Island Rd. To Holiday Blvd. (Grading, paving, etc.)** | | | | | | | |
| Cost | | | | 170.0 | 1000.0 | | 1170.0 |
| Rev. – Road Fund | | | | 170.0 | 1000.0 | | 1170.0 |
| **South Skagit Highway – SR9 to Walberg Rd. (Shoulder paving)** | | | | | | | |
| Cost | 279.0 | | | | | | 279.0 |
| Rev. – Road Fund | 28.0 | | | | | | 28.0 |
| Rev. – Federal | 251.0 | | | | | | 251.0 |
| **SR-20/S. March's Point Rd. – Intersection – (Construct new roadway connection)** | | | | | | | |
| Cost | 1485.0 | | | | | | 1485.0 |
| Rev. – Road Fund | 0.0 | | | | | | 0.0 |
| Rev. – State | 654.0 | | | | | | 654.0 |
| Rev. – Federal | 831.0 | | | | | | 831.0 |
| **Town of Edison Streets – MacTaggart, Cains Court, etc. (Paving)** | | | | | | | |
| Cost | 54.0 | 300.0 | | | | | 354.0 |
| Rev. – Road Fund | 54.0 | 300.0 | | | | | 354.0 |

**TABLE TR-3**
**CFP PROJECTS AND FINANCING PLAN**
(All projects are times $1,000)

**TRANSPORTATION**
**SKAGIT COUNTY**

| (1) COSTS/REVENUES | (2) 2000 | (3) 2001 | (4) 2002 | (5) 2003 | (6) 2004 | (7) 2005 | (8) TOTAL |
|---|---|---|---|---|---|---|---|
| **West Bow Hill Rd. – SR-11 To Smith Rd. (Grading, drainage, etc.)** | | | | | | | |
| Cost | 117.0 | 890.0 | | | | | 1007.0 |
| Rev. – Road Fund | 77.0 | 588.0 | | | | | 665.0 |
| Rev. – State | 40.0 | 302.08 | | | | | 342.0 |
| **Sub-Total** | **9939.0** | **6933.0** | **4605.0** | **1494.0** | **2834.0** | **2632.0** | **28437.0** |
| **Non-Capacity Projects – Bridge Projects South Fork Bridge Retrofit- Fir Island Rd. At Skagit River S. Fork (Structural Improvements)** | | | | | | | |
| Cost | | | | 50.0 | | | 50.0 |
| Rev. – Road Fund | | | | 50.0 | | | 50.0 |
| **Sub-Total** | **0.0** | **0.0** | **0.0** | **50.0** | **0.0** | **0.0** | **50.0** |
| **Engine Outdrives – Ferry Boat (Repair/Replace)** | | | | | | | |
| Cost | 100.0 | | 100.0 | | | 100.0 | 300.0 |
| Rev. – Road Fund | 100.0 | | 100.0 | | | 100.0 | 300.0 |
| **Fare Collection System – Anacortes Terminal (new equipment)** | | | | | | | |
| Cost | 10.0 | | | | | | 10.0 |
| Rev. Road Fund | 10.0 | | | | | | 10.0 |
| **Guemes Ferry Parking Lot – 6th St. & K Ave. (construct lot)** | | | | | | | |
| Cost | 449.0 | | | | | | 449.0 |
| Rev. – Road Fund | 403.0 | | | | | | 403.0 |
| Rev. – Federal | 46.0 | | | | | | 46.0 |
| **Parking and Dock Area Improvements – Tidewater Rd. (Paving, drainage, etc.)** | | | | | | | |
| Cost | | 50.0 | 450.0 | | | | 500.0 |
| Rev. – Road Fund | | 50.0 | 450.0 | | | | 500.0 |
| **Sub-total** | **449.0** | **160.0** | **450.0** | **100.0** | **0.0** | **100.0** | **1259.0** |



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**TABLE TR-3**
**CFP PROJECTS AND FINANCING PLAN**
(All projects are times $1,000)

**TRANSPORTATION**
**SKAGIT COUNTY**

| (1) COSTS/REVENUES | (2) 2000 | (3) 2001 | (4) 2002 | (5) 2003 | (6) 2004 | (7) 2005 | (8) TOTAL |
|---|---|---|---|---|---|---|---|
| **SUMMARY: COSTS AND REVENUES** | | | | | | | |
| **COSTS:** | 1,854.0 | 3,193.0 | 3,193.0 | 3,193.0 | 3,193.0 | 3,193.0 | 17,819.0 |
| Road Programs | 9,939.0 | 6,933.0 | 4,605.0 | 1,494.0 | 2,834.0 | 2,632.0 | 28,437.0 |
| Road Projects | 0.0 | 0.0 | 0.0 | 50.0 | 0.0 | 0.0 | 50.0 |
| Bridge Projects | 0.0 | 0.0 | 0.0 | 50.0 | 0.0 | 0.00.0 | 1,259.0 |
| Guemes Ferry Projects | 449.0 | 160.0 | 450.0 | 100.0 | 0.0 | 100.0 | |
| **Total Costs** | 12,242.0 | 10,286.0 | 8,248.0 | 4,837.0 | 6,027.0 | 5,925.0 | 47,565.0 |
| **EXISTING REVENUES** | | | | | | | |
| Rev-Road Fund | 6,153.0 | 5,537.0 | 4,287.0 | 3,107.0 | 4,408.0 | 3,679.0 | |
| Rev – State | 2,469.0 | 2,749.0 | 3,011.0 | 735.0 | 802.8 | 1,433.0 | |
| Rev – Federal | 622.0 | 2,000.0 | 950.0 | 995.0 | 817.0 | 813.0 | |
| Rev – TEA-Tgtd | 2,998.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |
| **Total Revenues** | 12,242.0 | 10,286.0 | 8,248.0 | 4,837.0 | 6,027.0 | 5,925.0 | 47,565.0 |
| **BALANCE** | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0..0 |

# IV. IMPLEMENTATION PROGRAMS

The following programs shall be implemented to ensure that the goals and policies established in the Capital Facilities Plan will be achieved or exceeded, and that the capital improvements will be constructed.

1. Impact Fees. Impact fee ordinances shall require the same standard for the level of service as is required by Policy 1.3.1., and may include standards for other types of public facilities not addressed under Policy 1.3.1.

2. Annual Budget. The annual budget shall include in its capital appropriations all projects in the schedule of capital improvements that are planned for expenditure during the subsequent fiscal year.

3. Update of Capital Facilities Plan. The Capital Facilities Plan shall be reviewed and updated annually. The Plan shall be updated in conjunction with the budget process and the release of the official population estimates and projections by the Office of Financial Management of the State of Washington. The update shall include:

A. Revision of population projections.

B. Update of inventory of public facilities.



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C. Update of costs of public facilities.

D. Update of public facilities requirements analysis (actual levels of service compared to adopted standards).

E. Update of revenue forecasts.

F. Revise and develop capital improvements projects for the next six fiscal years.

G. Update analysis of financial capacity.

H. Amendments to the CFP, including amendments to levels of service standards, capital projects, and/or the financing plan sources of revenue.

4. Concurrency Implementation and Monitoring System. The County should establish and maintain Concurrency Implementation and Monitoring Systems. The Systems should consist of the following components:

A. **Annual Report on the Capacity and Levels of Service of Public Facilities.** The report shall summarize the actual capacity of public facilities compared to the standards for levels of service adopted in Policies 1.3.1 and 1.3.2, and forecast the capacity of public facilities for each of the six succeeding fiscal years. The forecast shall be based on the most recently updated schedule of capital improvements in the Capital Facilities Plan. The annual report shall provide the initial determination of the capacity and levels of service of public facilities for the purpose of issuing development permits during the 12 months following completion of the annual report. Each application, will be analyzed separately for concurrency, as described in B, below.

B. **Public Facility Capacity Review of Development Applications.** The County shall use the procedures specified in Implementation Program A, above, to enforce the requirements of Policy 3.3 at the time each application for development in the unincorporated area is reviewed. Review of applications for development within the County's boundary will be conducted according to the terms of interlocal agreement(s) between the County and municipalities within the County. Records shall be maintained during each fiscal year to indicate the cumulative impacts of all development permits approved during the fiscal year-to-date on the capacity of public facilities as set forth in the most recent annual report on capacity and levels of service of public facilities.

The land development regulations of the County shall provide that applications for development permits that are denied because of insufficient capacity of public facilities may be resubmitted after a time period to be specified in the land development regulations. Such time period is in lieu of, and not in addition to, other minimum waiting periods imposed on applications for development permits that are denied for reasons other than lack of capacity of public facilities. Land development regulations shall require that development commence within a specified time after a development permit is issued, or the development permit shall expire, subject to reasonable extensions of time based on criteria included in the regulations.

C. **Review of Changes to Planned Capacity of Public Facilities.** The County shall review each amendment to this Capital Improvement Element in order to enforce the requirements of Policy 3.1.4.

D. **Concurrency Implementation Strategies.** The County should annually review the concurrency implementation strategies that are developed to implement Policy 3.3 of this Capital Facilities Plan.

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APPENDIX A:

PARKS AND RECREATION FACILITIES INVENTORY

SKAGIT COUNTY

CAPITAL FACILITIES INVENTORY SUMMARY
2000

| FACILITY TYPE | AREA LOCATION | BUILDING OR FACILITY SIZE | LAND OR OTHER SIZE | OTHER FACILITY FEATURES |
|---|---|---|---|---|
| **PARKS** | | | | |
| Burlington/Edison Regional Park | N of B.E. High School | | 25 acres | Shelter/ Sports |
| Clear Lake | Clear Lake | 800 Sq Ft | 1 acres | Swimming/ Picnic |
| Donovan Park | Friday and Parson Cr Rd | Restroom 50 Sq Ft | 3 acres | Picnic/ Play area |
| Guemes Island Playground | Guemes Is & Eden Rd | | 4 acres | Sports/ Picnic |
| Pomona Grange Park | Hwy 99 - 8 miles N Burl | Shelter 1800 Sq Ft | 15 acres | Picnic/ Play area |
| Samish Island Playground | Roney & Holloran | Restroom 50 Sq Ft | 2 acres | Sports/ Picnic |
| Skagit Playfields | N.E. of S.V.C. | All Facilities 4,400 Sq Ft | 25 acres | Sports/ Picnic |
| Howard Miller Steelhead Park | Hwy 20 Skagit River/Rockport | All Facilities 9,300 Sq Ft | 93 acres | Camping/ Hiking Shelters |
| Swinomish Channel | Hwy 20 E. side Channel | Restroom 50 Sq Ft | 3 acres | Picnic/ Boat Launch |
| Ann Wolford Park | Hwy 20 3 mi. W Concrete | | 67 acres | Fish/ Hiking |
| Cascade Park | S. Cascade Marblemount | | 40 acres | Undeveloped |
| Conway Park | S. Fork Bridge Conway | | 5 acres | Picnic/ Camping/ Sports |
| Grandy Lake | Baker Lake Hwy 20 | | 21 acres | Camping/ Fishing |



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| FACILITY TYPE | AREA LOCATION | BUILDING OR FACILITY SIZE | LAND OR OTHER SIZE | OTHER FACILITY FEATURES |
|---|---|---|---|---|
| **PARKS (CONT.)** Skagit Fairgrounds | Hazel & Virginia Mt. Vernon | | 14 acres | Fair/Special Uses |
| Hansen Creek | East of Sedro-Woolley | | 3 acres | Undeveloped |
| Pressentin Park | Hwy 20 Marblemount | | 40 acres | Under Development |
| Rexville Park | Rexville & Summer Rd | | .5 acres | Undeveloped |
| Sauk Park | Lower Bridge & Sauk Rd. | | 30 acres | Camping/ Fishing |
| Sharpe Park | Rosario Rd Fidalgo Is. | | 75 acres | Picnic/ Hiking |
| Young's Park | Guemes Is Island Rd | | 13 acres | Picnic |
| Hausle Site | Marblemount | | .7 acres | Undeveloped |
| Cleveland Park | 1401 Cleveland Mt Vernon | | 1 acres | Sports/ Play area |
| Allen Community Park | Allen | | 14 acres | Sports field |
| Big Rock Park | Hwy 9/ Mt. Vernon | | 15 acres | Environment Preserve Observation |
| Frailey Mountain Shooting Range | | | 300 acres | Special use |
| Northern State | Fruitdale Rd. Sedro-Woolley | | 726 acres | Undeveloped |

| **TRAILS** | | | |
|---|---|---|---|
| Padilla Bay | Padilla Bay | 2 miles | Improved Trail |
| Cascade Trail | Sedro-Woolley to Concrete | 23 miles | Improved trail |
| Centennial Trail | Snohomish County to Sedro-Woolley | 11 miles | Right of Way Only |

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# REVENUE SOURCES FOR CAPITAL FACILITIES

# 2000-2005

***Capital Facilities Plan***

***Support Document***

**SKAGIT COUNTY COMPREHENSIVE PLAN**

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# REVENUE SOURCES FOR CAPITAL FACILITIES

This report identifies and briefly describes revenue sources that are available to Skagit County for capital facilities.

## INTRODUCTION

### Organization of Report

The report is organized in two major sections – Multi Use and Single-Use Revenue Sources:

Section 1. Multi-Use: Revenue sources that can be used for virtually any type of capital facility (but which may become restricted when the County adopts their use for a specific type of capital facility).

Section 2. Single-Use: Revenue sources that can be used only for a particular type of capital facility. In Section 2, the list of revenue sources is organized according to the types of capital facilities for which the revenues may be used.

Within each section revenues are presented in categories:

Taxes
Fees and Charges
Grants and Loans

Some of the sources of revenue that can be used for capital facilities can also be used for operating costs. The discussion of limitations on the use of each revenue source indicates whether it may be used only for capital expenditures, or whether it may be used for other purposes.

Each revenue source is presented in a standard format:

a. Type of local government that can use the source of revenue.
b. Source of revenue, including its basis, and general purposes for which the revenue can be used.
c. Specific limitations and requirements for use of the revenue.
d. Decision basis (local government discretion, voter approval required, state grant, or state entitlement).
e. Current use in Skagit County describes whether or not the County currently uses the revenue source, and any notes about its use and the amount the County collects.
f. 2000-2005 Capi2000-2005 Capital Forecast (which corresponds to the six-year Capital Facilities Plan) shows amount that could be collected if the County uses the additional revenue source for capital, and notes regarding the basis of the forecast.



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**New Revenue Vs. Borrowed Money**

This report includes bonds as a source of revenue for capital facilities. Bonds are not a source of "original" revenue. Rather, bonds are a use of money borrowed by a local government, and they require a source of "original" revenue (such as those listed and described in this report), to be used to repay the bondholders. General obligation bonds can create a "new" source of revenue when they are repaid by additional (excess levy) property taxes that are specifically approved by local voters.

- General Obligation (G.O.) Bonds are secured by the "full faith and credit" of the government, and repayment can be made from any unrestricted revenue source. Generally, G.O. bonds are repaid with tax revenue, and local governments must obtain voter approval to issue most G.O. bonds and raise taxes for their payment. One kind of G.O. bond (Commissioner bonds) can be issued without voter approval.

- Revenue Bonds are secured by a specific revenue source, usually a user fee or charge, and can be issued without voter approval. For example, a government might finance a water or sewer system with a revenue bond, and designate part of income from users of the facility to make the principal and interest payment.

G.O. bonds are mostly used for general government (non-utility) purposes, and revenue bonds are used most frequently for utilities (water, sewer, etc.).

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## SECTION 1. MULTI-USE REVENUE SOURCES

### TAXES

### 1. Property Tax and Levy "Lid Lift"

a. **Type of Local Government:** Cities, counties and special purpose districts.

b. **Source/Purpose:** RCW 84.52 authorizes this tax on the assessed valuation of real property. Presently, the maximum rate is $3.60 per $1,000 assessed valuation for cities, and for counties is approximately $1.80 per $1,000 assessed valuation (general) and $2.25 per $1,000 assessed valuation (roads).

A property tax 106% lid was imposed in 1973 (RCW 84.55). It prohibits a local government from raising its levy more than 6% of the highest amount that could have been lawfully levied in the last 3 years (before adjustments for new construction and annexation).

The State also authorizes temporary or permanent increase above the 106% lid (up to the statutory limit), subject to approval by local voters.

A temporary "lid lift" requires the following to be specified: (1) proposed levy rate, (2) time period for which the levy will be in effect, and (3) purpose of the levy increase. When the limited time period expires, or when the limited purpose is satisfied, whichever comes first, subsequent levies are computed as if the excess levy had not been approved.

A permanent "lid lift", on the other hand, is not required to identify a specific time period or purpose for the tax revenue. Upon voter approval of a permanent "lid lift", the new levy rate is used to compute the limitation for all subsequent levies.

Referendum 47 was passed in the general election of 1997. This referendum requires local governments to hold a public hearing and pass resolutions should the local government desire to increase the regular property tax levy rate above the implicit price deflator. This referendum does not impact our analysis forecasting future property tax revenues because our limit could still be the 106% as long as the need is established, proper public hearings are held and the proper resolutions are passed.

c. **Limitations/Requirements:** None.

d. **Decision Basis:** County Commission decision for levy that does not exceed 106% of tax revenues in past 3 years. "Lid lifts" (exceeding 106%) require approval by 60% or more of the voters.

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e. **Current Use in Skagit County**: The 1999 regular levy under the 106% lid is $1.6767 per $1,000 assessed valuation. The levy approved by the Commissioners is $1.6460 per $1,000 assessed valuation. This levy is distributed to several funds as follows: The General Fund levy allocation (1.6077) generates $11,324.565 for operating and maintenance costs. The Mental Health levy allocation (0.233) and Veterans Relief Fund levy allocation (0.0156) generated $273,709 for operating costs. No regular levy monies are used for capital improvements, except as may be budgeted within the General Fund or Capital Facilities Fund #340.

f. **2000-2005 Capital Forecast:**
Not forecast. This study assumes the County will not consider a levy lid lift during the planning period.

2. **General Obligation Bonds (Voted and Non-Voted)**

a. **Type of Local Government:** Cities, counties and special purpose districts.

b. **Source/Purpose:** G.O. Bonds are backed by the value of the property within the jurisdiction (full faith and credit). There are two types of G.O. Bonds: voter-approved and Commissioner.

Voter-approved bonds will increase the property tax rate, with the increased revenues dedicated to paying principal and interest on the bonds. Local governments are authorized "excess levies" (increases in the regular property tax levy (RCW 84.52) above the $1.80 per $1,000 assessed valuation ($3.60 for cities) statutory limit (general) and $2.25 per $1,000 assessed valuation statutory limit (roads) to repay voter-approved bonds. There is no dollar limit for this levy, however, the total amount of debt is limited as described below (see Limitations/Requirements).

Non-voted or Commissioner bonds, on the other hand, are authorized by the jurisdiction's legislative body without the need for voter approval. Principal and interest payments for Commissioner bonds come from general government revenues, without a corresponding increase in taxes, which means that this method of bond approval does not utilize a dedicated funding source for repaying the bondholders.

c. **Limitations/Requirements:** The amount of local government debt for counties is restricted by law to 2.5% of taxable value of property for general purpose bonds (RCW 39.36.020(2)(b). Of the 2.5% for general purpose debt, the County may issue up to 1.5% in the form of Commissioner bonds (RCW 39.36.020(2)(a)(ii).

An excess levy cannot be used to finance the replacement of equipment (RCW 84.52.056).



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An excess property tax can also be imposed for a single year (two years for school districts) for general purposes (i.e., capital facilities, maintenance, or operations). See RCW 84.52.052. This excess property tax levy must be approved by a 60% majority vote and the total number of voters must be at least 40% of those voting in the most recent general election.)

a. **Decision Basis:** Local government decision: 60% majority required for voter-approved bonds/excess levy. Only legislative body approval required for Commissioner bonds and lease purchase.

b. **Current Use in Skagit County:**
**NON-VOTED DEBT:** The County's total non-voted debt liability as of 12/31/99 is $11,325,000. The County's non-voted debt liability as of 12/31/99 is $10,490,000 for Solid Waste related bond issues and $835,000 for the Family Resource Center bond issue. Debt Service obligations for Solid Waste related bonds are paid from Solid Waste tipping fees. Debt service obligations for the Family Resource Center related bonds are paid from rental income received from participating agencies.
**VOTED GENERAL OBLIGATION DEBT:** The County does not have any voted general obligation debt as of 11/1/99.

c. **2000-2005 Capital Forecast:**
The debt capacity forecasts are presented in 2 sections: (1) voted general obligation bond debt capacity and (2) non-voted debt capacity. The statutes provide an overall cap of 2.5% of assessed value on bonds, however, we prepared separate forecasts for 1.0% (voter approved) and 1.5% (non-voted) in order to show non-voted debt capacity separate from the total debt capacity. We recognize that the County could exceed the 1.0% limit for voter approved general obligation debt by using part or all of the 1.5% non-voted debt service capacity as long as the total does not exceed 2.5%.

The basis for the forecasts is the 1999 countywide assessed valuation of $7,017,761,702.

For 1998 data the total general purpose debt capacity is calculated at 1.0% (voted G.O. Bonds) and 1.5% (councilmanic) of the assessed valuation. The debt capacity "growth increment" is calculated by subtracting the prior year's total debt capacity from the current year's total debt capacity. In the right-hand column the total unused debt capacity is calculated per year by subtracting the existing debt from total debt capacity.

Beginning in 2000 the "Unused Debt Capacity" changes from reflecting total unused debt capacity to reflecting the annual "growth increment" in unused debt capacity (i.e., the 2000 debt capacity minus the 1999 existing debt/issues equals 2000 unused debt capacity increment).



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The forecasts (Tables 1 and 2) assume 8.5% combined annual growth in assessed valuation. There are two components in this weighted average growth rate: .

1) The estimated increase in assessed value of existing property and development of 6.0% annually. The assessed value of existing property and development is conservatively estimated to increase at approximately 6% per year, which is considerably less than the average rate of increase during the last 8 years of 12.0%. The more conservative number of 6% is used because of the downward trend experienced in 1997 through 1999.
2) The assessed value for new construction is estimated to be 2.5% of assessed value for the specified year, which is the average for the past four years.

## DEBT CAPACITY FORECAST: 2000-2005

| Type of Debt | Percent of Taxable Value | Debt Capacity ($ million) | Table |
|---|---|---|---|
| Voted G.O. Bonds | 1.0% | 111.36 | 2A |
| Commissioner Bonds | 1.5 | 155.99 | 2B |
| **Total** | 2.5% | 267.35 | |

## TABLE 1. VOTED GENERAL PURPOSE BONDS

| FORECAST | ASSESSED VALUE | DEBT CAPACITY @ 1.0% OF ASSESSED VALUE | DEBT CAPACITY GROWTH INCREMENT | EXISTING VOTED DEBT | UNUSED DEBT CAPACITY |
|---|---|---|---|---|---|
| **% GROWTH RATE** | 8.5%* | NA | NA | NA | NA |
| 2000 | 7,579,182,638 | 75,791,826 | 75,791,826 | | 75,791,826 |
| 2001 | 8,185,517,249 | 81,855,172 | 6,063,346 | | 6,063,346 |
| 2002 | 8,840,358,629 | 88,403,586 | 6,548,414 | | 6,548,414 |
| 2003 | 9,547,587,319 | 95,475,873 | 7,072,287 | | 7,072,287 |
| 2004 | 10,311,394,305 | 103,113,943 | 7,638,070 | | 7,638,070 |
| 2005 | 11,136,305,849 | 111,363,058 | 8,249,115 | | 8,249,115 |
| **6-YEAR TOTAL** | NA | NA | NA | NA | **111,363,058** |



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TABLE 2: NON-VOTED BONDS

| FORECAST | ASSESSED VALUE | DEBT CAPACITY @ 1.5% OF ASSESSED VALUE | DEBT CAPACITY GROWTH INCREMENT | EXISTING COUNCIL MANIC DEBT | UNUSED DEBT CAPACITY |
|---|---|---|---|---|---|
| % GROWTH RATE | 8.5%* | NA | NA | NA | NA |
| 2000 | 7,579,182,638 | 113,687,740 | | 11,325,000 | 102,632,740 |
| 2001 | 8,185,517,249 | 122,782,758 | | 9,095,019 | 9,095,019 |
| 2002 | 8,840,358,629 | 132,605,379 | | 9,822,621 | 9,822,621 |
| 2003 | 9,547,587,319 | 143,213,810 | | 10,608,000 | 10,608,000 |
| 2004 | 10,311,394,305 | 154,670,915 | | 11,457,105 | 11,457,105 |
| 2005 | 11,136,305,849 | 167,044,587 | | 12,373,673 | 12,373,673 |
| 6-YEAR TOTAL | NA | NA | NA | **11,325,000** | **155,989,158** |

Combination of aforementioned 6% and 2.5% growth rates.

**3. Real Estate Excise Tax**

**a. Type of Local Government:** Cities and counties.

**b. Source/Purpose:** RCW 82.46 authorized real estate excise tax levy of ¼%. The Growth Management Act authorized another ¼% for capital facilities, and requires the existing ¼% real estate excise tax to be used primarily for financing capital facilities specified in the local government's capital facilities plan.

**c. Limitations/Requirements:** Revenues from this tax must be used for financing capital facilities specified in the local government's capital facilities plan. For counties and cities within those counties that "opt in", this additional tax must be voter approved. Skagit County is required to plan under the Growth Management Act, therefore, the Real Estate Excise Tax can be approved by the Board of County Commissioners.
Both the first and second ¼% of real estate excise tax revenue may be used for the following capital facilities:

1) The planning, acquisition, construction, re-construction, repair, replacement, rehabilitation or improvement of:

Streets,
Roads,
Highways,
Sidewalks,
Street and Road Lighting Systems,
Traffic Signals,
Bridges,



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Domestic Water Systems, and
Storm and Sanitary Sewer Systems.

2) The planning, construction, reconstruction, repair, rehabilitation, or improvement of parks and recreation facilities.

In addition, the first ¼% real estate excise tax may be used for the following capital facilities:

1) The acquisition of parks and recreation facilities;
2) The planning, acquisition, construction, re-construction, repair, replacement, rehabilitation or improvement of:

Law Enforcement Facilities;
Fire Protection Facilities;
Trails;
Libraries;
Administrative and Judicial Facilities.

d. **Decision Basis:** Local government discretion per RCW 82.46.010.

e. **Current Use in Skagit County:** The County has enacted only the first ¼% Real Estate Excise Tax. The 1998 actual revenue totaled $787,946 which was allocated entirely to capital projects.

f. **2000-2005 Capital Forecast:**

1st & 2nd ¼% R.E.E.T.

| Planning Period | R.E.E.T. 1st ¼% ($ Million) | R.E.E.T. 2nd ¼% ($ Million) |
|---|---|---|
| 2000-2005 | $ 3.55 | $ 3.55 |

The forecast in the following table (Table 3) shows the amount of R.E.E.T. revenue the County would generate for capital facilities from 2000 through 2005 from both the 1st and 2nd ¼%, realizing the 2nd ¼% has not been imposed.

The basis for the 2000-2005 forecast is the 1999 revenue of $550,000 and assumes continuation of the County's policy of using this revenue for capital projects only.

The forecast assumes 2.90% annual growth in real estate transactions. There are three components in this average growth rate:

1) Revenue generated from sales of existing property and development (1999) is projected to remain constant. It is virtually impossible to predict with any accuracy a wide variety of economic conditions, such as interest rates, unemployment rates, household formation rates or housing inventories, which



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will affect real estate transactions. As a result, we assume that real estate transactions for the resale of existing property will remain at the same level;

2) Revenue generated from sales of new residential construction is estimated to grow by 2.30% per year. This is consistent with the County's average annual population growth for the period 1994-1998; and,

3) Revenue generated from sales of new non-residential construction will grow by 3.5% per year. This is consistent with the County's average annual civilian labor force growth rate for 1991-1997 (Source): State of Washington, Employment Security Department).

**TABLE 3. REAL ESTATE EXCISE TAX: 1st ¼% and 2nd ¼%**

| | 1st ¼% REET REVENUE | 2nd ¼% REET REVENUE |
|---|---|---|
| **FORECAST % GROWTH RATE** | **2.90%** | **NA** |
| **2000** | 550,000 | 550,000 |
| **2001** | 565,950 | 565,950 |
| **2002** | 582,362 | 582,362 |
| **2003** | 599,251 | 599,251 |
| **2004** | 616,629 | 616,629 |
| **2005** | 634,511 | 634,511 |
| **6-YEAR TOTAL** | **3,548,703** | **3 548,703** |

**4. Local Option Sales Tax**

**a. Type of Local Government:** Cities, counties, and public transportation benefit authorities.

**b. Source/Purpose:** State legislature authorizes local option retail sales and use tax (RCW 82.14) of up to 1% of which first .5% was granted in 1970 and the additional .5% in 1982.

**c. Limitations/Requirements:** Local governments that levy second .5% may participate in a sales tax equalization fund, whereby all counties and cities can obtain up to 70% of the statewide average per capita yield of the total sales tax.

**d. Decision Basis:** Local discretion with voter approval. The additional 0.6% (Metro and PTBA's) also requires voter approval.

**e. Current Use in Skagit County:** The County has enacted both the first and second 0.5% Local Option Sales. The County's actual 1998 Local Option Sales Tax revenues was $4,743,032. The sales tax revenue was used for operating and maintenance costs.

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f. **2000-2005 Capital Forecast:**
Not forecast. The 1999 budgeted revenue of $4,350,000 will also be used for operating and maintenance costs. This study assumes the County will continue its policy of using the Local Option Sales Tax for operating and maintenance costs during the planning period.

5. **Motor Vehicle Excise Tax (Sales Tax Equalization)**

a. **Type of Local Government:** Cities and counties.

b. **Source/Purpose:** RCW 82.44 authorizes this annual excise tax (2.2%) paid by motor vehicle owners and administered by the Department of Licensing.

c. **Limitations/Requirements:** Cities receive 17% of base allocations, and are required to spend these funds for police and fire protection and the preservation of public health (including capital facilities). Counties receive 2% of the base allocations, which provide the revenues for their sales tax equalization fund. The state receives the remainder (71%).

d. **Decision Basis:** State shared revenue distributed to cities and counties.

e. **Current Use in Skagit County:** No revenue was received during 1998.

f. **2000-2005 Capital Forecast:** Not forecast. This study assumes the County will continue to be ineligible for sales tax equalization.

6. **Timber Tax**

a. **Type of Local Government:** Counties and other local taxing districts (excluding cities).

b. **Source/Purpose:** RCW 84.33 authorizes this timber yield tax paid by the timber harvester and administered by the Department of Revenue. The tax is based on a fixed percentage of gross harvest value and paid quarterly by the timber harvester.

The State legislature imposes a 5% tax. Each county is allowed to enact a local timber excise tax on private timber at a rate of 4%, which is allowed as a credit against the State tax. If the county tax is imposed, the 4% timber tax revenues are returned to the County to be deposited in a "local Timber Tax Distribution Account" and distributed to local taxing districts.
Private timber tax revenues are distributed to the State, counties, and other local taxing districts (excluding cities) in proportion to the value of the harvest in each taxing district.

c. **Limitations/Requirements:** There are no expenditure limitations upon funds from this revenue source.



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d. **Decision Basis:** State shared revenue distributed to counties and other local taxing districts (excluding cities).

e. **Current Use in Skagit County:** In 1998 actual revenue totaled $ 717,182 and was allocated to the following funds:

**General Fund:** $285,431 (40.0%) for operating costs.
**Human ResourcesFund:** $3,304 (.05%) for operating costs.
**Veterans Relief Fund** $2,839 (.04%) for operating costs.
**Medic One Fund:** $43,304 (6.0%) for operating costs.
**County Road Fund:** $371,340 (51.8%) for operating costs.
**Conservation Futures Fund:** $10,964 (1.5%) for operating costs.

f. **2000-2005 Capital Forecast:** Not forecast. The 1999 budgeted revenue of $698,700 will also be used for operating costs. This study assumes the County will continue it's policy of using the Timber Tax revenue for operating costs.

7. **Admissions Tax**

a. **Type of Local Government:** Cities and counties.

b. **Source/Purpose:** RCW 35.21.280 (cities) and RCW 36.38.010 (counties) authorize this tax on the price paid for admission. The maximum rate is 5% of the admission charge. Admission charge includes:

- A charge made for season tickets or subscriptions;
- A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- A charge made for food and refreshment on any place where free entertainment, recreation or amusement is provided;
- A charge made for rental or use of equipment or facilities for purposes of recreation or amusement is provided; if the rental of equipment or faciliteis is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

The admission charge for an activity of any elementary or secondary school is exempt from this tax.

c. **Limitations/Requirements:** There are no expenditure limitations upon funds from this revenue source.

d. **Decision Basis:** Local government discretion.



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e. **Current Use in Skagit County:** The County has not enacted on admissions tax.

f. **2000-2005 Capital Forecast:** Not forecast. This study assumes the County will continue it's policy of not enacting Admissions Tax or would use the revenue for operating costs.

8. **Gambling Tax**

a. **Type of Local Government:** Cities and counties.

b. **Source/Purpose:** RCW 9.46.110 authorizes this tax on the gross receipts of gambling activities. The maximum rates are:

| | |
|---|---|
| Amusement Games* | 2% |
| Punch Boards | 5% |
| Pull Tabs | 5% |
| Bingo* | 10% |
| Raffles | 10% |
| Social Card Games | 20% |

The maximum rates for taxes on fund raising events is not specified. Charitable or non-profit organizations with combined gross receipts of no more than $5,000 per year from bingo, raffles or amusement games are exempt (as long as no paid personnel operate the games).

- Taxable receipts = gross receipts less amount paid as prizes.

c. **Limitations/Requirements:** RCW 9.46.113 states that gambling tax revenue shall be used "primarily for the purpose of enforcement of the provisions of this chapter". In American Legion Post No. 32 V. City of Walla Walla, the Washington Supreme Court handed down a decision which clarified the definition of "primarily". The court said that gambling tax revenues must "first be used" for gambling law enforcement purposes to the extent necessary for that city. The remaining funds may then be used for any general government purpose.

d. **Decision Basis:** Local government discretion.

e. **Current Use in Skagit County:** The County has not enacted a Gambling Tax.

f. **2000-2005 Capital Forecast:** Not forecast. This study assumes continuation of the current County policy of not enacting a Gambling Tax or assumes the County would use the revenue for operating and maintenance costs.



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## GRANTS AND LOANS

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### 9. Community Development Block Grant (CDBG)

a. **Type of Local Government:** Non-entitlement cities and counties.

b. **Source/Purpose:** Department of Community, Trade and Economic Development Community Protection and Development Division revenue available (approximately $9.0 million annually through the Federal Department of Housing and Urban Development) for public facilities projects, economic development, housing, and comprehensive projects which benefit low and moderate income households, such design, construction, and reconstruction of water and sewer projects, flood and drainage facilities, street improvements, including traffic signals.

c. **Limitations/Requirements:** Revenue must be used for projects which principally (51%) benefit low and moderate income households, citizen participation/community development plan. Funds may not be used for maintenance and operations.

d. **Decision Basis:** 100% grants available primarily to applicants who indicate prior commitment to project.

e. **Current Use in Skagit County:** 1998 actual revenue administered by the County was $1,547,724. In 1998, this funding was utilized as part of the flood hazard mitigation buyout program, east County facility planning or passed through to other agencies.

f. **2000-2005 Capital Forecast:** Not forecast. The County's 1999 budget does not anticipate any CDBG revenue for County projects except disaster recovery property buyouts and Cockerham levee improvements. The County will administer funds for non-county entities to use for operating and capital projects. Forecasts of grant revenue for the planning period (i.e., 2000-2005) would be based on a listing of eligible projects.

### 10. Community Development Block Grant (CDBG) Section 108 Loan

a. **Type of Local Government:** Non-entitlement cities and counties.

b. **Source/Purpose:** Department of Community, Trade and Economic Development Community Protection and Development Division loans available ($12,162,000 in 1993 through the Federal Department of Housing and Urban Development) for promotion of CDBG eligible activities in support of local community and economic development projects which are too large to be financed by other means. Loans may be



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used for acquisition of real property, rehabilitation of publicly owned real property, housing rehabilitation and economic development activities.

c. **Limitations/Requirements:** Revenue must be used for projects which benefit low and moderate income households. Applicants may request a minimum of $250,000 or a maximum of one-third of all state funds available.

d. **Decision Basis:** 100% loans available primarily to applicants who demonstrate that a concerted effort was made to obtain alternative sources of revenue and that such sources were insufficient to meet financing needs.

e. **Current Use in Skagit County:** The County does not utilize this revenue source.

f. **2000-2005 Capital Forecast:** Forecasts for loan revenue would be based on a listing of eligible projects.

11. **Community Economic Revitalization Board (CERB)**

a. **Type of Local Government:** Cities, counties, port districts, special purpose utility districts, and designated timber impact communities.

b. **Source/Purpose:** RCW 43.160.060 authorizes Department of Community, Trade and Economic Development revenue available for low interest loans and occasional grants to finance sewer, water, access roads, bridges, etc. For a specific private sector development. ($8.0 million has been authorized for the 1998-2000 biennium).

RCW 43.160.200 (expires June 30, 2000) authorizes revenue, as appropriated through RCW 43.160.060, for loans to designated rural natural resources to include Timber and Salmon Impact Areas for the same type of projects as described in RCW 43.160.060. (75% of the biennial appropriation must be invested in rural natural resource areas.) In addition, revenue is available for grants for feasibility studies.

RCW 43.160.210 (effective June 30, 2000) authorizes loans and grants, as appropriated through RCW 43.160.060 to distressed counties to finance development of water, sewer, industrial roads and industrial park infrastructure.

c. **Limitations/Requirements:** RCW 43.160.060: Funding is available only for projects which will result in specific private developments or expansions in manufacturing and businesses that support the trading of goods and services outside of the State's borders. Funding is <u>not</u> available

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to support retail shopping developments, or projects that would displace existing jobs in any community in the State, or for acquisition of real property. Projects must create or retain jobs. The average requirement is to create one job per $3,000 of CERB financing.

RCW 43.160.200: Applicants are limited to political subdivisions in timber impact areas that demonstrate the local economy's dependence on the forest products industry. Funding is available only for projects which are part of an economic development plan consistent with state planning requirements, and have demonstrated economic feasibility and community support. The project maximum is $25,000 for feasibility studies, $250,000 for tourism projects and $500,000 for industrial projects.

RCW 43.160.210: Funding is available only for distressed counties. Distressed counties include any county in which the average level of unemployment for the last three years before the year in which an application for a loan or grant is filed, exceeds the average state unemployment for those years by 20%.

d. **Decision Basis:** Funds are available by application without matching requirement, although funds will be available mostly to those applicants that demonstrate prior commitment to the project. Loan maximum is 10% for up to 20 years.

e. **Current Use in Skagit County:** The County did not receive revenue from this source in 1998.

f. **2000-2005 Capital Forecast:** The County's 2000 budget does not anticipate any revenue from this source. Forecasts for loan and grant revenue would be based on a listing of eligible projects.

12. **USDA Rural Development**

a. **Type of Local Government:** Cities, counties, port districts, and Indian tribes.

b. **Source/Purpose:** Federal loans available (i.e., community facility loans) to develop community facilities for public use in rural areas and towns of not more than 20,000 people.

The FHA is also authorized to guarantee loans to borrowers in rural areas and in towns of up to 10,000 people for developing water and waste disposal facilities and, for towns up to 20,000 people, for developing other essential community facilities.



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c. **Limitations/Requirements:** Funds may be used to construct, enlarge or improve community acilities for health care, public safety and public services (community facilities loans) and water, waste disposal and other essential community facilities (guaranteed loans).

d. **Decision Basis:** Federal loans available within a 45%-25% local matching range.

e. **Current Use in Skagit County:** The County has not utilize this revenue source; however, it may be utilized for Marblemount water system improvements.

f. **2000-2005 Capital Forecast:** Forecasts for grant revenue would be based on a listing of eligible projects.

13. **Public Works Trust Fund (PWTF)**

a. **Type of Local Government:** Cities, counties, and special purpose districts.

b. **Source/Purpose:** Department of Community, Trade and Economic Development revenue available for capital facilities (1) construction ($45 million in 1995), (2) emergency planning (varies), and (3) capital improvement planning ($400,000 annually). Low interest loans are used for construction projects for bridges, roads, domestic water, sanitary sewer, and storm sewer; emergency planning projects for remedying public works emergencies; and capital improvement planning projects for upgrading planning capabilities.

c. **Limitations/Requirements:** Applicants for construction loans must have a capital facilities plan (CFP) in place, cities and counties must be levying the original ¼% real estate excise tax, and both construction and emergency planning projects must be for construction or reconstruction of existing capital facilities only. Capital improvement planning projects are limited to planning for streets and utilities.

d. **Decision Basis:** Loans for construction projects are available by application with local matching share generated only from local revenues or State shared entitlement (gas tax) revenues. Required local share is 10% match for 3% loan, 20% match for 2% loan, and 30% match for 1% loan.

Emergency planning loans are at 5% interest rate. If state or federal disaster funds are received, they must be applied to the loan for the life of the project (20 years). Capital improvement planning loans are at 0% interest rate, but require a 25% local match.



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e. **Current Use in Skagit County:** Skagit County did not receive revenue from this source in 1998.

f. **2000-2005 Capital Forecast:** The County's 2000 budget does not anticipate any PWTF revenue. We are currently not eligible for PWTF loans as our Comprehensive Plan is out of compliance with GMA. Forecasts for loan revenue would be based on a listing of eligible projects.

## 14. Public Works Trust Fund (PWTF) Timber Program

a. **Type of Local Government:** Designated timber impact communities (counties with populations less than 500,000 and cities within those counties).

b. **Source/Purpose:** Department of Community, Trade and Economic Development revenue available ($6.8 million for the 1993-95 biennium) for low interest loans for bridge, road, domestic water, sanitary sewer and storm sewer projects to support industrial, commercial and tourism projects.

c. **Limitations/Requirements:** Counties and cities must meet two of the following three criteria, as determined by the employment security department (for the year such data is available) in order to be designated as a timber impact area" (RCW 43.160.020(11)(a):

1. A lumber and wood products employment location quotient at or above the state average;
2. Projected or actual direct lumber and wood products job losses of one hundred positions or (1,000 positions or more if population is greater than 200,000); or,
3. An annual unemployment rate 20% or more above the state average.

The Economic Recovery Coordinating Board, established by RCW 43.31.631 can also designate a community as a timber impact area if it makes a finding that a community is socially and economically integrated with areas that meet the definition above (RCW 43.160.202(11)(b).

Applicants must have capital facilities plans for systems for which they are seeking financial assistance to construct. Cities and counties must have adopted the optional ¼% Real Estate Excise Tax.

d. **Decision Basis:** Loans are available by application without a matching requirement. The loan maximum is $1.5 million. The interest rates are variable (0% to 3%) and the loan terms are for 20 years with a 5 year deferral on principal payments.

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An eligible jurisdiction may receive funding for more than one project during the biennium.

e. **Current Use in Skagit County:** Skagit County did not receive revenue from this source in 1998.

f. **2000-2005 Capital Forecast:** The County's 2000 budget does not anticipate any PWTF Timber Program revenue. Forecasts for loan revenue would be based on a listing of eligible project.



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## SECTION 2. SINGLE-PURPOSE REVENUE SOURCES

### CRIMINAL JUSTICE

**15. Local Option Jail and Juvenile Detention Facilities Sales Tax**

a. **Type of Local Government:** Counties (with population less than 1,000,000)

b. **Source/Purpose:** RCW 82.14 (HB 2110, 1995 Regular Session) authorizes a 1/10$^{th}$ of 1% local option retail sales and use tax for the purpose of providing funds for jails and juvenile detention facilities. The tax is in addition to all other authorized local option sales and use taxes.

c. **Limitations/Requirements:** The tax revenue is to be used exclusively for the costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, re-equipping and improvement of jails and juvenile detention facilities.

d. **Decision Basis:** Local discretion with voter approval.

e. **Current Use in Skagit County:** The County has not enacted this local option sales tax.

f. **2000-2005 Capital Forecast:**

Not forecast. It is assumed the County will not consider implementation of this tax during the planning period.

**16. Local Option Criminal Justice Sales Tax**

a. **Type of Local Government:** Counties

b. **Source/Purpose:** RCW 82.14.340 authorizes a local option retail sales and use tax of 1/10% of 1% for criminal justice. The tax is in addition to all other authorized local option sales and use taxes. This tax was initially approved January 1, 1991, was scheduled to "Sunset" January 1, 1994, but has been made permanent.

c. **Limitations/Requirements:** The tax revenue is to be used exclusively for criminal justice purposes (operating and capital) and cannot be used to replace or supplant existing funding.

d. **Decision Basis:** Local government discretion



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e. **Current Use in Skagit County:** The County has enacted the 1/10th of 1% Local Option Criminal Justice Sales Tax. 1998 actual revenue was $783,991 and was used for operating and maintenance costs.

f. **2000-2005 Capital Forecast:** Not forecast. The County's 1999 budget includes $750,000 in revenue, which will be used for operating and maintenance costs. This study assumes that the County will continue its policy of using this revenue for operating and maintenance costs.

17. **Local Option Distressed County Sales Tax**

a. **Type of Local Government:** Counties

b. **Source/Purpose:** RCW 82.14.370, as amended during the 1999 legislative session by EHSB #2260, authorizes the legislative authority of a distressed county to fix and impose a distressed county sales and use tax not to exceed to 0.08% of the selling price in the case of a sales tax, or value of the article used in the case of a use tax.

c. **Limitations/Requirements:** The tax revenue is to be used exclusively for the purposes of financing public facilities in rural counties as established in Chapter 82.14 RCW and Skagit County Code, Ordinances #16979 and #17478.

d. **Decision Basis:** Local government discretion.

e. **Current Use in Skagit County:** Skagit County imposed the distressed county sales and use tax on May 4, 1998 and began collecting the tax effective July 1, 1998. Effective August 1, 1999 the tax was increased to 0.08%. Estimated revenues for 2000 are $ 800,000.

f. **2000-Capital Forecast:**

**Distressed County Sales and Use Tax**

| Planning Period | ($million) |
|---|---|
| 2000-2005 | $ 7.88 |

The County will generate approximately $1,200,000 per year from the distressed county sales and use tax to be used to finance public facilities in Skagit County.

The revenue forecast is shown in the following table (Table 4). The revenue is forecast for five years (i.e. 2000-2005). The forecast is based on an analysis indicating the 0.08% sales and use tax will generate approximately $1,200,000 in 2000.



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The forecast assumes a 3.6% annual growth rate. This growth rate is equal to the average annual growth in sales tax revenue on a county-wide basis between 1992 and 1997.

**Table 4. DISTRESSED COUNTY SALES AND USE TAX: 0.08%**

| | Sales Tax 0.08% | Available for Capital |
|---|---|---|
| **FORECAST %GROWTH RATE** | 3.6% | 100.0% |
| 1999 | 1,200,000 | 1,200,000 |
| 2000 | 1,243,200 | 1,243,200 |
| 2001 | 1,287,955 | 1,287,955 |
| 2002 | 1,334,321 | 1,334,321 |
| 2003 | 1,382,357 | 1,382,357 |
| 2004 | 1,432,122 | 1,432,122 |
| **6-YEAR TOTAL** | **7,879,955** | **7,879,955** |

## CULTURAL ARTS, STADIUM/CONVENTION FACILITIES

### 18. Special Purpose District

a. **Type of Local Government:** Cities and counties.

b. **Source/Purpose:** Special purpose districts are usually established when a community's need may be too large for existing government resources or the boundaries of the area needing service are different than a city or county. RCW 67.38.130 authorizes cultural arts, stadium/convention special purpose districts with independent taxing authority $.25 property tax levy limit with majority voter approval) to finance capital facilities. The special district's tax base, rather than the County's is used to finance capital facilities, maintenance, and operations. The total levy for most governments within a particular tax code area cannot exceed $5.90 per $1,000 of assessed valuation (Ports, PUD's, EMS levy and the State School levy are not subject to the $5.90 cap). When combined levies (i.e. State and local) do exceed $9.00 the levy rates for special purpose districts (i.e. "junior districts") must be prorated among the districts according to a statutory mechanism for reducing junior district rates (RCW's 84.52).

c. **Limitations/Requirements:** Tax revenue is restricted to uses related to the purpose for which the special purpose district is created.

d. **Decision Basis:** Voter approval for cultural arts/stadium and convention districts.

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e. **Current Use in Skagit County:** The County does not have a cultural arts, stadium/convention special purpose district.

f. **2000-2005 Capital Forecast**: Not forecast. This study assumes the County will not create a special purpose district under RCW 67.38.130 during the planning period.

19. **Hotel/Motel Tax**

a. **Type of Local Government:** Cities, counties.

b. **Source/Purpose:** RCW 67.28.180 authorizes this tax on lodging at hotels, motels and similar facilities for continuous periods of less than one month. The maximum rate under this section is 2%. This tax is deducted from the state retail sales tax so that the hotel/motel tax is not an additional tax for the customer but represents sharing of the state sales tax with cities and counties. If cities enact the tax within counties which have also enacted the tax, the city tax must be credited against the county tax (except for Bellevue and King County), precluding both the city and county tax from applying to the same lodging transaction (unless the county had, prior to June 26, 1975, pledged the tax receipts to payment of principle and interest of revenue or general obligation bonds issued by a city or by the county). Emergency lodging provided to homeless persons is exempt from this tax.

RCW 67.28.181 authorizes any municipality to impose a lodging tax not to exceed four percent of the maximum tax imposed upon sales of lodging. In essence, Skagit County could impose an additional 2 percent tax on a sale of lodging. The County has not enacted the additional 2 percent hotel/motel tax in Skagit County but may enact the additional tax in the planning period 2000-2005.

c. **Limitations/Requirements:** In general, hotel/motel tax receipts may be used for the following (RCW 67.28.210 and 67.28.180):

- Cost of acquisition, construction and operation of stadiums, convention centers or performing or visual arts facilities;
- Advertising and other informational costs incurred in promoting tourism;
- Expenditures to develop strategies for expansion of tourism in distressed areas;
- County (except King County) agricultural promotion facilities (with excess receipts above the amount necessary for bond retirement).

Cities are prohibited from using hotel/motel tax receipts for a facility intended to house a professional sports franchise if the county is already using its receipts for such a purpose (RCW 67.28.184).

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d. **Decision Basis:** Local government discretion.

e. **Current Use in Skagit County:** The County has enacted the 2% hotel/motel tax. The 1998 actual revenue collected was $45,816 and was used for tourism promotion.

f. **2000-2005 Capital Forecast:** Not forecast. 1999 budgeted revenue is $41,000 to be used for tourism promotion. This study assumes the County will continue its policy of using the hotel/motel tax revenue for tourism promotion during the planning period.

## FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

### 20. EMS Property Tax Levy

a. **Type of Local Government:** Cities, counties, and special purpose districts.

b. **Source/Purpose:** State authorized property tax levy ($0.50) for emergency medical services. EMS can be levied by fire and hospital districts, cities/towns, or counties.

c. **Limitations/Requirements:** None. Revenue may be used for capital facilities, maintenance and operating costs.

d. **Decision Basis:** Local government decision.

e. **Current Use in Skagit County:** The County imposed a county-wide voter approved excess property tax levy for the provision of emergency medical services in 1978. The County is currently in year five of a six-year voter approved levy. The actual emergency medical services are provided under contract with the Skagit Medical Services Council. Although the authorized levy is $.050 per thousand dollars of assessed value, the voter approved levy in Skagit County is limited to $.025 per thousand. The levy rate and related revenues do cover the full cost of the provision of Medic I Advanced Life Support services in the County.

f. **2000-2005 Capital Forecast:** Not forecast. 1999 budgeted revenue is $1,880,600 to be used for the provision of Medic 1 services in the County. This study assumes the County will continue the policy of using the EMS levy and related revenues to pay the entire cost of Medic 1 service provision with Skagit Emergency Medical Services Council.



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## AGRICULTURAL AND CRITICAL AREA PRESERVATION

### 21. Conservation Futures Property Tax

**a. Type of Local Government:** Counties.

**b. Source/Purpose:** RCW 84.34.230 authorizes this tax on the assessed valuation of real property within the County. Presently, the maximum rate is $0.0625 per $1,000 assessed valuation. The $0.0625 rate is in addition to the $1.80 maximum allowable levy for general County services (see revenue source Number 1).

**c. Limitations/Requirements:** Amounts placed in the Conservation Futures fund shall be used solely to acquire rights and interests in farm, agricultural land and critical areas on a voluntary basis, as established in Chapter 84.34 RCW and Skagit County Code, Ordinance #16380. The purpose is to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve the property for public use or enjoyment.

In January 1997, the Board of County Commissioners established a conservation futures program advisory board to implement the provisions of this ordinance and the requirements found in Title 14 of the Skagit County Code. The program advisory board recommends to the Board of County Commissioners criteria for selection of projects to be funded. The program advisory board makes annual or more frequent recommendations to the Board of County Commissioners for projects to be funded as part of the conservation futures program and develops strategic, long-term plans for the program. All recommendations of the program advisory board are forwarded to the Board of County Commissioners for final action.

**d. Decision Basis:** Local government discretion.

**e. Current Use in Skagit County:** The County enacted this tax effective January 1, 1997.

**f. 2000-2005 Capital Forecast:**

| Planning Period | Tax Revenue ($ million) |
|---|---|
| 2000-2005 | $ 3.41 |

The forecast in the following table (Table 5) shows the amount of Conservation futures property tax revenue the County would generate for open space property from 2000 through 2005.



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A reduced assessed value is used for Conservation Futures, as compared to other levy measures. This difference reflects the fact that senior citizens exemptions apply to the Conservation Futures levy.

The forecast assumes 8.5% combined annual growth in assessed value adjusted by the 1999 rates of total assessed value as compared to assessed value adjusted for senior citizen exemptions (9686). There are two components in this average growth rate:

1) A conservative estimate of increases in assessed value of existing property and development is an annual increase of 6.0%.
2) Value generated from new construction will grow by 2.5% of assessed value per year.

**TABLE 5. CONSERVATION FUTURES PROPERTY TAX (0.0625) COUNTY-WIDE**

| FORECAST | ASSESSED VALUE | PROPERTY TAX REVENUE (.0614) | REVENUE AVAILABLE FOR CAPITAL (100%) |
|---|---|---|---|
| % GROWTH RATE | 8.5%* | NA | NA |
| 2000 | 7,341,196,303 | 458,825 | 458,825 |
| 2001 | 7,965,197,989 | 497,825 | 497,825 |
| 2002 | 8,642,239,818 | 540,140 | 540,140 |
| 2003 | 9,376,830,203 | 586,052 | 586,052 |
| 2004 | 10,173,860,770 | 635,866 | 635,866 |
| 2005 | 11,038,638,935 | 689,915 | 689,915 |
| 6-YEAR TOTAL | NA | 3,408,623 | 3,408,623 |

*** Combination of aforementioned 6% and 2.5% growth rates.**

**PARKS AND RECREATION**

**22. Real Estate Excise Tax: Additional 1%**

**a. Type of Local Government:** Counties.

**b. Source/Purpose:** RCW 82.46.070 authorized real estate excise tax not to exceed 1% to be used exclusively for the acquisition and maintenance of conservation areas (as defined in RCW 36.52.570).

**c. Limitations/Requirements:** The tax is to be effective for a specified period of time. Revenues from this tax must be used for financing projects in conformance with an adopted plan. The County must consult with the elected officials of cities



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located within the county and conduct a public hearing prior to adoption of the plan.

d. **Decision Basis:** Local government discretion with voter approval.

e. **Current Use in Skagit County:** The County has not enacted this revenue.

f. **1999-2005 Capital Forecast:**
Not forecast. It assumes the County will not consider implementation of this tax during the planning period.

23. **Park Impact Fees**

a. **Type of Local Government:** Cities and counties.

b. **Source/Purpose:** RCW 82.02.050-090 authorizes a charge to be paid by new development for its "fair share" of the system (off-site) improvements, cost of parks and recreational facilities that are required to serve the development. Usually collected at the issuance of building permits or certificates of occupancy, park impact fees are flat rates charged on the basis of the type of dwelling unit in each type of residential development. Adjustments must be made to fee calculations to account for parks and recreational facilities costs that are paid by other sources of revenue, and additional "credits" can be given to developers who contribute land, improvements, or other assets.

Impact fees do not include any other form of developer contributions or exactions, such as mitigation or voluntary payments authorized by SEPA (State Environmental Policy Act, RCW 43.21C), local improvement districts or other special assessment districts, linkage fees, or land donations or fees in lieu of land.

c. **Limitations/Requirements: Impact** fees must be used for capital facilities needed by growth, and not for current deficiencies in levels of service, and cannot be used for operating expenses. Impact fees must show a "rational nexus of benefit" between the payer of the fee and the expenditure of the fee.

d. **Decision Basis:** GMA authorizes impact fees to be charged at the discretion of cities and counties.

e. **Current Use in Skagit County:** The County has not enacted park impact fees.

f. **2000-2005 Capital Forecast:** Not forecast. This study assumes this County will continue it's policy of not imposing park impact fees.



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## GRANTS

### 24. Interagency Committee for Outdoor Recreation (IAC)

a. **Type of Local Government:** Cities and counties.

b. **Source/Purpose:** Federal and state grants for acquisition, development and renovation of outdoor recreation and habitat conservation areas. There are five accounts or programs funded by grants provided by the IAC.

1. Boating Facility Grants: approximately $2.5 million available annually for the acquisition, development and renovation of public access boating facilities.
2. Firearms Range Account: approximately $125,000 available annually for the acquisition, development and renovation of public and private non-profit firearm ranges and archery facilities.
3. Non-Highway Off-Road Vehicles: approximately $1.45 million available annually for the planning, education and/or enforcement, acquisition and/or development and maintenance and operation of off-road vehicle trails and facilities.
4. Wildlife and Recreation Program: approximately $45.0 million has been appropriated for the 1999-2000 biennium with equal division between the Habitat Conservation Account (to provide funding for the acquisition and development of urban wildlife habitat) and the Outdoor Recreation Account (for acquisition and development of local parks, including existing parks, regional trails, trailhead facilities and water access sites). Funding levels for the next biennium are unknown at this time.
5. Youth Athletic Facilities Program (YAF): Created under Referendum 48 this fund anticipates a minimum of $10,000,000 donated from the Sea Hawks "team affiliates". Additional funds will be available starting in about 2002. These funds are focused on athletic facilities for youth and fall under three categories: new facilities, renovation and maintenance.

c. **Limitations/Requirements:** Specific project applications must be approved by the Interagency Committee for Outdoor Recreation through a competitive evaluation process. A comprehensive parks and recreation plan is required for Boating Facility and Outdoor Recreation Account grants.

d. **Decision Basis:** Grant funds available at local government discretion, based on 50% State/50% Local matching requirements.

e. **Current Use in Skagit County:** The County's 2000-2005 CFP Projects and Financing Plan includes $330,625 in IAC funding for improvements at Pressentin Park and the Swinomish boat launch.

f. **2000-2005 Capital Forecast:** Forecasts for grant revenue would be based on a listing of eligible projects.



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25. **Aquatic Lands Enhancement Account (ALEA)**

a. **Type of Local Government:** Cities and counties.

b. **Source/Purpose:** RCW 79.24.580 authorizes Department of Natural Resources, Division of Aquatic Lands grants for acquisition and development of water-dependent public access/recreation projects or on-site interpretative projects.

c. **Limitations/Requirements:** Funds shall be used solely for aquatic lands enhancement projects. During the fiscal biennium ending June 30, 1999, the funds could be appropriated for shellfish management, enforcement, and enhancement and developing and implementing plans for population monitoring and restoration of native wild salmon stock. DNR has not yet made a final determination for use due to proposed Federal Endangered Species Act listings of salmon and the effect this listing would have on the resource.

d. **Decision Basis:** Grant funds are available by application to the Department of Natural Resources.

e. **Current Use in Skagit County:** The County does not currently utilize this revenue.

f. **2000-2005 Capital Forecast:** Forecasts for grant revenue would be based on a listing of eligible projects.

26. **Dedicated M.V. Fuel Tax for Trail Construction**

a. **Type of Local Covernment:** Counties.

b. **Source/Purpose:** The funding source is 5% of the motor vehicle fuel tax received by Skagit County for road purposes. The 5% allocation is authorized by County Resolution No. 16897, adopted March 2, 1998. The overriding funding authority is RCW 47.30.50.

c. **Limitations/Requirements:** Funds shall be used as authorized by RCW 47.30.30 for the acquisition, construction or maintenance of trails adjacent to roadways or where their location would serve to provide an alternative to non-motorized travel on roadways.

d. **Decision Basis:** Local government discretion.

e. **Current Use in Skagit County:** The funding is used for trail acquisition, construction or maintenance.



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f. **2000-2005 Capital Forecast:**

| Planning Period | Tax Revenue ($ million) |
|---|---|
| 2000-2005 | $0.99 |

The forecast in the following table (Table 6) shows the amount of motor vehicle fuel tax the County would generate for Special Paths from 2000-2005.

The forecast assumes a 5% annual growth rate, which represents the average actual growth rate from 1996-1999.

**TABLE 6. MOTOR VEHICLE FUEL TAX FOR TRAILS**

| FORECAST | TAX RECEIVED |
|---|---|
| **% GROWTH RATE** | **5.0%** |
| 2000 | $ 146,281 |
| 2001 | 153,595 |
| 2002 | 161,275 |
| 2003 | 169,339 |
| 2004 | 177,806 |
| 2005 | 186,696 |
| **6-YEAR TOTAL** | **$ 994,272** |

## GRANTS AND LOANS

### 27. State Revolving Fund (SRF)

a. **Type of Local Government:** Cities/towns, counties, conservation districts, water/sewer districts, and Indian Tribes.

b. **Source/Purpose:** State low interest loans and loan guarantees administered by the Department of Ecology Water Quality Financial Assistance Program for water pollution control projects.

c. **Limitations/Requirements:** Applicants must show water quality need, have a facilities plan for treatment works, show the ability to repay a loan through a dedicated source of funding, and conform to other state and Federal WPC requirements. Funds must be used for construction of WPCF's (i.e. secondary treatment, stormwater management, etc. and other related WPC projects.

d. **Decision Basis:** State loans available at local discretion, based on committed, dedicated funding available for loan repayment.

e. **Current Use in Skagit County:** The County currently has three loans totaling $1,285,000 for septic system improvements.

f. **2000-2005 Capital Forecast:** Not forecast. In Skagit County, this money is used to finance improvement of individual failing septic systems.

## SOLID WASTE

### 28. Solid Waste Collection Districts

a. **Type of Local Government:** Counties. Cities cannot impose solid waste collection districts but counties can impose a district in a city with the City's approval.

b. **Source/Purpose:** RCW 36.58.040 authorizes solid waste collection district garbage and refuse collection fees for the mandatory collection of solid waste. The fees can be used for the capital costs of collection (i.e., vehicles) as well as for operating expenses.

c. **Limitations/Requirements:** A solid waste collection district may only be established after approval of a coordinated, comprehensive solid waste management plan adopted pursuant to chapter 134, Laws of 1969 ex. Sess. and chapter 70.95 RCW or pursuant to another solid waste management plan adopted prior to May 21, 1971 or within one year thereafter.

A solid waste collection district cannot be established in an area within the county boundaries unless the county legislative authority, after conducting a public hearing regarding the formation of such a district determines from the public that mandatory solid waste collection is in the public interest and necessary for the preservation of public health. Such a determination requires that the Utilities and Transportation Commission investigate and make a finding as to the ability and willingness of existing garbage and refuse collection companies servicing the area to provide the required service.

The county cannot provide service in any portion of the area found by the Utilities and Transportation Commission to be receiving adequate service from an existing certificated carrier unless the county acquires the rights of that carrier by purchase or condemnation.

If any certified garbage and refuse collection company which operates in any solid waste collection district fails to collect any fees due and payable to it for garbage and refuse collection services, that company may request the county collect the fees. The county shall pay one-half of the fees actually collected to the garbage and refuse collection company entitled to receive such fees and shall deposit the remaining one-half in the county general fund.



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b. **Decision Basis:** Local government discretion upon determination that mandatory solid waste collection is in the public interest and necessary for the preservation of public health.

c. **Current Use in Skagit County:** There are no solid waste collection districts in Skagit County.

d. **2000-2005 Capital Forecast:** Not forecast.

29. **Solid Waste Disposal Districts**

a. **Type of Local Government:** Counties. Cities cannot impose solid waste disposal districts but counties can impose a district in a city with the City's approval.

b. **Source/Purpose:** RCW 36.58.130 authorizes solid waste disposal district fees based exclusively upon utilization by weight or volume (i.e. tipping fees).
RCW 36.58.140 authorizes a solid waste disposal district excise tax on the privilege of living in or operating a business in a solid waste disposal taxing district.

RCW 36.58.150 authorizes a solid waste disposal district to levy a tax, in excess of the 1% limitation, upon the property within the district for a one-year period, to be used for operating or capital purposes.
RCW 36.58.150 authorizes a solid waste disposal district to issue general obligation bonds for capital purposes, subject to the limitations prescribed in RCW 39.36.020 (1).
RCW 36.58.150 authorizes a solid waste disposal district to issue revenue bonds to fund its activities. Such revenue bonds may be in any form including bearer bonds or registered bonds as provided in RCW 39.46.030.

c. **Limitations/Requirements:** All these revenues must be used exclusively for district purposes. These revenues can be used for all aspects of the disposing of solid wastes but they cannot be used for the collection of residential or commercial garbage.
Some of these revenues have additional imitations:
1) General obligation bonds can only be used for capital purposes.
2) For counties and cities within those counties that "opt in" the excess levy and general obligation bonds must be voter approved.

d. **Decision Basis:**
- RCW 36.58.130, Disposal Fees: Local government discretion.
- RCW 36.58.140, Excise Tax: Local government discretion.
- RCW 36.58.150, General Obligation Bonds: Local government discretion with voter approval.
- RCW 36.58.150, Revenue Bonds: Local government discretion.

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e. **Current Use in Skagit County:** There are no solid waste disposal districts in Skagit County.

f. **2000-2005 Capital Forecast:**
Not Forecast.

## FEES AND CHARGES

### 30. User Fees

a. **Type of Local Government:** Cities and counties.

b. **Source/Purpose:** A rate, usually per ton or cubic yard of solid waste delivered to the disposal facility (i.e., landfill, resource recovery site, transfer facility, etc.).

c. **Limitations/Requirements:** User or tipping fees may be used for capital facilities, as well as maintenance and operating expenses.

d. **Decision Basis:** Local government decision.

e. **Current Use in Skagit County:** The revenue collected in 1998 totaled $6,947,539 and was used largely for operating costs, maintenance costs, and debt service obligations.

f. **2000-2005 Capital Forecast:** Not forecast. The 1999 budget anticipates user fee revenue of $6,819,365 for operating and maintenance costs and debt service obligations. No additional significant capital projects have been identified in the County's Capital Facilities Plan. This study assumes that the County will continue to use the User fee revenue largely for operating, maintenance and debt service costs.

### 31. Farmers Home Administration (FHA)

a. **Type of Local Government:** Cities, counties, port districts, and Indian Tribes.

b. **Source/Purpose:** The FHA is authorized to guarantee loans to borrowers in rural areas and in towns of up to 10,000 people for developing waste disposal facilities (this revenue source is also included in Revenue Number 12, above.)

c. **Limitations/Requirements:** Funds may be used to construct, enlarge or improve waste disposal facilities.

d. **Decision Basis:** Federal loans available within a 45%-25% local matching range.

e. **Current Use in Skagit County:** The County does not currently utilize this revenue.

f. **2000-2005 Capital Forecast:** Forecasts for loan revenue would be based on a listing of eligible projects.

## STORMWATER/FLOOD CONTROL

### 32. Flood Control Special Purpose District

a. **Type of Local Government:** Cities and counties.

b. **Source/Purpose:** Special purpose districts are usually established when a community's need may be too large for existing governmental resources or the boundaries of the area needing service are different than a city or county. The total levy for most governments within a particular tax code area cannot exceed $5.90 per $1,000 of assessed valuation (Ports, PUD's, EMS levy and the State School levy are not subject to the $5.90 cap).

RCW 86.15.160 authorizes flood control special purpose districts with independent taxing authority ($.50 property tax levy limit without voter approval) to finance capital facilities. In addition, the district can, with voter approval, use an excess levy to pay for general obligation debt. The special district's tax base, rather than the County's is used to finance capital facilities, maintenance, and operations.

The $9.00 total levy limitations (see Revenue number 19) also apply to flood control special purpose districts.

a. **Limitations/Requirements:** Tax revenue is restricted to uses related to the purpose for which the special purpose district is created. The levy can be pledged for bond repayment, and excess levies can be used for additional bonds.

b. **Decision Basis:** Local government discretion.

c. **Current Use in Skagit County:** The County has established a county-wide flood control special purpose district and ten sub-flood control districts. No large-scale countywide assessments have been made, nor are they anticipated.

d. **2000-2005 Capital Forecast:** Not forecast. This study assumes the County will continue its policy of not imposing taxes under the auspices of a flood control district.



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## FEES AND CHARGES

### 33. Storm Drain Utility Fee

a. **Type of Local Government:** Cities and counties.

b. **Source/Purpose:** RCW 36.89.080 authorized fees for the furnishing of service to existing and future development which receives/will receive benefits from any storm water control facility or which contributes/will contribute to an increase in stormwater runoff. The fees are usually a flat rate per month charge per residential equivalency. Residential equivalencies are based on an average amount of impervious surface. Commercial property is assessed a rate based on a fixed number of residential equivalents.

c. **Limitations/Requirements:** The fee revenue is to be used to pay for all or any part of the cost of the acquisition, construction or improvement of storm water control facilities and the maintenance and operation of those facilities. The fee revenue may also be used to pay or secure the payment of all or any portion of any issue of general obligations bonds for such purposes.

d. **Decision Basis:** Local discretion.

e. **Current Use in Skagit County:** The County enacted a utility fee effective January 1, 1997, for the purpose of funding the operating, maintenance and capital costs of the Surface Water Management Program and drainage facilities.

f. **2000-2005 Capital Forecast:**

| Planning Period | Utility Fee Revenue ($ million) |
|---|---|
| 2000-2005 | $ 6.25 |

The forecast in the following table (Table 7) shows the amount of stormwater utility fee revenue the County will generate from 2000 through 2005.

The forecast assumes 2.90% annual growth in utility fee revenue. There are three components in this weighted average growth rate.

1) Revenue generated from existing development (2000) is projected to remain constant (i.e. 0% growth);
2) Revenue generated from new residential construction will grow by 2.30% per year. This is consistent with the County forecast of annual population growth for the period 1994-1998; and
3) Revenue generated from new non-residential construction will grow by 3.50% per year. This is consistent with the County's average annual



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civilian labor force growth rate for 1991-1997 (Sources: State of Washington, Employment Security Department and Skagit County Real Estate Trends Report).

**Table 7. STORMWATER UTILITY FEE**

| | TOTAL FEES REVENUE | PORTION OF FEES FOR CAPITAL |
|---|---|---|
| **FORECAST % GROWTH RATE** | **2.90%*** | **2.90%** |
| **2000** | 968,245 | 968,245 |
| **2001** | 996,324 | 996,324 |
| **2002** | 1,025,217 | 1,025,217 |
| **2003** | 1,054,948 | 1,054,948 |
| **2004** | 1,085,541 | 1,085,541 |
| **2005** | 1,117,022 | 1,117,022 |
| **6-YEAR TOTAL** | **6,247,297** | **6,247,297** |

***Growth Rate Less Roads and Acreage**

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## 34. CLEAN WATER DISTRICT FEE

## UTILITIES

## 35. Public Utility District

a. **Type of Local Government:** Counties.

b. **Source/Purpose:** RCW 54.16 authorizes Public Utility Districts for the purpose of providing water, sewer or electric service. The district has the authority to raise revenue from user fees and has independent taxing authority to levy up to $0.45 per $1,000 assessed valuation (RCW 54.16.080)

c. **Limitations/Requirements:** Revenue is restricted to uses to the purpose for which the public utility district is created.

d. **Decision Basis:** Local government discretion.

e. **Current use in Skagit County:** The County has not implemented any districts. Public Utility District No. 1 operates independently of Skagit County, and its activities are included in the Comprehensive Water System Plan.



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f. **2000-2005 Capital Forecast**: Not forecast. Special assessments would be tailored to specific circumstances, and are not "general" revenues that can be forecast. No projects have been identified in the County's 6-year Capital Facilities Plan, 2000-2005.

## GRANTS AND LOANS

### 36. Centennial Clean Water Fund (CCWF)

a. **Type of Local Government:** Cities/towns, counties, conservation districts, water/sewer districts, and Indian Tribes.

b. **Source/Purpose:** RCW's 70.146.82.24 and 82.26 authorize State grants and loans ($45 million annually) administered by the Department of Ecology Water Quality Financial Assistance Program for the design, acquisition, construction, and improvement of Water Pollution Control Facilities, and related activities to meet state and federal WPC requirements and protect water quality.

c. **Limitations/Requirements:** Use of funds limited to planning, design, and construction of WPCF's stormwater management, ground water protection and related projects.

d. **Decision Basis:** State grants and loans available based on 50% - 25% local matching share range.

e. **Current Use in Skagit County:** The County does not have any CCWF grants or loans.

f. **2000-2005 Capital Forecast:** Forecasts for grant and loan revenue would be based on a listing of eligible projects.



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## TABLE 8

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## SUMMARY OF REVENUES DEDICATED TO CAPITAL FACILITIES
## (All Revenues are times $1,000)

| FUND | 12/31/99 FUND BALANCES | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | TOTAL |
|---|---|---|---|---|---|---|---|---|
| Land Acq. Fund | 1,200 | | | | | | | $ 1,200 |
| Capital Fac. Fund | 500 | | | | | | | $ 500 |
| Park Acq. Fund | 242 | | | | | | | $ 242 |
| 401 | | | | | | | | |
| 402 | | | | | | | | |
| Voted Debt Capacity | | 75,792 | 6,063 | 6,548 | 7,072 | 7,638 | 8,249 | $ 111,362 |
| Non-voted debt capacity | | 102,633 | 9,095 | 9,822 | 10,680 | 11,457 | 12,373 | $ 156,000 |
| REET – 1st ¼% | | 550 | 566 | 582 | 599 | 617 | 635 | $ 3,549 |
| REET – 2nd ¼% | | 550 | 566 | 582 | 599 | 617 | 635 | $ 3,549 |
| Distressed County Sales tax | | 1,200 | 1,243 | 1,288 | 1,334 | 1,382 | 1,432 | $ 7,879 |
| Conservation Futures Levy | | 459 | 498 | 540 | 586 | 636 | 690 | $ 3,409 |
| Motor Vehicle Fuel Tax – Trails | | 146 | 154 | 161 | 169 | 178 | 187 | $ 995 |
| IAC Grants | | 200 | | | | | | $ 200 |
| Storm Drainage Fee | | 968 | 996 | 1,025 | 1,055 | 1,086 | 1,117 | $ 6,247 |
| Road Fund Allocations | 2,000 | 13,727 | 8,718 | 7,689 | 5,810 | 5,810 | 5,810 | $ 49,564 |
| **SUBTOTAL REVENUES EXISTING TO CAPITAL PROJECTS** | 3,942 | 15,591 | 10,434 | 9,457 | 7,633 | 7,691 | 7,749 | $ 62,497 |
| **TOTAL** | $ 3,942 | $196,225 | $ 27,899 | $ 28,237 | $ 27,904 | $ 29,421 | $31,128 | $ 344,756 |
| | | | | | | | | |



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# Attachment R

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# SKAGIT COUNTY
# OVERALL ECONOMIC DEVELOPMENT PLAN

**Prepared for:**

**Skagit Council of Governments**

**February 2000**

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17938

# Skagit County Overall Economic Development Plan

**Prepared for:**

Skagit Council of Governments
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**February 2000**

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# I. EXECUTIVE SUMMARY

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Skagit County's *Overall Economic Development Plan* (OEDP) is intended to serve as a comprehensive statement of plans for countywide economic growth and development over the next twenty years. The OEDP is being organized to address requirements of the U.S. Economic Development Administration (EDA) and to serve as the economic development element of Skagit County's growth management (or comprehensive) plan.

The economic development of Skagit County is of critical importance to businesses and residents in the county's urban and rural areas. If there is too little economic development, Skagit County residents will have a difficult time finding jobs that will maintain the standard of living and services needed to enjoy a good quality of life. On the other hand, environmental values and the quality of life that makes Skagit a special place to live and work should not be sacrificed to economic development.

The Citizens Advisory Committee (CAC) responsible for formulating this OEDP has taken its charge seriously. The CAC met and has taken an expansive view of economic development, going beyond a traditional focus on industrial, commercial and visitor-related development to consider linkages with human services, conservation and transportation.

In an increasingly interconnected, rapidly-changing global economy, there is recognition that economic development goals and objectives must be linked more closely with other community values and interests. If Skagit County is to remain prosperous and protect its quality of life, those interested in economic development need to reach out and involve a diversity of perspectives.

Skagit County has a *track record* of cooperative public-private partnerships. The goal of the CAC is to build on successes of the past as well as to learn from disappointments — building the long-term local capacity to sustain economic opportunities for generations to come.

The key points from this 1999 Skagit County OEDP update follow in summary form.

## ORGANIZATION & MANAGEMENT

A Citizens Advisory Committee (CAC) was formed originally both to serve as the OEDP Committee and to prepare the economic development element of Skagit County's comprehensive plan. Members of the CAC, were selected in accordance with EDA guidelines and as the result of a process inviting participation from interested citizens.

This Committee has been reactivated to review this compilation of the changes of economic conditions in Skagit County over the past several years. Data includes information from Overall Economic Development Plans completed in 1994 and 1995, Skagit County Urban Growth Area Analysis and Update completed in 1996 and 1997, Mount Vernon Overall Economic Development Plan completed August 1996, South March Point Feasibility Study completed June 1997, and input from local jurisdictions.

Key economic development organizations are: Economic Development Association of Skagit County (EDASC), Port of Anacortes, Port of Skagit County, eight incorporated cities, recognized tribal governments, Skagit Valley College, Washington State University, Northwest Washington

Private Industry Council, State of Washington Employment Security Department, Puget Sound Energy, GTE Northwest, Wal-Mart, Skagitonians to Preserve Farmland, Washington Department of Community, Trade & Economic Development, and Skagit Council of Governments.

## PAST DEVELOPMENT EFFORTS

The history of organized economic development efforts in Skagit County can be traced to formation of the Port of Anacortes in 1926. The Port of Skagit County was established in 1964, and the Economic Development Association of Skagit County (EDASC) was formed in 1972.

The Skagit Council of Governments has been responsible for preparation of the county's Overall Economic Development Plan (OEDP). OEDP reports were submitted in 1972, 1982, 1984/85 and in 1987/88. The most recent OEDP and subsequent update were completed in 1994 and 1995, respectively.

Over the course of the last 40+ years, Skagit County has found a need to adapt to changing economic conditions. The need to adjust to closures of major employers has been of particular concern. The U.S. Economic Development Administration (EDA) has been a participant in funding both planning and implementation projects to assist in diversification of Skagit County's economic base.

## SKAGIT COUNTY & ITS ECONOMY

This OEDP contains a review of pertinent background information, followed by an economic development assessment.

### Background Information

Pertinent background information includes a review of Skagit County's location, economic history, natural resources, population, industrial and commercial lands, major economic development investments, and Puget Sound regional context.

***Location, Topography & Climate:*** Skagit County is located in the northwestern portion of Washington State. Skagit County encompasses 1,735 square miles and ranks 21st in size among the state's counties. Skagit County has a marine climate affected by proximity to Puget Sound and the Pacific Ocean. These currents result in mild winters and comfortably warm, drier summers.

Other key location, topographic and climatic features of note include:

- Direct ferry access to Vancouver Island (via Anacortes).
- Only direct highway connection to Island County (via the Deception Pass Bridge).
- Primary access to the San Juan County islands (via the Anacortes ferry).
- Northernmost highway connection to eastern Washington (via Highway 20).
- Location midway between Seattle and Vancouver, B.C.

***Economic History:*** Skagit County's early major economic activities were primarily natural resource-oriented. The 1970s, 1980s and 1990s brought economic hardship to Skagit County

because of downturns in the lumber and wood products industry as well as in fishing and fish and food processing. These curtailments led Skagit County to experience high unemployment relative to Washington's. The county is designated by the Washington Community Economic Revitalization Team (WA-CERT), which was created under President Clinton's Economic Adjustment Initiative (EAI), as one of the 28 most impacted *distressed timber counties* in Washington.

***Natural Resources:*** Agricultural resources are an important part of Skagit County's economy and community character. Over 71 different crops are reported. County firms produce both major commodities and specialty crops with unique market niches.

Forestlands represent a second significant natural resource for Skagit County. Timber harvested in Skagit County peaked at close to 319 million board feet in 1986, subsequently dropping 54% to a 1997 harvest level of 146 million board feet. Skagit County continues to be included within Washington's distressed areas due to higher than state average unemployment rates and curtailment's impact on the county's rural natural resource communities.

As is true throughout the state, significant commercial fisheries activity has declined in recent years. Shellfish remain an important component of fisheries activity. Recreational fishing also constitutes an important quality of life and economic resource for Skagit County. The Skagit River ranks among the top ten systems in Washington for winter season sport harvest.

***Population & Demographic Characteristics:*** As of 1998, Skagit County had approximately 98,700 residents, accounting for 1.7% of the population of the entire state. Since 1990, population growth in Skagit County has accelerated to a rate of 2.7% per year — tied with Thurston County as the most rapidly- growing of the six counties on the Puget Sound/I-5 corridor.

Compared to the state, Skagit County has had an above-average proportion of the population in the age categories of 45 and up. The county has been underrepresented in the younger adult (ages 20-44) category.

As of the 1990 U.S. Census, the cost of both homeowner and rental housing was considerably more affordable in Skagit County than elsewhere in the Puget Sound area or statewide. However, since 1990, the cost of Skagit County housing has increased significantly as it has elsewhere throughout the state.

***Employment Characteristics:*** Recent (1998) Washington State Employment Security Department data comparing labor force and unemployment indicates that Skagit County has a resident labor force of 48,050, with an unemployment rate of 7.1%. Due to driving proximity, industries in Skagit County are centrally located to tap into a three-county northern Puget Sound labor force of almost 460,000.

Comparisons of census data *by industry* indicate that Skagit County has a high proportion of residents employed in agriculture, mining and trade relative to the state. By comparison, the county is underrepresented in employment categories such as transportation and utilities, finance and real estate, and services.

Between 1980 and 1997, nearly 17,000 jobs were added in Skagit County — a gain of over 76%. The fastest-growing employment sector was services (+ 4,700 jobs), followed by retail trade (over 4,000) and government (over 3,000). By comparison, agriculture, construction and manufacturing firms experienced a net employment gain of just over 1,200, 1,100 and 1,000, respectively.

As of the 1990 census, median household income in Skagit County, at under $28,400, was 91% of the statewide median figure of $31,200. However, incomes countywide increased more rapidly from 1980-1990 in Skagit County than statewide.

The U.S. Bureau of Economic Analysis (BEA) reports that Skagit County personal income has increased 25% between 1991 and 1996 while the state increased 29% over that same period. Though increasing, average per capita income in Skagit County (89% of the statewide average in 1991) is not keeping pace with the State average (dropping to 86% in both 1996 and 1997).

***Industrial & Commercial Lands:*** The amount of industrial and commercial land definitely not constrained by environmental characteristics or lack of services is of particular interest to members of the Citizens Advisory Committee (CAC) for the Overall Economic Development Plan for Skagit County. Such land would constitute *ready-to-build* acreage in the county.

Information made available by the Skagit County Urban Growth Area Analysis completed in 1996 and updated in 1997 continues to be used as a basis of the inventory of commercial and industrial land available in several incorporated jurisdictions. Rulings made by the Western Washington Growth Management Hearings Board have "invalidated" 243 acres of commercial and industrial lands within the proposed Bayview Ridge unincorporated UGA. Also "invalidated" by these rulings is an additional approximately 750 acres of certain commercial and industrial lands located in the non-UGA, unincorporated areas of Skagit County.

Analysis of the data indicates that the county has relatively few parcels that definitely are fully serviced and unconstrained by environmental characteristics. Therefore, several other criteria were developed to demonstrate the degree to which parcels may be constrained.

The dominant player in the industrial property market in recent years has been the Port of Skagit County's Bayview Business & Industrial Park. Originally, wetlands constraints severely limited the number of acres considered as *ready-to-build.* Over the past few years, much work has been done to identify high and low functioning wetlands and develop a suitable infrastructure for wetlands management. Currently, the Port has an estimated 243 acres remaining for development.

Other properties showing significant development activity include March Point and South Mount Vernon. Developments such as Bayview, the Sunset Industrial Park, Skagit/I-5 Business Park, Bouslog Business Park and City of Anacortes Industrial Park are all clearly capable of providing infrastructure to the site. For other sites, infrastructure capabilities are less clear. It is also noted that with the exception of the Sunset Industrial Park and Skagit Manufacturing properties in Sedro-Woolley, there appear to be no other *east county* properties of 10+ acres that are appropriately zoned and currently served by public water and sewer.

***Major Economic Development Investments:*** Major industrial investments in Skagit County since 1994 include: Olympic Pipeline , Pacific Circuits , Ligno Tech USA, Inc., Dakota Creek, Skagit Pacific Corporation, Northern Marine, Nordic Tugs, Sun Healthcare Systems, Washington Alder, Pacific WoodTech and Tesoro (Shell Oil).

Key non-industrial investments in recent years have included the openings of the Cascade regional mall, Crossroads Mall, Cost Cutter and Prime Outlet Center. These commercial projects all were completed in 1989. Together they represent creation of approximately 950 retail and service sector jobs. Other more recent major retail investments include K-Mart, Fred Meyer, PetSmart/Office Depot, Wal-Mart, Haggen, and upgrade of Albertson's retail complex. Additional influences include the introduction of two new banks — Peoples Bank and Whidbey Island Bank — to the county.

***Puget Sound Regional Context:*** Located between the larger urban areas of Seattle/Everett/Tacoma to the south and Bellingham/Vancouver, B.C. to the north, Skagit County's economic prospects are closely intertwined with those of the entire Puget Sound region.

As of November 1998, Skagit County had a base of over 48,080 jobs covered by unemployment insurance. Employment growth in Skagit County has been greater than the rate of net new job creation experienced statewide or throughout the Puget Sound/I-5 corridor, but is somewhat below the growth experienced in northern Puget Sound. To date, rates of net new job creation in Whatcom and Snohomish counties have exceeded employment growth in Skagit County.

Industrial expansion in the northern Puget Sound market tends to come from two sources: existing companies seeking to expand, and new or relocating companies looking to lower cost of occupancy or obtain benefits of a less congested urban lifestyle.

## ECONOMIC DEVELOPMENT ASSESSMENT

This OEDP assessment covers a review of countywide strengths and weaknesses, employment forecasts, and industrial/commercial land projections.

***Strengths, Weaknesses, Opportunities, and Threats:*** An evaluation of *strengths, weaknesses, opportunities and threats* (or SWOT) is useful to better pinpoint underlying economic and social factors that affect current and future economic development potentials. Strengths and weaknesses are defined primarily on the basis of existing conditions that are largely *internal* to the community. By contrast, opportunities and threats reflect broader market, regulatory and social issues that may be *external* to Skagit County — but are likely nonetheless to affect future economic performance.

As with the earlier OEDPs, five overall *strengths* have been noted as building blocks for economic development:

1. Diverse natural resources make Skagit County a good place to live and continue to provide economic opportunity.
2. Location midway between Seattle and Vancouver, B.C. puts Skagit County at the heart of the Pacific Northwest's most dynamic growth corridor.

3. Local workforce available with the skills to support a wide variety of industrial, commercial and institutional activities.
4. Skagit County's commitment to environmental protection provides a quality of life experience not available elsewhere on the Puget Sound/I-5 corridor.
5. Strong inter-jurisdictional and public-private partnerships have been forged to facilitate coordinated delivery of public services.

*Weaknesses* — reflect local conditions that realistically may limit the extent or speed with which countywide objectives for economic development can be realized.

1. Housing is becoming less available and affordable as Skagit County faces increasing population growth pressures.
2. Despite strong growth in labor force and the local job base, out-commuting has increased.
3. Educational attainment and social issues are growing sources of concern in the face of employer demands for a more skilled workforce.
4. Physical infrastructure remains inadequate to remedy existing deficiencies and address new needs from growth.
5. Faced with difficult and complex issues, it is more challenging to build consensus on a common course for the future.

*Opportunities* — represent *good bets* for business or community investment based on broader regional or global market conditions and trends:

1. Puget Sound and Pacific Rim markets.
2. Footloose business and industrial firms.
3. Recreation, convention and resort development.
4. Value-added natural resource business.
5. Passage of Initiative 695 – Reduction of Automobile License Tab Fees.
6. Hospital Relocation or Reconstruction.
7. National Frozen Foods Potential Relocation.

*Threats* — are conditions or concerns from external as well as local sources that could undermine local economic stability:

1. Wetlands and floodplains.
2. Other federal, state and local regulatory requirements.
3. Urban sprawl.
4. ESA Listing of the Chinook Salmon.

***Employment Forecasts:*** E.D. Hovee & Company has prepared an updated forecast for overall and industrial employment growth in Skagit County as part of this 1999 OEDP update. Using an *employment-driven* methodology, Skagit County's employment base could be expected to

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increase by approximately 28,000 jobs between 1995-2015 to a year 2015 job total of over 69,000. This updated growth projection is slightly above but generally consistent with forecasts previously completed in the 1994 and 1995 OEDP reports. The 1994 OEDP forecast an addition of 26,200 jobs between 1994 and 2015, while the 1995 OEDP reported an expected increase of 27,600 jobs between 1995 and 2015.

Future job growth based on extrapolating past trends in Skagit County's competitive position forward 16 years to the year 2015 could be expected to create the number of jobs that are needed to serve the demands of a growing population base and labor force without increasing the rate of out-commuting. However, assumption of a continued strong competitive position for Skagit County is by no means assured.

To generate the jobs needed, increased attention should address issues currently being considered in the growth management planning process. Critical to the ability to generate employment is the identification of suitable industrial and commercial sites, provision of infrastructure in a timely manner, and resolution of significant environmental issues (such as wetlands) that currently create uncertainty and impede development. Other important pre-requisites to a healthy economy include a trained labor force, a full range of human and social services, maintaining Skagit's quality of life, and continuing emphasis on public-private cooperative partnerships.

***Industrial & Commercial Land Demand Projections:*** Based on the *employment-driven* forecast used and assumed employment densities, total demand for industrial and commercial land would approximate 2,740 acres in the urban areas and over 590 acres in the rural areas through the year 2015. Demand would be distributed approximately 22% to commercial, 32% to industrial, 16% to natural resource related industries.

A market factor of 25% has been used in this analysis and is consistent with other jurisdictions statewide and common planning practice.[1] Utilizing this market factor, an estimated 3,330 acres of land would be required for commercial, industrial and natural resource related employment uses through the year 2015.

## ENVIRONMENTAL CONSIDERATIONS

Balancing environmental and economic objectives has become increasingly important both nationally and in Washington. Skagit County's location, topography and climate make achieving an appropriate balance more challenging than for many other counties and communities in western Washington.

### Land Usage

Zoning ordinances and development regulations are used to designate permissible land uses and restrictions within defined geographic areas of local cities and the unincorporated area. In addition to zoning controls, comprehensive land use plans provide additional tools for controlling the type of development within local jurisdictions. Other land use regulations include the Skagit County Environmental Policy Ordinance, Critical Areas Ordinances, Subdivision Ordinance and Shoreline Management Master Program, and Intergovernmental Agreements.

The Growth Management Act has significantly impacted several hundred acres of unincorporated industrial and commercially zoned acres.

The Pacific Northwest EPA Region 10 does not identify any designated superfund sites in Skagit County.

The U.S. Department of Agriculture Soil Conservation Service has identified areas within the county with prime and unique farmland. Of the county's approximate one million acres, 116,000 acres or 10% are defined as prime farmland.

Skagit County has made a clear policy commitment to preserving agricultural land. Programs that are already in place include agricultural zoning, open space taxation, a right-to-farm ordinance, and Skagit County Farm Legacy Program. The Farm Legacy Program, initiated in December 1996, is designed to place permanent limitations on future use and development of the land in order to protect its agricultural character and productivity.

Approximately 45% of the county's total land base is zoned as a Secondary Forest or Industrial Forest – Natural Resource Lands. Another 33% of the county's land base is in federal ownership, including U.S. Forest Service-managed land and National Park and Wilderness Areas.

Since 1978, 158 miles of the Skagit River system have been designated as a Wild and Scenic River. Washington's Department of Transportation has designated several highways in Skagit County as Scenic and Recreation Highways.

Skagit County has 30 sites listed on the National Register of Historic Places and Landmarks. Since the 1994 OEDP, six new sites have been added to this list.

### Public Services

Six cities, three communities, and two sewer districts operate sewage collection and treatment facilities. Most of the larger sewage treatment facilities have the capacity to serve future growth.

Rivers, aquifers, and reservoirs supply water in Skagit County. Most of the water supply comes from two main sources: the Anacortes Water Utility and Skagit County PUD. In addition to the two largest suppliers, there are a couple of dozen large (defined as 50-100 customers) community water systems with a total of approximately 174 systems countywide.

Groundwater quality in Skagit is generally good. Some areas have groundwater quality problems experienced from high-impact uses along with vulnerable aquifers and naturally occurring contaminants.

### Wetlands & Critical Areas

Based on a wetlands inventory conducted in 1991, there are approximately 76,188 acres of potential wetlands in Skagit County. This acreage represents 15% of the county (excluding federal lands).

Major floods have been recorded in Skagit County as early as 1815 and as recently as 1990 and 1995. Areas exposed to flooding are generally located on the Skagit River downstream from

Sedro-Woolley. They include Mount Vernon, Burlington, and Fir Island. However, upriver communities such as Lyman and Hamilton also experience flooding.

### Endangered Species of Plants or Animals

A total of 17 plant species have been identified as endangered, threatened, and sensitive vascular plant species. Of these, the Golden Indian Paintbrush is considered a candidate for federal status; the others are noted as state sensitive or threatened species.

The list of endangered, threatened, sensitive, candidate, monitor and priority wildlife covers nearly 150 different species, which is up from 39 in 1994. The Puget Sound Chinook Salmon, peregrine falcon, gray wolf and grizzly bear are all identified as endangered species (federal and state). The marbled murrelet and northern spotted owl are identified as federal threatened species.

### Pertinent Countywide Policies

As part of their planning programs, Skagit County and local jurisdictions have taken steps to address environmental issues on a comprehensive basis. *The Skagit County Countywide Planning Policies* and *The Skagit County Comprehensive Plan*, adopted as of June 1, 1997 specifically addresses wetlands, forestry, fisheries and other environmental standards as illustrated by the chart, in unincorporated Skagit County. Additional policies may be considered for adoption as part of comprehensive plans for growth management.

## ECONOMIC DEVELOPMENT GOALS & OBJECTIVES

The OEDP recommends goals, objectives, and policies for economic development in Skagit County. Goal statements that are continued forward with this OEDP update are summarized as follows:

***Employment:*** Create and maintain diverse employment opportunities that meet the changing income needs of Skagit County residents.

***Business Development:*** Sustain and enhance (value-added) the economic utilization of Skagit County's natural resources and attract a more diversified base of non-resource industries consistent with local quality of life and environmental values, including high-tech industries.

***Commercial Activity:*** Provide a range of commercial retail and service businesses to meet local resident needs and serve visitors to Skagit County at appropriate locations.

***Visitor Services:*** Establish Skagit County as a visitor destination by preserving and enhancing the unique qualities of both rural areas and urban communities.

***Human Services:*** Provide a full range of human and social services necessary to encourage a strong local economy.

***Conservation & Economic Development:*** Encourage economic development that conserves natural resources and open spaces, protects environmental quality and enhances Skagit County's overall quality of life.

***Transportation & Economic Development:*** Provide, maintain and encourage a transportation system that is adequate to attract and accommodate economic growth.

***Business & Investment Climate:*** Foster a public-private cooperative partnership involving Skagit County, local cities, tribal governments, state and federal agencies that is supportive of diverse business operations and investments throughout Skagit County.

## DEVELOPMENT STRATEGY & ACTION PLAN

The proposed development strategy serves to link economic development goals with an action or implementation plan.

### Development Strategy

The development strategy represents a multi-year course of action for economic development and diversification activities in Skagit County. This *countywide* development strategy also reflects a continuing planning process, which reflects a balance among governmental jurisdiction, private business, and citizen interests.

***Economic & Development Assumptions:*** The following five assumptions serve to shape the recommended development strategy:

1. Growth management (GMA) has and will continue to significantly affect the environment in which future growth and development will occur.
2. Balancing economic and environmental values represents a major challenge for Skagit County.
3. Similarly, population and employment growth poses major infrastructure requirements which are an important focus for project implementation.
4. Business development adequate to provide family-wage jobs for Skagit County residents historically and currently represents a continuing priority.
5. Building and maintaining working partnerships between public, private and community interests is a cornerstone of Skagit County's economic development plan.
6. Attraction of high technology (high-tech) investment to Skagit County has been identified as a high priority for this plan update. This interest recognizes the transforming role that high-tech firms have played in the economy of the Central Puget Sound (Seattle) metro area since 1994. Also recognized is the continuing need to diversify Skagit County's economy away from its traditional reliance on natural resource based industry.
7. Development of arts and entertainment suitable to attract spouses of professionals relocating to Skagit County (i.e., medical personnel and high-tech employees).

***Criteria for Resource Utilization & Project Selection:*** Criteria suggested for project evaluation are severalfold:

- Job creation and/or retention.
- Identification of a sponsoring entity.

- Identification of the project location or population to be benefited.
- Preference for projects which benefit not only the sponsoring community, but a larger region covering some portion or the entire county.
- Preference for EDA funded projects in timber dependent or economically distressed communities.
- Indication of project priority (urgent, immediate, mid-term, long-term).

## Implementation Plan

This report and the attached listing provides a compilation of projects submitted by county and local governments, port districts, and other organizations involved in economic development in Skagit County:

| Jurisdiction | Name of OEDP Project |
|---|---|
| City of Anacortes | Sewer service to Marches Point Industrial Area/City of Anacortes Urban Growth Area |
| | Industrial Access Corridor – 17th Street |
| | Industrial Access Corridor – 22nd Street/Q Avenue |
| | Industrial Access Corridor – 30th Street |
| | Industrial Frontage Road Upgrade – S. March Point |
| | Industrial Access – SR-20/Thompson Road |
| | Intertie with PUD |
| | March Point Sewer Phase II |
| City of Burlington | Westside surface water project & Peterson Road Improvements |
| | Downtown improvement |
| | Construct Burlington Hill Lookout |
| | Interconnect traffic signals |
| | Treatment Plant Expansion |
| | Avon-Allen Force Main |
| | Wetland Mitigation |
| | Skagit River Bridge |
| | Construct Improvements to new Skagit River Park |
| | Goldenrod Road Bridge Improvement |
| Town of Concrete | Central business district & utility corridor improvements |
| | Silo Park |
| | Thompson Bridge Repair |
| | Water System Improvement |
| Town of Hamilton | Sand & gravel operation |
| | Industrial/business park |
| | Construct new well and water tank |
| | Recreational facility to serve non-motorized trails |
| | Sewage treatment plant |
| Town of La Conner | Water system fire flow |
| | Sewer plan improvements |
| | Morris Street reconstruction |
| | Stormwater drainage |
| | Southfield Affordable Housing Infrastructure |

| Jurisdiction | Name of OEDP Project |
|---|---|
| City of Mount Vernon | Road/utility improvements |
| | Storm drainage |
| | Sewer line |
| | Construct overpass |
| | Transportation Projects |
| | Sanitary Sewer Projects |
| | Fiber-optics Infrastructure |
| City of Sedro-Woolley | Skagit Manufacturing infrastructure |
| | Sedro-Woolley SR-20 Improvements |
| | CBD Street Improvements |
| | Upgrade Sewer Treatment Plant |
| | State Street Sewer Lines |
| | Highway 20/Moore Street |
| | Highway 9 (North) Sewer Improvements |
| | Drainage Master Plan |
| | Sewer Comprehensive Plan Update |
| | Thompson Lane Sewer Improvement |
| | Curtis Street Sewer Line |
| | CBD Subarea Improvements |
| | Northern State/North Cascades |
| Port of Anacortes | South Basin development |
| | South Basin boat yard |
| | Depot property development |
| | Airport industrial park |
| | Warehouse #4 dock rehabilitation |
| | Rail right-of-way |
| | Port Trans-Loading facility and Infrastructure |
| | Shipyard expansion |
| | West Basin – permitting and engineering |
| | West Basin – construction |
| | West Basin – ADA ramp |
| | West Basin – B Dock North |
| | Dakota Creek |
| | Harbor Dredging |
| | South Basin – esplanade and roadway |
| | South Basin – cleanup |
| | Ship Harbor interpretive program |
| Port of Skagit County | Port Drive extension |
| | Stormwater/Drainage |
| | Upgrade/Extension of Rail Siding |
| | Bayview Business and Industrial Park – SW Quadrant Infrastructure Development |
| Skagit Council of Governments | Recapitalize revolving loan fund |
| | Environmental industry industrial park |
| | Business incubators |
| | Rail spur |
| | Hamilton Water System |

| Jurisdiction | Name of OEDP Project |
|---|---|
| | Agriculture CA/Cold Storage |
| | Agricultural Marketing Plan |
| | Agricultural Processing Incubator |
| | Community Resource Center |
| | Information Park |
| | Wetlands Cooperative Demonstration and Education |
| | Industrial and Wetland Inventory |
| | Community Jobs and Clean Water |
| | Regional Youth Playfield Complex |
| | Regional Performing Arts & Exhibition Hall |
| | Intersection Improvement |
| | Burlington/Bayview UGA Sewer Line and Road Extension |
| Swinomish Tribal Community | Road improvements |
| | Swinomish Marina and Economic Development District |
| Skagit County | Cook Road Reconstruction and Widening |
| | Casino Drive Reconstruction |
| | Peterson Road Reconstruction |
| | Skagit County Agricultural Industrial Park |
| Skagit County PUD #1 | Raise Judy Reservoir |
| | Bay View Ridge Storage Reservoir |
| | Fidalgo Heights Reservoir |
| | Marblemount Water System |
| | Skagit River Pumping Station |
| | Judy Reservoir Water Treatment Plant Expansion |
| | East Division Street Storage Reservoir #2 |
| | Conway Storage Reservoir |
| | Judy Reservoir Water Treatment Plant Upgrade |
| | Transmission Line, Sedro-Woolley to Burlington |
| | Skagit River Bridge Crossing |
| | Mount Vernon Transmission Line |
| WSU Research and Extension Unit | Research Station Land Acquisition |
| | Research Station Expansion and Upgrade |

# II. ORGANIZATION & MANAGEMENT

Skagit County's *Overall Economic Development Plan* (OEDP) is intended to serve as a comprehensive statement of plans for countywide economic growth and development over the next twenty years. The OEDP is being organized to address requirements of the U.S. Economic Development Administration (EDA) and the economic development element of Skagit County's growth management (or comprehensive) plan.

This economic development plan has been prepared as a cooperative venture involving Skagit County, the Skagit Council of Governments, local jurisdictions, the Economic Development Association of Skagit County (EDASC) and a Citizens Advisory Committee (CAC). Participating members are listed in Figure 2. The consulting firm E.D. Hovee & Company has assisted in compiling background research and in preparing plan documentation.

## A. SIGNIFICANT CHANGES TO THE OEDP

This report represents a five-year comprehensive review and update of the initial 1994 *Overall Economic Development Plan for Skagit County*, as well as combining results from two key subsequent OEDP planning efforts including:

- *Overall Economic Development Plan (OEDP) for Skagit County: 1995 Update*
- *1997 Skagit County Urban Growth Area Analysis Update: Population, Employment & UGA Land Allocations by Jurisdiction.*

Together, these efforts represent the complete statement of economic development, goals and objectives, development strategy and implementation plan consistent with guidelines of the U.S. Economic Development Administration (EDA) for Skagit County. Although EDA provides a more streamlined format for *annual updates* to the OEDP, with particular focus on changes since the prior comprehensive OEDP, this report is intended to serve as a complete update and revision to the original 1994 OEDP.

Significant changes to the OEDP from prior efforts are noted throughout the following sections, however this report is designed to be a stand-alone document representing the most current comprehensive statement of plans for economic growth and development in Skagit County through the year 2015.

## B. FEDERAL OEDP OBJECTIVES

The Overall Economic Development Plan (or Program), commonly known as an OEDP, and the process for creating an OEDP are defined by the U.S. Department of Commerce Economic Development Administration (EDA). For the purposes of federal administration, including the activities of EDA, the United States is divided into ten regions. The State of Washington is in Region X, with Alaska, Idaho, Oregon, Nevada, California, Arizona, Hawaii, and the Pacific Islands. The region is headquartered in Seattle. Guidelines for preparing an OEDP are outlined by EDA. Considerable local discretion and flexibility are provided in the planning process subject to certain requirements as spelled out by EDA:

> "The Overall Economic Development Program (OEDP) is a local planning and implementation process designed to create jobs, foster more stable and diversified economies, improve living conditions, and provide a mechanism for guiding and coordinating the efforts of persons and organizations concerned with economic development. The OEDP document describes the problems, needs, and resources of an area; identifies the goals and objectives of the development program; presents the strategies and action plans devised to achieve those goals; and outlines the standards for evaluation of the program's achievements."[2]

States, counties, or groups of counties (districts) which prepare an OEDP can become eligible to compete for federal money. Congress provides funds through EDA to support economic development projects including public works and business development activities, which are deemed to create jobs and industrial/economic diversification. Without an OEDP, this funding source is not available.

## C. SKAGIT COUNTY GROWTH MANAGEMENT

This OEDP document also serves as the economic development element of Skagit County's growth management plan. The State of Washington Growth Management Act (GMA) of 1990 (as subsequently amended) recommends local comprehensive plans and development regulations in affected counties (including Skagit) to address a series of 13 goals. Goal 5 relates to economic development:

> (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.[3]

As one of 13 goals, economic development also is an optional element to be included in comprehensive plans at the discretion of local governments. Skagit County and several cities in the county have opted to prepare economic development elements as part of their comprehensive plans.

In summary, this overall economic development plan is aimed to address federal, state, and local objectives — through an integrated, coordinated planning process.

## D. OEDP/GMA WORK PROGRAM & ADOPTION PROCESS

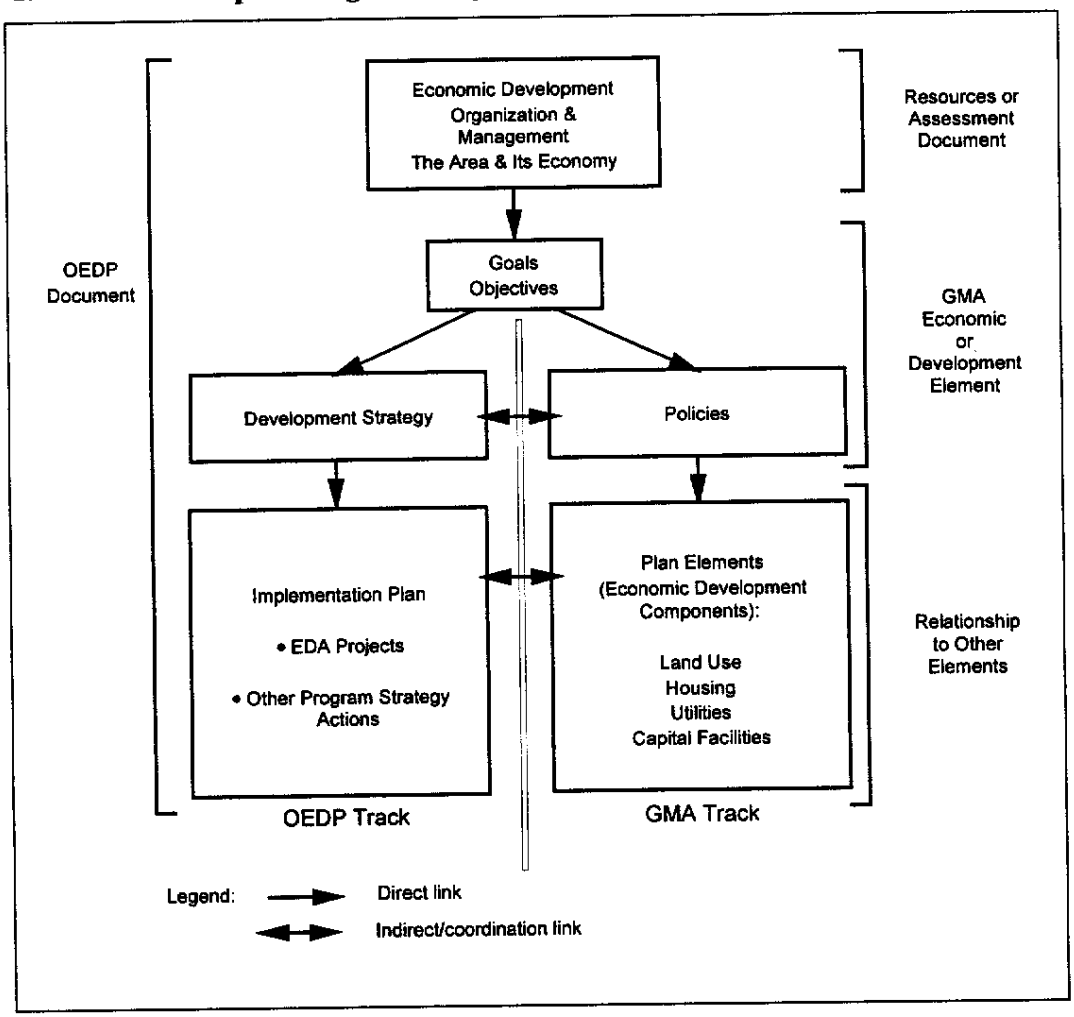
The process for integrating the federal OEDP process with comprehensive planning consistent with the state Growth Management Act (GMA) is illustrated by Figure 1.

The OEDP/GMA planning process involves both Skagit County and incorporated cities throughout the county to establish a common framework for the economic development element of local plans. At its best, the planning process results in a set of core *goals, objectives and policies* that are adopted by all planning jurisdictions in Skagit County. Local jurisdictions have also identified other individual goals, objectives, and policies that are uniquely tailored to specific needs or interests of that jurisdiction.

During the past several years, the Skagit County Planning and Permit Center has incorporated recommended Economic Development Goals & Objectives (with minor revisions) from the 1994 and updated 1995 OEDP reports within the economic development element of the county's comprehensive plan.

Skagit County's Comprehensive Plan is now complete. With completion and implementation of the plan, the Planning and Permit Center has begun community specific (or subarea) plans to generate interest in projects that may be submitted as part of this and future OEDP plans.

**Figure 1. Relationship of Skagit County OEDP to GMA**




## E. THE OEDP COMMITTEE

A Citizens Advisory Committee was formed in 1999 to serve both as the OEDP Committee and in preparing the economic development element of Skagit County's comprehensive plan. The following chart identifies committee members and their affiliations. CAC/OEDP Committee membership has been revisited with the following citizens participating.

**Figure 2. Skagit County OEDP & Economic Development Element Citizens Advisory Committee**

| Member | Affiliation |
|---|---|
| Harry Ota, Windermere Real Estate/Best Realty | Professional |
| Bert Williamson, Dean of Continuing Vocational Education, Skagit Valley College | Education |
| Kay Haaland, WSU/Cooperative Extension | Washington State Univ. |
| Bob Rose, Skagitonians to Preserve Farmland | Agriculture |
| Danielle Mullen, U.S. Bank | Finance |
| Lee Bode, PUD #1 Commissioner | Utilities |
| Don Wick, Executive Director, Economic Development Association of Skagit County | EDASC |
| Boyd Morris | Community |
| Bill Taylor | Community |
| Ben Ocean | Community |
| Alan Workman | Business |
| Eric Irelan, Skagit Council of Governments | Transportation |
| Ian Munce, City of Anacortes | Local government |
| Patsy Martin, Port of Skagit County | Local government |
| Gary Christensen, Skagit County | Local government |

Members of the CAC are selected in accordance with EDA guidelines and as the result of a process inviting participation from interested citizens. The OEDP/CAC is intended to truly represent a *citizens committee*, brought together for the first time to create a new plan for economic development with no preconceptions or commitments to the results of prior economic development planning activities.

## F. ECONOMIC DEVELOPMENT ROLE & WORKING RELATIONSHIPS

Like most counties, Skagit County has a variety of public and non-profit organizations actively involved in economic development. These organizations have come forward in support of the combined OEDP/GMA process.

Key economic development organizations and their roles are described as follows:

- **The Economic Development Association of Skagit County** (EDASC) is a private, non-profit corporation and exists to promote a healthy economy for the county, to create and retain jobs, and to recruit new businesses.

  Its Business and Job Retention program provides technical assistance and guidance and occasional professional services to firms in danger of layoffs or closure. In the past three years alone, over 70 industrial and manufacturing firms have received direct technical assistance and at least 2,000 jobs have been saved.

  EDASC works to identify and attract businesses to invest in Skagit County through its Business Recruitment program. EDASC helps analyze a prospect's needs and interests to determine the suitability of that business to locate in Skagit County. Efforts include providing access to capital, reviewing tax incentive programs, identifying sites, providing research and information, assisting in the permit process, and other general business assistance services.

Other EDASC services include workshops and seminars, a wood products program, information clearinghouse and resource center, and quarterly meetings featuring timely topics and opportunities for business networking.

- **The Port of Anacortes** was formed in 1926 and encompasses approximately 110 square miles. It was formed for the enhancement and orderly management of maritime commerce, air traffic and small boat facilities and to promote industrial development.

  The Marine Terminal is a major deep-water port that accommodates ocean-going ships as well as tugs and barges at its Pier I and Pier II facilities. It has the capabilities and equipment for the handling of bulk and break bulk commodities such as logs, lumber, petroleum coke and prilled sulfur. The Port of Anacortes is also the only Port in the United States that owns its own log debarker. The Marine Terminal has over 65,000 square feet of concrete warehousing space available to tenants.

  The Cap Sante Boat Haven, located on the north side of Fidalgo Island, is owned and operated by the Port of Anacortes and is among Washington state's four largest marinas with 1,100 boat slips. It hosts commercial fishing vessels, pleasure boats and commercial marine-related businesses.

  Located approximately four miles west of the city center, the Port of Anacortes operates a general aviation airport with a 3,000-foot runway. A fixed base airline provides air taxi and charter services to the San Juan Islands.

- **The Port of Skagit County** consists of the Skagit Regional/Bayview Airport, the Bayview Business and Industrial Park, the La Conner Marina, and the Riverbend Industrial Park. The Board of Commissioners of the Port of Skagit County oversees all operations at the site and is actively seeking new and expanding industry to the Industrial Park.

  The Port of Skagit County is located on State Route 20 three miles west of Interstate 5. The airport has two runways, one 5,475 feet and another 3,000 feet in length; each accommodates private and commercial jet aircraft. It also offers aircraft maintenance, fueling, flight instruction, tie-downs and hangars.

  The 1,800-acre Bayview Business and Industrial Park is all industrial zoned land except for approximately 70 acres that are aviation-related and approximately 25 acres that are agricultural. Several roads run through the park and most utilities (including water, sewer, natural gas and power) are provided.

- **Eight incorporated cities** account for most of the commercial property and much of the industrial development in Skagit County. The largest cities are the county seat Mount Vernon (22,540 residents), Anacortes (13,900 residents), Sedro-Woolley (7,805) and Burlington (5,525). Four other incorporated communities (Concrete, Hamilton, La Conner and Lyman) have about 2,200 residents collectively.

  Some cities are also directly involved in economic or industrial development programs. For example, the City of Anacortes manages a 50-acre waterfront industrial park.

- **Recognized Tribal Governments** in Skagit County include the Swinomish Indian Tribal Community, the Sauk-Seattle, and the Upper Skagit Indian Tribe. Tribal governments prepare their own OEDPs but have also participated as members of the Citizens Advisory Committee (CAC) in this countywide planning process.

- **Skagit Valley College,** through its Vocational and Counseling Education programs, works *hand-in-hand* with the business and industrial community in training employees. Both in classroom and workplace settings, Skagit Valley College provides training tailored to the requirements of Skagit County employers. The Washington State Job Skills Program is also administered through Skagit Valley College.
- **Washington State University** has two units in the county. For more than 50 years, the community-initiated WSU/Mount Vernon Research and Extension Unit has been central to the stability, diversification, and success of agriculture in Skagit and the surrounding counties of northwest Washington. WSU Co-operative Extension, in a new partnership with Skagit Valley College, is offering advanced degree programs locally via distance education through a WSU Learning Center at Skagit Valley College campus.
- **The Northwest Washington Private Industry Council** is a non-profit corporation offering financial incentives to help business reduce personnel costs and qualify for federal tax credits by training and hiring local residents. Funding is provided through the federal Job Training Partnership Act (JTPA).
- **The State of Washington Employment Security Department** assists Skagit County employers with the Welfare-To-Work program, JOBS program for on-the-job training, dislocated worker retraining, Job Opportunity and Basic Skills programs, Emergency Veterans Job Training Act, and Targeted Jobs Tax Credit.
- **Puget Sound Energy (previously Puget Sound Power and Light Company)** is a private electric utility that serves Skagit County. The company participates in economic development by conducting events such as the *Community Summit* in cooperation with each of the cities of Anacortes, Burlington, Mount Vernon, Sedro-Woolley and Concrete.
- **GTE Northwest** provides telephone and related communications services through Skagit County. The firm has been actively involved in local economic development efforts by funding projects like the Skagit County *Community Profile* and the Woodcraft Network.
- **Wal-Mart**, a retail store newly located in Mount Vernon, participates in economic development by its funding of the update of the Skagit County *Community Profile*.
- **Skagitonians to Preserve Farmland and the Natural Resource Conservation Service** (NRCS, previously the Soil Conservation Service) are examples of grassroots, non-profit and governmental groups working together to enhance economic development in the agricultural and rural areas.
- **The Washington Department of Community, Trade & Economic Development** provides a variety of programs in support of local economic development initiatives. Participation in Skagit County projects included the Woodcraft Network, a non-profit organization, which worked in partnership with EDASC. Its mission was to provide opportunities for the value-added wood products industry.
- **The Skagit Council of Governments** provides intergovernmental services on behalf of the public county, city and port jurisdictions in Skagit County. The Skagit Council of Governments is responsible for preparation of the Overall Economic Development Plan (OEDP) and also administers a Revolving Loan Fund program to assist Skagit County industrial and manufacturing firms.

## G. STAFF RESOURCES

Over the past several years, those involved in economic development have forged working partnerships in several key areas, notably cooperative infrastructure planning for economic development, growth management planning (with particular focus on industrial and commercial lands) and regional transportation improvements. These and other activities are documented more fully in the following review of development accomplishments.

Staff resources for this OEDP/GMA planning effort have been provided on a cooperative basis through the Skagit Council of Governments and Skagit County Planning and Permit Center. The consulting firm E.D. Hovee & Company has been retained by the Skagit Council of Governments to assist in preparing the OEDP/GMA planning document.

The Citizens Advisory Committee and staff are supported by a Technical Committee with representation from public sector and non-profit organizations actively involved in local and countywide economic development activities. The following chart identifies current Technical Advisory Committee (TAC) members and their affiliations.

**Figure 3. 1994 OEDP Technical Advisory Committee**

| Member | Affiliation |
|---|---|
| Gary Christensen | Skagit County Planning and Permit Center |
| Don Wick | Economic Development Association of Skagit County |
| Ian Munce | City of Anacortes |
| Patsy Martin | Port of Skagit County |
| Kelley Moldstad | Skagit Council of Governments |



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# III. PAST DEVELOPMENT EFFORTS

The history of organized economic development efforts in Skagit County can be traced back to formation of the Port of Anacortes in 1926. The Port of Skagit County was established in 1964 to provide marina, industrial and aviation services for much of the remainder of the county.

The private, non-profit Economic Development Association of Skagit County (EDASC) was formed in 1972 to represent countywide economic development interests. EDASC is recognized as the Associate Development Organization (ADO) by the state of Washington for Skagit County.

To obtain eligibility for federal funding from the U.S. Economic Development Administration (EDA), the Skagit Council of Governments has been responsible for preparation of the county's Overall Economic Development Plan (OEDP). OEDP reports were submitted in 1976, 1982, 1984/85, and 1987/88. The most recent OEDP report and update were completed in 1994 and 1995, respectively.

The history of economic development planning in Skagit County goes back to at least 1957 when the University of Washington prepared an Economic Base Study of Skagit County. That report identified two key changes shifting the county's economy away from total dependence on natural resource-based industries: the location of two oil refineries at March's Point, and the establishment of a pleasure boat building industry.

- *Potentials* for economic development identified in the 1957 study were seen to lie with tourism and industrial diversification.
- *Needs* identified included development of high quality tourism facilities, improvements to water distribution and storage systems, and preparation of a detailed inventory of available sites.

Over the course of the last 40 years, Skagit County has needed to adapt to changing economic conditions, particularly to adjust to the closures of major employers. These closures have included, in the late 1960s, Superior Portland Cement Company (with 210 jobs) and Dairygold Milk (80 jobs), Northern State Hospital (the county's then-largest employer with 424 jobs) in 1973, the subsequent closures of Cascade Foods and Publishers Plywood (in total displacing over 500 workers) and the August 1990 closure of Skagit Manufacturing (which had previously employed upwards of 800 workers). A more recent impact on the community includes Jansport, which had significant community support (1994) to locate their regional plant in Skagit County (100 jobs), but which announced a full operational shut-down in 1998.

Previous OEDPs in the 1962-95 era identified two basic economic development needs:

> First, the need for major water system improvements; and second, the need for coordinated efforts to promote and sustain economic development in the county.[4]

The U.S. Economic Development Administration (EDA) has been a participant in funding both planning and implementation projects to assist in diversification of Skagit County's economic base. Other outside funding support also often has proved to be instrumental.

In the mid 1960s, the water systems of La Conner, Burlington/Mount Vernon and Anacortes had all reached capacity, with reduced ability to support peak demands from the county's food processors. Successful applications were made to EDA by the Skagit Public Utility District, the City of Anacortes, and the town of La Conner for grants totaling $4.1 million to upgrade these water systems.

EDA funds were used to improve opportunities for the successful establishment and expansion of industrial plants. Approximately 1,000 new year-round jobs were created and seasonal work equivalent to 800 full-time jobs was saved.

During this time period, assistance was received from the then State of Washington Department of Commerce and Economic Development to extend water lines to the Bayview Airport, which, at the time, had 800 acres of industrially-zoned land above floodplain elevation. The Bayview Business and Industrial Park has become one of the major locations for industrial plant investments in subsequent years.

Subsequent to the closure of the Northern State Hospital, the Skagit Council of Governments was awarded a $55,000 grant from EDA to study the feasibility of re-opening the facility. The state contributed $14,000 and the Northern State Re-Utilization Committee contributed $6,000 — for a combined total of $75,000.

The governor used a resulting *Northern State Engineering Study* and *Space Allocation and Capital Improvement Plan* to support a decision to reopen the facility to house a federal Job Corps Training Center together with a state, residential alcohol treatment program and mental health program. The state legislature appropriated $1.5 million for remodeling and federal agencies coordinated by EDA committed $3 million to capital improvements.

Major accomplishments subsequent to the 1994-95 OEDP include the ongoing capitalization of a Revolving Loan Fund with grants from the Federal Economic Development Administration and State Community Economic Revitalization Board (CERB) in 1985. For example, Skagit Council of Governments manages 54 business account relationships with loans totaling $3.5 million. These loans have facilitated the creation or retention of over 1,400 jobs.

# IV. SKAGIT COUNTY & ITS ECONOMY

Pertinent community, county, regional and statewide conditions and trends that could affect development of the Skagit County has been profiled, notably:

- Background Information
- Economic Development Assessment

This *economic profile* is drawn from a combination of published data sources and from contacts with persons knowledgeable about the area's economic development and community trends.

## A. BACKGROUND INFORMATION

Background information profiled in this OEDP covers a variety of topics:

- Location, topography & climate
- Economic history
- Natural resources
- Population & demographic characteristics
- Labor force & employment
- Income trends
- Industrial & commercial lands
- Major economic development investments
- Puget Sound regional context

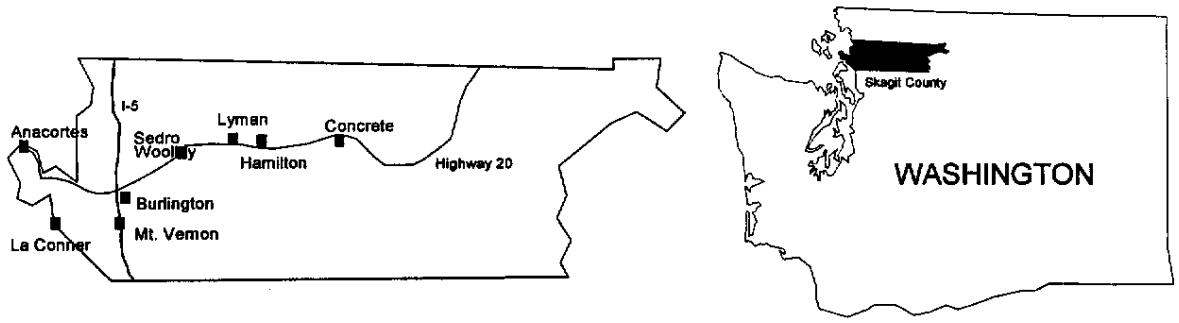
### Location, Topography & Climate

Skagit County is located in the northwestern portion of Washington State. It is bordered on the north by Whatcom County, the south by Snohomish County, the east by Okanogan and Chelan counties, and the west by San Juan and Island Counties. Skagit County encompasses 1,844 square miles and ranks 21st in size among Washington State counties.

Elevation ranges from sea level at the western edge bordering Puget Sound to 8,966 feet at Mt. Logan in the extreme eastern portion of the county. Based on topography, the county can be characterized as consisting of several distinct areas: the Skagit Flats, western islands, Upper Skagit and Sauk River Valleys, and the Cascade Mountains.

Skagit County has a marine climate affected by Pacific Ocean air currents. These currents result in mild, wet winters and comfortably warm, drier summers. Prevailing winds generally flow from the southwest. Annual precipitation ranges from about 32 inches at Mount Vernon to 70 inches in Concrete.

**Figure 4. Skagit County Location** 17938




Other key location, topographic and climatic features of note include:

- Direct ferry access to Vancouver Island (via Anacortes).
- Only direct highway connection to Whidbey Island (via the Deception Pass Bridge).
- Primary access to the San Juan County islands (via the Anacortes ferry).
- Northernmost highway connection to eastern Washington (via Highway 20).
- Location midway between Seattle and Vancouver, B.C.

## Economic History

Skagit County was created on November 24, 1883 by partitioning what was then Whatcom County. The name "Skagit" came from the Indian tribe that once inhabited much of the area.

Native Americans that inhabited Skagit County engaged in fishing and hunting. The first Caucasian settlers arrived in the 1850s and were mostly homesteaders.

Farming started about 1863 when settlers in La Conner successfully planted and harvested a modest barley crop. By the 1870s, all the islands in Skagit County and the Skagit Valley were settled and being farmed. This was a *watershed decade* of economic expansion. Oats, barley, and hay were principal crops in those early years.

Later, salmon and cod fishing provided an alternative source of income for Puget Sound settlers. Soon complementary canning and packaging plants were established.

In 1873, significant limestone, coal, and iron deposits were discovered in the Upper Skagit Valley area near the present towns of Concrete and Marblemount. Several years later, a short-lived gold rush began, curtailed because of news about the Alaskan Gold Rush.

By about the turn of the century, logging emerged as the dominant industry in the area of the Upper Skagit Valley and small logging towns began to appear. Sawmills, shippers, and other complementary industries were also established as part of an integrated forest products industry.

Skagit County's early major economic activities were primarily natural resource-oriented. They provided the *economic backbone* of the county through about the mid-1900s. By the end of the



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1950s, Skagit County had two oil refineries on Fidalgo Island near Anacortes: Tesoro (Shell Oil Company) and Equilon Enterprises (Texaco), which introduced more diversified industries.

The 1970s and 1980s brought economic hardship to Skagit County because of downturns in the lumber and wood products and the food processing industries. These curtailments led to high unemployment relative to the rest of Washington. Skagit County is still designated as one of the 28 most impacted *distressed timber counties* in the state of Washington.

Skagit County has worked together to develop and adopt the Countywide Planning Policies, which include provisions for economic development. These policies are designed to encourage economic development that is consistent with adopted comprehensive plans, promote economic opportunities for all citizens, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the area's natural resources, public services, and public facilities.

## Natural Resources

Skagit County possesses a distinctive array of natural physical features and resources. In western Skagit County, Fidalgo Island of the San Juan Island Archipelago offers access to the beauty of Washington's Puget Sound. Further east are the Skagit Flats, a fertile alluvial plain nurtured by the flood plain of the Skagit River. The area is recognized regionally and nationally for its rich farm soil.

The valley gradually rises into the foothills that lead to the rugged Cascade Mountain Range. The forests of the Cascades, which include Mount Baker-Snoqualmie National Forest, the North Cascades National Park, and Glacier Peak Wilderness Area, dominate two-thirds of Skagit County.

Historically, the following three natural resource industries have been integral to Skagit County's economy and way of life: agriculture, forestry, and fishing.

***Agricultural Resources:*** Agricultural resources are an important part of Skagit County's economy and community character. Farming has been an important part of the community's heritage since early settlement in the 1800s. The Skagit Valley is viewed by many as one of the most fertile valleys in the world:

- Skagit County is a major producer of spinach, cabbage, and table beet seeds for the world. There are four vegetable seed companies in the county, which market their products worldwide.
- Small fruits such as raspberries, blueberries, and strawberries are noted regionally for their superior quality.
- Skagit County is one of the world leaders in tulip and daffodil production.
- Skagit County ranks fourth in number of dairy cows (1999) in the state and 5th for commercial broilers (1998).

Over 71 different crops are reported Skagit county farms produce both major commodities and specialty crops with unique market niches:

**Figure 5. Major Agricultural Commodities & Specialty Crops**

| Top Six Commodities | Specialty Crops (examples) |
|---|---|
| Dairy | Vegetable seeds |
| Horticultural specialties | Berries (was #2 county in 1992) |
| Field crops | Floriculture |
| Eggs and fryers | Nursery stock |
| Potatoes (was #6 county in WA state for 1992) | Greenhouse crops |
| Peas (was #1 county for green peas in 1992) | Organic crops |

Source: 1996 Skagit County Ag Statistics and 1997 USDA Census of Agriculture.

As of the 1997 USDA Census of Agriculture, Skagit County had 376 full-time and 714 total farms (806 in 1987) with an average size of 131 acres (118 in 1987). Other key economic indicators of the importance of this sector include:

- 1997 Census of Agriculture market value of agricultural products sold of $171.7 million ($148 million in 1990 and $102.5 million in 1987).
- Annual average employment in 1997 was 3,260 persons (2,901 in 1992).
- Highest monthly employment in July of 5,340 persons (5,035 in 1992).
- Wages paid totaled $57.6 million for 1996 ($35.1 million in 1992).

Key *competitive advantages* that Skagit County offers for future agricultural production are essentially threefold:

- Proximity to the Seattle-Everett-Tacoma and Vancouver, B.C. markets for locally grown fresh and organic products.
- Greater long-term availability of water than in other major agricultural areas (e.g. Columbia Basin which has limited additional irrigation capability, and Midwestern states which are experiencing depletion of the Ogallala aquifer). However, regulation and compliance issues are becoming an increasingly significant management and financial consideration.
- Local commitment to preservation of Skagit County open space and agricultural lands, despite pressures for urbanization. In 1996, the county implemented the Farmland Legacy Program, whose major function is to purchase the development rights on approved rural lands.

Major *constraints* or limiting factors include:

- Rising costs associated with maintaining adequate and compliant waste management systems especially in dairies and poultry operations.
- Increasing regulations regarding water supply and usage.
- Closure of smaller food processing firms and relocation to less urban areas (such as eastern Washington). [5] Most recent has been the announcement by National Frozen Foods, a major employer in Skagit County, of the potential closing of plants in Burlington and Chehalis, ending their presence in Western Washington.[6]

- Use of pesticides and fertilizers, which can affect ground water quality.
- Loss of prime agricultural land despite strong protection programs. For example, between 1982 and 1992, Skagit County experienced a reported 16% loss in agricultural acreage. Also, the total acreage in farms as reported by Statewide Agricultural Trends indicates a reduction of 2% (1,862 acres) of actual farmland between 1987 and 1997.

Most significant changes noticed since 1994 include the continued innovation in technology providing opportunities to increase productivity. Cost of complying with regulations governing waste management is a major threat to the local and state dairies, causing many small farmers to leave the industry. Water usage is also increasingly important as issues of native fish protection arise not only locally but also nationally and internationally.

**Figure 6. Skagit County & Statewide Agricultural Trends**

| | Skagit County | | | State of Washington | | |
|---|---|---|---|---|---|---|
| **Agricultural Indicator** | **1997** | **1992** | **1987** | **1997** | **1992** | **1987** |
| ***Total Number of Farms*** | 714 | 754 | 806 | 29,011 | 30,264 | 33,559 |
| ***Total Acres in Farms*** | 93,495 | 92,074 | 95,357 | 15,179,710 | 15,726,007 | 16,115,568 |
| Average Farm Size (acres) | 131 | 122 | 118 | 523 | 520 | 480 |
| ***Estimated Average Market Value:*** | | | | | | |
| Land & Buildings (per farm) | $609,685 | $435,274 | $290,692 | $634,619 | $468,482 | $355,976 |
| Land & Buildings (per acre) | $4,645 | $3,618 | $2,427 | $1,192 | $892 | $739 |
| Machinery & Equipment (per farm) | $71,459 | $68,180 | $45,784 | $69,693 | $61,053 | $45,905 |
| ***Market Value of Agricultural Sales:*** | | | | | | |
| Crops including Greenhouse Crops ($1,000) | $90,392 | $63,849 | $47,672 | $3,251,291 | $2,451,605 | $1,688,656 |
| Livestock, Poultry & their Products ($1,000) | $81,299 | $74,621 | $54,860 | $1,516,436 | $1,369,617 | $1,230,978 |
| All Agricultural Products ($1,000) | $171,690 | $138,470 | $102,532 | $4,767,727 | $3,821,222 | $2,919,634 |
| Average Sales per Farm | $240,463 | $183,647 | $127,211 | $164,342 | $126,263 | $87,000 |
| ***Total Farm Production Expenses:*** | | | | | | |
| Total Expenses ($1,000) | $129,701 | $121,418 | $76,048 | $3,607,282 | $3,122,970 | $2,425,028 |
| Average Expense per Farm | $181,654 | $160,181 | $94,352 | $124,380 | $103,191 | $72,262 |
| ***Net Cash Return from Agricultural Sales:*** | | | | | | |
| Total Net Cash Return ($1,000) * | $40,882 | $18,134 | $22,240 | $1,132,634 | $689,113 | N/A |
| Average Net Cash Return per Farm * | $57,257 | $24,019 | $27,593 | $39,044 | $22,771 | N/A |
| Average Age of Farm Operators | 54.6 | 52.6 | N/A | 54.2 | 53.1 | 51.6 |

* Note: Net cash return is defined as gross value of agricultural products sold less operating expenses (which do not include depreciation or changes in inventory values). Net cash return is that of the farm unit rather than net farm income of the operator.

Source: 1997, 1992 and 1987 Censuses of Agriculture.

From this statistical data, the following observations are of particular note:

- From 1992-1997, the number of farms and total acreage in farms countywide continue to decline. Average size of farms has increased, though farms in Skagit County are smaller (at an average of 131 acres per farm) than is the case statewide (523 acres).
- Estimated market value of Skagit County farms (both land and buildings) is relatively high at over $4,600 per acre, well above the statewide average of under $1,200 per acre. The reported market value of local farms increased by 40% from 1992-1997, only slightly above the statewide increase of 35%.
- Increasing investment requirements in land, buildings and equipment due to inflation, improving technology, environmental regulations and urban pricing pressure for rural land increases the demand for an ever-increasing net cash return.
- As is true statewide, average age of farm operators is increasing as prospects of declining business opportunities deter new entrants. However, it is noted that the average age of Skagit County farm operators is increasing faster (+2 years between 1992 and 1997) than the rest of the State (+1 year for the same time period).

In 1996, a survey was conducted of Skagit County voters on Agricultural Land Protection.[7] Results from this study revealed a strong and widespread support for agriculture in this county. Some points of interest include:

- 82% of those polled said agriculture is the most important or one of the most important contributions to the economy of Skagit County.
- 61% indicated agriculture is as important or more important than it was ten years ago.
- 82% said steps should be taken to preserve agriculture land.

***Forest Resources:*** Forestlands represent a second significant natural resource for Skagit County. With 584,000 acres, forest lands account for 53.1% of Skagit County's total land area (of 1.1 million acres).

Timber harvested in Skagit County peaked at close to 319 million board feet in 1986, subsequently dropping 54% to a 1997 harvest level of 146 million board feet. This demonstrates the significant impact Skagit County's economy has experienced from timber harvest reductions. From 1988-1997, statewide harvest dropped 39.7% from 7.0 to 4.2 billion board feet.

**Figure 7. Timber Harvest Trend**

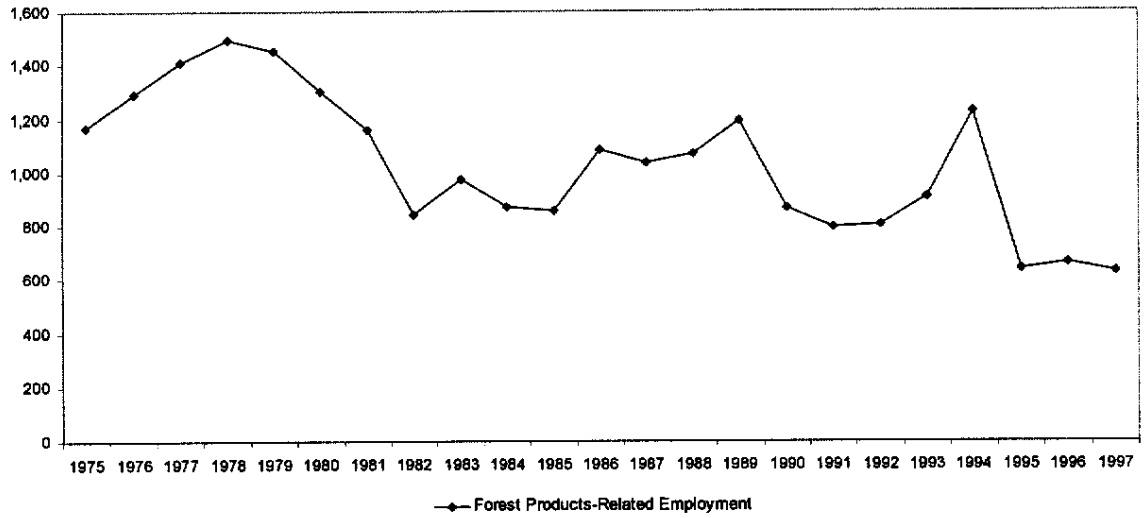
| Year | Skagit County | Washington State | % Share of State |
|---|---|---|---|
| 1980 | 231,386,000 | 5,719,552,000 | 4.0% |
| 1981 | 203,649,000 | 4,890,898,000 | 4.2% |
| 1982 | 199,208,000 | 5,079,064,000 | 3.9% |
| 1983 | 273,560,000 | 6,088,273,000 | 4.5% |
| 1984 | 209,298,000 | 5,801,972,000 | 3.6% |
| 1985 | 271,389,000 | 5,963,543,000 | 4.6% |
| 1986 | 318,907,000 | 6,555,957,000 | 4.9% |
| 1987 | 277,027,000 | 7,035,509,000 | 3.9% |
| 1988 | 240,456,000 | 7,045,372,000 | 3.4% |
| 1989 | 271,423,000 | 6,850,946,000 | 4.0% |
| 1990 | 287,697,000 | 5,849,227,000 | 4.9% |
| 1991 | 259,358,000 | 5,103,920,000 | 5.1% |
| 1992 | 260,098,000 | 5,017,676,000 | 5.2% |
| 1993 | 197,372,000 | 4,329,979,000 | 4.6% |
| 1994 | 149,726,000 | 4,155,930,000 | 3.6% |
| 1995 | 172,112,000 | 4,392,523,000 | 3.9% |
| 1996 | 150,370,000 | 4,366,287,000 | 3.4% |
| 1997 | 146,445,000 | 4,246,487,000 | 3.4% |

Source: State of Washington Department of Natural Resources.

Into the early 1990s, Skagit County actually experienced a brief resurgence in timber output, greatly increasing its share of statewide production. However, between 1992 and 1997, Skagit County timber harvest dropped by 44%. As a proportion of statewide harvest, Skagit's share has declined from 5.2% to 3.4%.

Changes in forest products-related activity are of significance because of: (a) the historical importance of this industry to Skagit County; (b) severity of employment loss in recent years; and (c) impacts of harvest and employment reductions, particularly for timber dependent communities in east Skagit County. Employment has declined from a peak of 1,496 jobs in 1978 to a low of 631 in 1997. However, the industry employment base may be stabilizing as the number of jobs reported for 1995 through 1997 appears to have balanced at about 650 jobs.

**Figure 8. Forest Products-Related Employment**




Source: Employment Security Covered Employment and Skagit County Business Patterns.

In addition to timber, other economic and social benefits such as hunting and fishing are realized from recreational uses of forest lands, as well as non-market related values, including clean air and water. A study conducted in 1994 focusing on the economic contributions made by hunting, fishing and wildlife-related activities on National Forest Service lands in the United States acknowledges the impact made by these sport industries on national, regional and local vitality. Results concluded that over $4 billion was spent during 1994 on big game ($438 million), small game ($119 million), migratory bird ($66.7 million), fishing ($1.8 billion), and wildlife-related activities ($1.8 billion).[8]

***Fishing:*** Commercial and recreational fishing represents a third integral natural resource that has influenced Skagit County economically and culturally.

However, as is true elsewhere throughout the state, commercial fisheries activity has declined significantly in recent years, a result of a variety of factors including below break-even market prices, overfishing, degradation of fisheries habitat (both ocean and freshwater), and catch restrictions.

Worldwide abundance of fish is a significant factor in setting the market price of fish harvested and the economic viability of this industry as well. State of Washington trends in volume of salmon harvested indicate that landings peaked in 1985 at 65,884 pounds statewide, but have consistently declined to 29,304 pounds total in 1995. At the same time, overall prices received peaked in 1987 at $80,804 — falling to $10,207 by 1994. Average price per pound ranged from a peak in 1988 at $1.75 per pound to a low of $0.42 per pound in 1994.

Shellfish remain an important component of fisheries activity. Washington State Department of Fish and Wildlife reports that trends in shellfish harvest between 1985 and 1995 appear relatively more stable both in volume harvested and prices received than the fin fish industry. In fact, reported fisheries-related employment has actually increased in recent years from 96 jobs in



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1980 to 159 jobs in 1996. *Note:* Source of this data is *covered employment,* which excludes proprietors, but includes persons involved on an occupational basis in fishing and hunting.

Recreational fishing also constitutes an important quality of life and economic resource for Skagit County. The Skagit River system comprises the largest drainage basin in Puget Sound. At least 35 species of fish reside in the Skagit system including five species of salmon and three species of anadromous trout.

The Skagit River provides habitat for a diverse sport fishery of national significance and is well recognized for its steelhead trout fishery. The Skagit River ranks among the top ten systems in Washington for winter season sport harvest.

Over the five-year period from 1985 to 1990, the average annual winter steelhead harvest was 1,784 fish. Harvest during the 1995-96 season for the Skagit River System (which includes Cascade, Sauk and Skagit Rivers) reported 1,530 winter steelhead harvested while 3,469 fish were harvested in 1996-97, confirming the uncertainty and wide swings in production inherent in this industry.

Tribal catch of hatchery and wild stocks averaged 4,216 fish per year. Value of tribal catch is estimated at over $42,000 per year.

A trout hatchery has been proposed at Grandy Creek (near Birdsview in the Upper Skagit Valley) to increase fish available for recreational and tribal harvest. [9] This project is on hold pending resolution of issues raised by local and environmental groups.

## Population & Demographic Characteristics

Characteristics of the population that could affect development prospects for Skagit County include population trends and forecasts, demographic characteristics, and housing availability. [10]

***Population Trends & Forecast:*** As of 1998, Skagit County had a population of approximately 98,700 residents, accounting for 1.7% of the population of the entire state.

Changes in population are noted for their current and potential future effects on the Skagit County economy. Population growth brings demands for an expanded job base, retail and service business, residential development and essential community services.

The county has experienced an average annual rate of population growth of approximately 2.7% from 1990 (79,545) to 1998 (98,700). This reflects a significant increase over the 2.2% average annual growth rate in the decade of the 1980s. An accelerated "growth-spurt" was noticed in the early 90s as the population grew at an annual average rate of 3.6% between 1990 and 1993.

The largest incorporated city in Skagit County is Mount Vernon (with nearly 22,540 residents), followed by Anacortes (13,900 residents), Sedro-Woolley (7,805 residents) and Burlington (5,525). As of 1998, the unincorporated portion of the county has nearly 44,000 residents.

Of the larger cities, Mount Vernon shows the most rapid population growth in the county with an eight-year average annual growth rate of 3.1%, followed closely by Burlington with a 3.0% average annual growth.

Though the town of Hamilton experienced the highest average annual growth rate (3.5%) in the county, it had been highly impacted by the distress occurring in the timber industry during the 1980s. The average annual growth rate over the past 18 years indicates this community has successfully recaptured and gained slightly beyond its historical population in 1980 of 283 residents.

Overall, the pace of population growth in the county has significantly increased during the last eight years compared to the decade of the 1980s. Highest growth was concentrated in the early 90s. The 1994 OEDP indicated that Skagit County had a 1993 population of 88,500 and had experienced an average annual growth between 1990 and 1993 of 3.6%.

Between 1993 and 1995, the county added another 4,600 residents, for a two-year (1993-1995) average annual growth rate of 2.6%. Most recently, from 1995-1998, Skagit County has added 5,600 residents, for an average growth rate of 2.0% over the last three years.

**Figure 9. Skagit County Population Trends (1980-1998)**

| | | | | Average Annual Population Growth | |
|---|---|---|---|---|---|
| **Jurisdiction** | **1980** | **1990** | **1998** | **1980-1990** | **1990-1998** |
| ***Cities:*** | | | | | |
| Anacortes | 9,013 | 11,451 | 13,900 | 2.4% | 2.5% |
| Burlington | 3,894 | 4,349 | 5,525 | 1.1% | 3.0% |
| Concrete | 592 | 735 | 785 | 2.2% | 0.8% |
| Hamilton | 283 | 228 | 300 | -2.1% | 3.5% |
| La Conner | 660 | 686 | 775 | 0.4% | 1.5% |
| Lyman | 285 | 275 | 320 | -0.4% | 1.9% |
| Mount Vernon | 13,009 | 17,647 | 22,540 | 3.1% | 3.1% |
| Sedro-Woolley | 6,110 | 6,333 | 7,805 | 0.4% | 2.6% |
| ***Unincorporated Area*** | 30,292 | 37,841 | 45,750 | 2.3% | 2.4% |
| ***Skagit County*** | 64,138 | 79,545 | 98,700 | 2.2% | 2.7% |
| State of Washington | 4,132,156 | 4,866,663 | 5,685,300 | 1.6% | 2.0% |

Source: U.S. Census Bureau and State of Washington Office of Financial Management.

Current OFM forecasts cover the 20-year period from 1995 to 2015, resulting in a revised forecast for 2015 Skagit County population of 137,714. This updated 2015 forecast is reflected in subsequent revisions to employment projections as well as determinations of industrial and commercial land demand (as part of this 1999 OEDP update).

Taken together, the *northern tier* of Puget Sound counties of Skagit, Whatcom and Snohomish have a combined 1998 population of 824,000; if the area is extended to also cover King, Pierce and Thurston Counties, the entire six-county corridor from Bellingham to Olympia has a combined population of 3,376,600. This Puget Sound/I-5 corridor accounts for 60% of the 5.7 million residents in the state of Washington.

Washington Office of Financial Management (OFM) forecasts indicate that the population of Skagit County will increase over the next two decades to nearly 138,000 residents (by year 2015). This equates to an annual population growth rate of 2.0% per year. By comparison, the population of the entire six-county Puget Sound/I-5 corridors from Olympia to Bellingham is expected to increase at an annual rate of 1.2% per annum over this same period; statewide population is forecast to grow by 1.3% per year.

**Figure 10. Comparative Population Growth Rates**

| | | | | | Average Annual Population Growth | | |
|---|---|---|---|---|---|---|---|
| **County/Region** | **1980** | **1990** | **1998** | **2015** | **1980-1990** | **1990-1998** | **Forecast 1998-2015** |
| Skagit (OFM based) * | 64,138 | 79,545 | 98,700 | 137,714 | 2.2% | 2.7% | 2.0% |
| Whatcom | 106,701 | 127,780 | 157,500 | 208,242 | 1.8% | 2.6% | 1.6% |
| Snohomish * | 337,720 | 465,628 | 568,100 | 783,066 | 3.3% | 2.5% | 1.9% |
| *Subtotal Northern Tier* | 508,559 | 672,953 | 824,300 | 1,129,022 | 2.8% | 2.6% | 1.9% |
| King * | 1,269,749 | 1,507,305 | 1,665,800 | 1,929,920 | 1.7% | 1.3% | 0.9% |
| Pierce | 485,643 | 586,203 | 686,800 | 863,459 | 1.9% | 2.0% | 1.4% |
| Thurston | 124,264 | 161,238 | 199,700 | 295,443 | 2.6% | 2.7% | 2.3% |
| *Total Puget Sound/I-5 Corridor* | 2,388,215 | 2,927,699 | 3,376,600 | 4,217,844 | 2.1% | 1.8% | 1.2% |
| State of Washington * | 4,132,156 | 4,866,663 | 5,685,300 | 7,142,144 | 1.6% | 2.0% | 1.3% |

* Note: 1990 Census population figures have been revised by the State of Washington Office of Financial Management.

Source: U.S. Census and State of Washington Office of Financial Management.

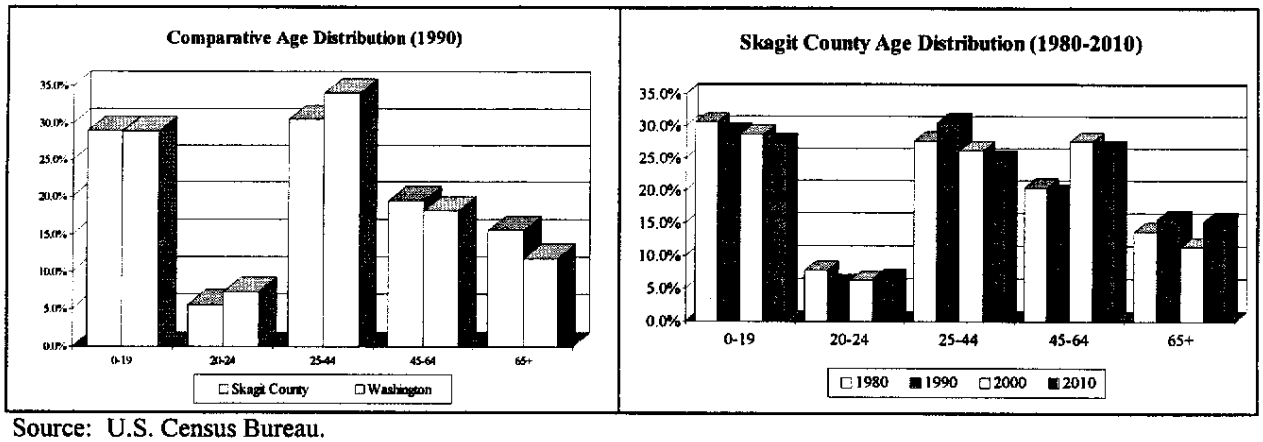
## Demographic Characteristics

As of the 1990 Census and continuing through 1998, Skagit County had a population that was somewhat older than the rest of the state. However, the extent of this difference is narrowing, indicating that the county is attracting younger families moving in from more urbanized areas of the Puget Sound and from out-of-state.

Compared to the state, Skagit County has had an above average proportion of the population in the age categories of 45 and up. The county has been underrepresented with younger adults from ages 20-44.

Between 1990 and the year 2000, the proportion of the population in the age cohort of 45-64 is expected to increase significantly, while the proportion of younger adults of age 25-44 will decline. This reflects the aging of the large *baby boom* population born in the post-World War II era. Population estimates reported through 1998 verify this trend is actually taking place.

**Figure 11. Skagit County Age Distribution**




Source: U.S. Census Bureau.

As of 1990, the median age of the county's population at 35.6 years is 2.5 years above the statewide median of 33.1 years. However, there is a wide variation between communities in Skagit County.

Mount Vernon, Burlington, and Hamilton have a somewhat younger population with median ages that are all below the statewide median. The other incorporated communities — particularly Anacortes, La Conner and Lyman — tend to have an older population.

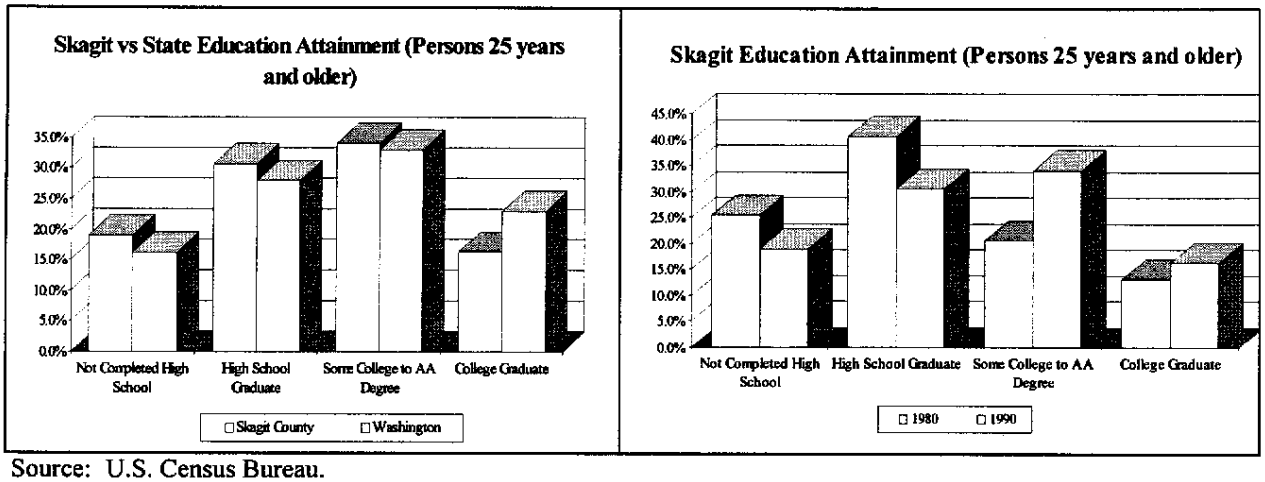
**Figure 12. Median Age of Population**

| Community | 1980 | 1990 |
|---|---|---|
| Anacortes | 36.9 | 39.7 |
| Burlington | 31.4 | 32.6 |
| Concrete | 30.0 | 33.3 |
| Hamilton | 27.0 | 30.9 |
| La Conner | 33.6 | 39.8 |
| Lyman | 34.1 | 39.3 |
| Mount Vernon | 29.3 | 31.6 |
| Sedro-Woolley | 31.1 | 33.6 |
| Skagit County | 32.0 | 35.6 |
| Washington State | 29.8 | 33.1 |

Source: U.S. Census Bureau.

As the county becomes less rural, it also has become relatively more educated. A smaller proportion of Skagit County adults have a college degree than is true statewide. However, compared to 1980, in 1990 increased shares of adults were reporting some college education or a degree. The year 2000 census will provide useful information as to whether this trend remains in place.

**Figure 13. Skagit County Education Levels**




Source: U.S. Census Bureau.

## Housing Cost & Availability

Businesses seeking to expand or relocate are increasingly evaluating the cost and availability of housing in a community for their employees. Limited availability and high cost of housing has become an increasingly important reason for industries leaving major urban centers for lower cost suburban, exurban or rural areas.

As of the 1990 U.S. Census, cost of both homeowner and rental housing was considerably more affordable in Skagit County than elsewhere in the Puget Sound or statewide. However, since 1990, cost of housing has increased significantly in many communities throughout the state. Housing costs in the Seattle area appear to have peaked in the 1991 period, before starting a decline.

The earlier *run-up* of the late 1980s in values was less rapid in more outlying communities of the Puget Sound, but prices in many areas have continued to appreciate. Nonetheless, the Skagit County market remains considerably less expensive than most of the more urbanized areas of the Puget Sound region.

**Figure 14. 1990 Comparative Housing Costs**

| County | Median Home Value | Median Contract Rent |
|---|---|---|
| Skagit | $81,500 | $341 |
| Whatcom | $90,000 | $425 |
| Snohomish | $126,600 | $536 |
| King | $139,500 | $510 |
| Pierce | $82,300 | $436 |
| Thurston | $79,800 | $460 |
| State of Washington | $93,200 | $445 |

Source: 1990 U.S. Census. Rents and values have reportedly increased substantially since the 1990 census; however, comprehensive updated information is available primarily for owner-occupied rather than rented properties.



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More recent data on home values indicates that the average sales price of a home sold in Skagit County was nearly $162,000 as of the January-December 31, 1998 period. This reflects a considerable increase over housing values reported for the 1990 census.

**Figure 15. Average Selling Price of Single Family Homes (1998)**

| Area* | Average Price Sold | # Sold | Average Days on Market |
|---|---|---|---|
| Anacortes | $206,606 | 362 | 129 |
| La Conner | $206,597 | 66 | 136 |
| Burlington | $152,483 | 179 | 90 |
| Mount Vernon | $148,623 | 491 | 83 |
| Sedro-Woolley | $133,262 | 244 | 101 |
| Lyman/Hamilton | $119,047 | 16 | 110 |
| Concrete & East Skagit County | $93,944 | 66 | 170 |
| **Skagit County** | **$161,769** | **1,435** | **105** |
| Whatcom County | $156,785 | 1,942 | N/A |
| Snohomish County | $198,178 | 10,017 | 47 |

* Note: Areas indicated in Skagit County extend beyond incorporated cities to include vicinity unincorporated residential sales and are generally consistent with school district boundaries.

Information is furnished without verification. Northwest MLS and BWCMLB assume no responsibility for errors of omissions occasioned by them or others.

Source: Skagit County MLS Sold Reports, Skagit County data compiled by Kelly Hudson, assistant to Harry Ota, Windermere Real Estate, James Scott & Associates, May 1999. Bellingham Whatcom County Multiple Listing Bureau (BWCMLB), May, 1999.

Average sales price is highest in Anacortes, followed by LaConner. Lowest reported average sales prices are in the *east county* communities of Sedro-Woolley, Lyman, Hamilton, and Concrete. Fourth quarter 1999 statistics indicate that the median price of home in Skagit County continues to rise at $149,500.

Affordability indicators, which compare the ability of a typical buyer to carry the mortgage payments on a median-priced home, show that Skagit County is slightly less affordable (108.1) than the average purchase made within the State (116.7). Of the counties located along the Puget Sound/I-5 corridor, Skagit County is now among the least affordable. Relative to income, Skagit County is less affordable than Whatcom, Snohomish, Pierce or Thurston Counties. Because of this, Skagit County includes affordable housing as a priority in countywide planning efforts. One example is the proposed 32-unit housing complex being developed by the Skagit Housing Authority, in cooperation with the Town of LaConner.

**Figure 16. Affordability Index for Homes (third quarter 1999)**

| County | Median Price | Affordability Index | First Time Affordability Index |
|---|---|---|---|
| Skagit County | $149,500 | 108.1 | 64.5 |
| Whatcom | $145,000 | 124.0 | 70.2 |
| Snohomish | $186,900 | 111.6 | 69.9 |
| King | $239,900 | 108.5 | 61.9 |
| Pierce | $147,000 | 126.1 | 75.3 |
| Thurston | $132,500 | 138.7 | 82.3 |
| San Juan | $240,000 | 80.2 | 47.0 |
| State of Washington | $168,000 | 116.7 | 68.4 |

Note: An index of 100 is representative of a balance between the buyer's ability to pay and the cost of the home. Higher index numbers indicate housing is relatively affordable to a median income household.

Source: WSU-WCRER Estimates, Housing Affordability Index, December, 1999.

## Labor Force & Employment

Labor force and employment data reveal significant changes in the character of industrial and occupational activity in Skagit County.

***Labor Force & Unemployment:*** As of the 1990 Census, Skagit County had a resident labor force of 36,000, with an average unemployment rate of 5.8%. More recent (1998) Washington State Employment Security Department data comparing labor force and unemployment indicates that Skagit County has a resident labor force of 48,050 with an unemployment rate of 7.1%. Due to driving proximity, industries in Skagit County are centrally located to tap into a three-county northern Puget Sound labor force of nearing two million people as of 1998.

**Figure 17. Comparative Labor Force and Unemployment Data**

| Geographic Area | Labor Force (1998) | % Annual Change (1980-1998) | Unemployment Rate 1980 | 1998 |
|---|---|---|---|---|
| Skagit County | 48,050 | 2.4% | 12.8% | 7.1% |
| Northern Puget Sound | 457,450 | 3.7% | 8.4% | 4.0% |
| Puget Sound/I-5 Corridor | 1,847,250 | 2.3% | 7.0% | 3.8% |
| State of Washington | 3,039,000 | 2.4% | 7.9% | 4.8% |

Note: The Northern Puget Sound consists of Skagit, Snohomish and Whatcom Counties; the entire Puget Sound/I-5 Corridor also includes King, Pierce and Thurston Counties.

Source: State of Washington Employment Security Department.

From 1990-1998, countywide unemployment, as defined by the Washington State Employment Security Department, has increased from 6.5% in 1990 to 11.2% in 1993 and eased back to 7.1% in 1998. These rates remain consistently well above the levels reported for the entire Puget Sound/I-5 corridor or for Washington. This provides Skagit County an existing available labor pool that could be readily absorbed by a variety of employers.



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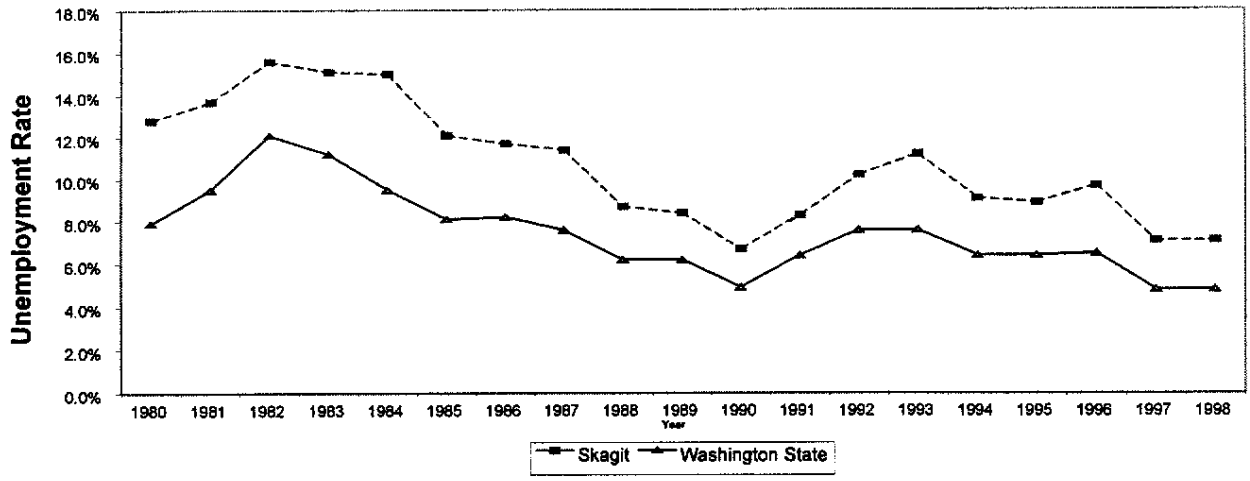
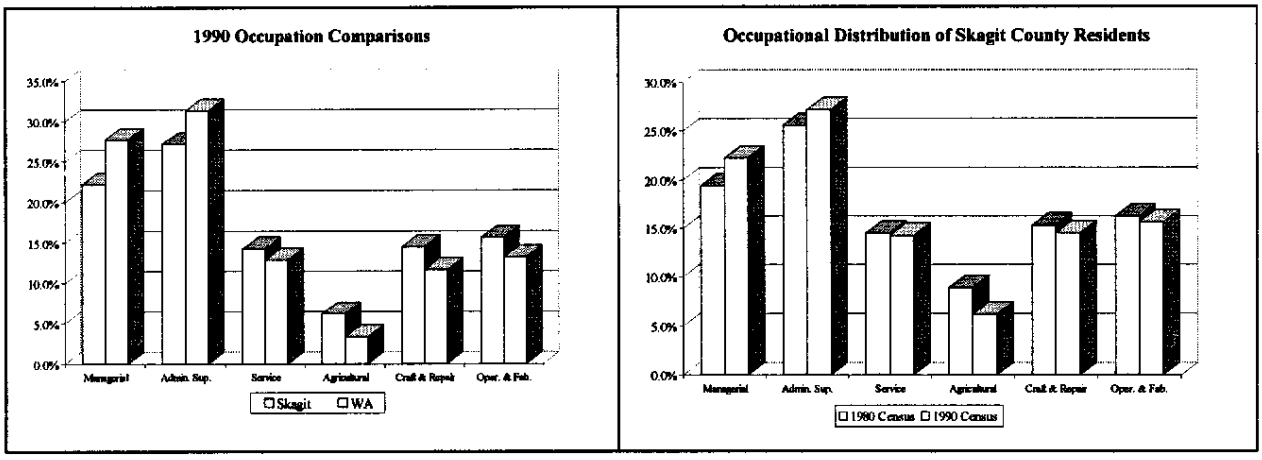
**Figure 18. Unemployment Rate Comparisons (1980-1998)**




Source: Washington State Employment Security Department.

***Skagit County Employment Trends:*** Employment data can be provided by occupation and by industry. The following graphs illustrate Skagit County's occupational distribution. Data is by *place of residence.*

**Figure 19. Employment by Occupation (1980-1990)**




Source: U.S. Census Bureau.

The graph *on the left* indicates that relatively high proportions of Skagit County's labor force have been employed in traditional service, agricultural, craft and operator/fabricator occupations.[11] However, the graph *at the right* indicates that the proportions of workers in all of these more traditional occupational categories have declined somewhat from 1980-1990.

By contrast, Skagit County has been underrepresented (relative to the state) in managerial and administrative occupations. However, these occupations are taking an increasing share of the job market in Skagit County, as is the case throughout the state and nation.



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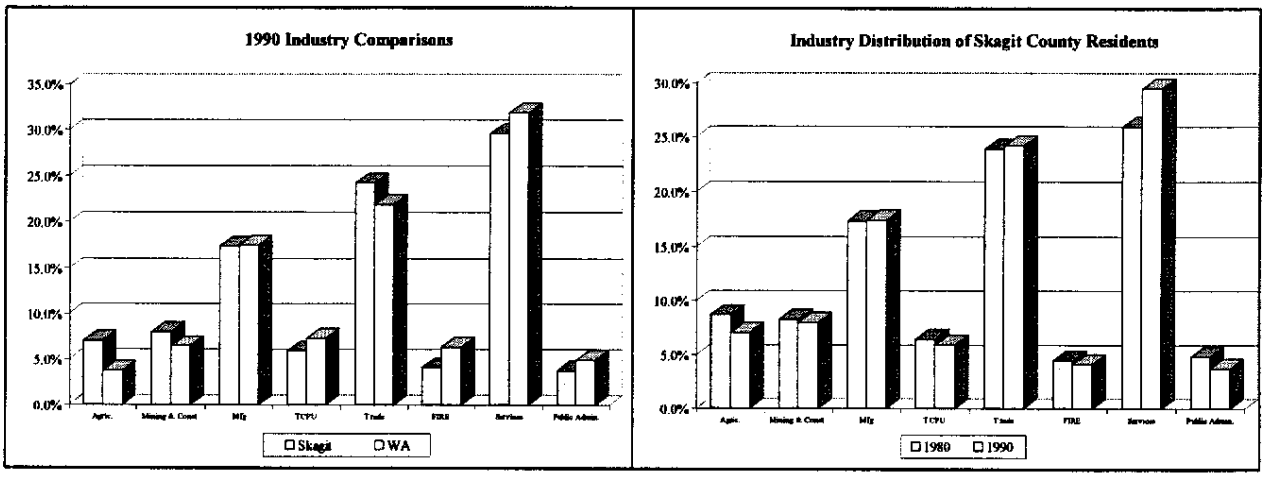
Comparisons of census data *by industry* indicate that Skagit County has a relatively high proportion of residents employed in agriculture, mining and trade — relative to the state. By comparison, the county is underrepresented in employment categories such as transportation and utilities, finance and real estate, services and public administration.

Between 1980 and 1990, the proportion of the county's labor force in agriculture and public administration declined while increasing dramatically in services.

**Figure 20. Employment by Industry**




Source: U.S. Census Bureau.

Historical trends and more recent data on employment (covered by unemployment insurance) are available from the state of Washington Employment Security Department (ESD). Unlike census employment data that is by *place of residence,* covered employment by industry data is shown by *place of work.*

Between 1980 and 1997, nearly 17,000 jobs were generated in Skagit County (a gain of over 76%). The fastest-growing employment sector was services (+4,700 jobs), followed by retail trade (over 4,000) and government (over 3,000). By comparison, agriculture, construction and manufacturing firms experienced a net employment gain of just over 1,200, 1,100 and 1,000, respectively.

Employment growth trends were also reviewed by average annual increases, comparing 1980-1990 increases with 1990-1997 and the full seventeen-year span from 1980-1997. While overall growth was concentrated in services, retail sales, wholesale sales and construction, services, construction and retail trade grew most rapidly in the 80's and services, government and wholesale trade grew most rapidly so far in the 90's.

Also of interest is the notable increase in average annual growth rates reported in the manufacturing sector during the 90s (2.5%) as compared to the 80s (0.8%).

**Figure 21. Skagit County Covered Employment Trends by Industry**

| Employment Sector | Actual Employment Totals 1980 | 1990 | 1997 | Actual Change 1980-1997 | Average Annual Increase (%) 1980-1990 (10 years) | 1990-1997 (7 years) | 1980-1997 (17 years) |
|---|---|---|---|---|---|---|---|
| Agriculture * | 2,132 | 2,817 | 3,369 | 1,237 | 2.8% | 2.6% | 2.7% |
| Mining | 17 | 28 | 25 | 8 | 5.1% | -1.6% | 2.3% |
| Construction | 1,406 | 2,302 | 2,547 | 1,141 | 5.1% | 1.5% | 3.6% |
| Manufacturing | 3,777 | 4,081 | 4,859 | 1,082 | 0.8% | 2.5% | 1.5% |
| TCPU ** | 1,044 | 1,427 | 1,467 | 423 | 3.2% | 0.4% | 2.0% |
| Wholesale Trade | 751 | 1,092 | 1,394 | 643 | 3.8% | 3.6% | 3.7% |
| Retail Trade | 4,462 | 7,129 | 8,491 | 4,029 | 4.8% | 2.5% | 3.9% |
| FIRE ** | 661 | 945 | 1,062 | 401 | 3.6% | 1.7% | 2.8% |
| Services | 3,218 | 5,408 | 7,942 | 4,724 | 5.3% | 5.6% | 5.5% |
| Government | 4,536 | 5,782 | 7,650 | 3,114 | 2.5% | 4.1% | 3.1% |
| Total Employment | 22,004 | 31,011 | 38,806 | 16,802 | 3.5% | 3.3% | 3.4% |

Note: * A significant part of the increase in agricultural employment may be attributed to extension of unemployment insurance to cover a higher proportion of agricultural workers.

** TCPU denotes transportation, communications and public utilities; FIRE is an abbreviation for finance, insurance and real estate.

Source: State of Washington Employment Security Department. Data is for employees covered by unemployment insurance.

***Major Skagit County Industrial Employers:*** Major industrial and non-industrial employers currently located in Skagit County are identified by the following list.



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**Figure 22. Major Skagit County Employers (1998)**

| Employer | Location | Description | Full-Time Employment |
|---|---|---|---|
| ***Industrial Employers (over 100 full-time employees):*** | | | |
| Equilon Enterprises (Texaco) | Anacortes | Petroleum refinery | 374 |
| Tesoro (Shell Oil Co.) | Anacortes | Petroleum refinery | 300 |
| Draper Valley Farms Inc. | Mount Vernon | Agricultural products | 350 |
| Sugiyo USA Inc. | Anacortes | Seafood processing | 200 |
| Pyro Industries | Burlington | Pellet stoves | 190 |
| Dakota Creek Industries | Anacortes | Boat manufacturer | 180 |
| Skagit Pacific Corporation | Sedro-Woolley | Manufactured/modular buildings | 165 |
| Janicki Logging/Janicki Machine | Sedro-Woolley | Wood products & engineering | 162 |
| Washington Bulb Company | Mount Vernon | Agricultural products | 150 |
| Sun Healthcare Systems | Anacortes | Software developer | 150 |
| Commercial Cold Storage | Mount Vernon | Warehousing | 140 |
| Concrete Nor'west | Burlington | Aggregate materials | 125 |
| Paccar Technical Center | Mount Vernon | Truck testing | 133 |
| Trident Seafoods Corp. | Anacortes | Seafood processing | 170 |
| Snelson Companies, Inc. | Sedro-Woolley | Construction | 125 |
| Skagit Valley Herald | Mount Vernon | Printing & publishing | 101 |
| NW Hardwoods | Sedro-Woolley | Wood products | 100 |
| ***Non-Industrial Employers (over 200 full-time employees):*** | | | |
| Skagit County | Mount Vernon | Government | 575 |
| Skagit Valley College | Mount Vernon | Education | 416 |
| Affiliated Health Services | Skagit County | Medical | 727 |
| Sedro-Woolley School District | Sedro-Woolley | Education | 560 |
| Mount Vernon School District | Mount Vernon | Education | 330 |
| Burlington School District | Burlington | Education | 315 |
| Thrifty Foods Inc. * | HQ-Bellingham | Retail | 300 |
| Wal-Mart | Mount Vernon | Retail | 300 |
| Anacortes School District | Anacortes | Education | 250 |
| Fred Meyer | Burlington | Retail | 220 |
| Dunlap Towing | La Conner | Services | 215 |

* Note: Now Brown & Cole; headquarters moved to Bellingham.

Source: Economic Development Association of Skagit County, May 1998.

The twenty-two largest industrial employers range in size from 69 to 374 employees. These companies perform industrial activities including: oil refining, agriculture and aquaculture production and processing, boat and building component manufacturing, and pellet stove production. Large non-industrial employers cover a range of retail, medical, governmental, service and communications activities.

New to this list since the 1995 OEDP are Skagit Pacific Corporation, Washington Bulb, Snelson Company, Northwest Hardwoods, Skagit Valley Trucking, Wal-Mart and Fred Meyer.



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Companies leaving this list include Shannon Point Seafoods, Specialty Seafood and Valley Electric.

## Income Trends

Two alternative sources of income data are presented for Skagit County: 1990 census data (available for cities as well as the entire county) and more recent U.S. Bureau of Economic Analysis data (available on a countywide basis only).

As of the 1990 census, median household income in Skagit County, at under $28,400, was 91% of the statewide median figure of $31,200. However, incomes countywide increased more rapidly from 1980-1990 in Skagit County than statewide. This trend appears to be continuing as the 1993 estimated median household income for Skagit County is $32,540, or 95.5% of the state.

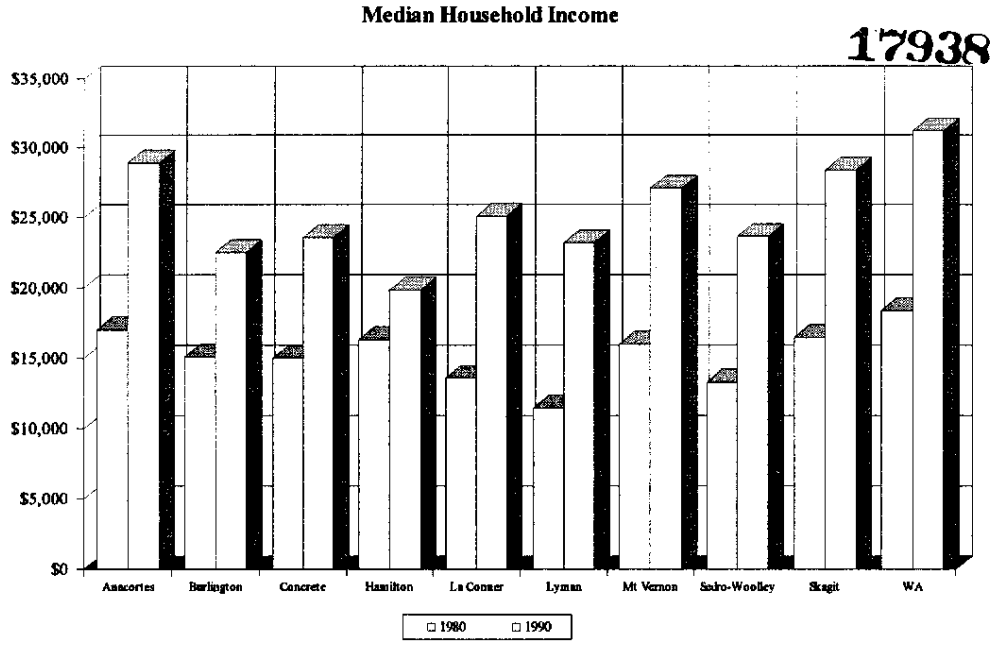
**Figure 23. 1990 Detailed Household Income Data**

| Jurisdiction | Median Household Income | % Change 1980-1990 | % Below Poverty Level |
|---|---|---|---|
| Anacortes | $28,919 | 69.7% | 11.6% |
| Burlington | $22,437 | 48.6% | 12.8% |
| Concrete | $23,529 | 56.9% | 13.4% |
| Hamilton | $19,844 | 21.4% | 16.1% |
| La Conner | $25,054 | 84.1% | 6.4% |
| Lyman | $23,125 | 101.1% | 13.6% |
| Mount Vernon | $27,022 | 68.7% | 13.2% |
| Sedro-Woolley | $23,606 | 76.7% | 13.7% |
| Skagit County | $28,389 | 72.3% | 11.5% |
| Washington State | $31,183 | 69.8% | 10.9% |

Source: 1990 U.S. Census.

Of the incorporated cities, the highest incomes are in Anacortes and the lowest in Hamilton. Countywide, 11.5% of households have incomes that are below poverty level.

## Figure 24. Comparative Median Household Incomes




Source: U.S. Census Bureau.

More recent Bureau of Economic Analysis data is useful to consider because it also illustrates changing sources of income.

## Figure 25. Comparative Sources of Personal Income

| | As a % of Total Income | | | |
|---|---|---|---|---|
| | Skagit County | | State of Washington | |
| **Source of Income** | **1991** | **1996** | **1991** | **1996** |
| Wages/Salaries & Proprietors Income | 60% | 57% | 68% | 66% |
| Dividends, Interest & Rent | 21% | 23% | 16% | 18% |
| Transfer Payments | 19% | 20% | 15% | 16% |
| All Sources | 100% | 100% | 100% | 100% |
| Average Per Capita Income | $17,384 | $21,777 | $19,521 | $25,277 |

Note: Numbers may not add to 100% due to rounding.

Source: U.S. Bureau of Economic Analysis.

In Skagit County, personal income in the last five years has increased (25%), but not as significantly as for Washington (29%).

Compared with the state, Skagit County residents continue to receive a disproportionately low share of their personal income from wages and salary earnings and a higher proportion in dividends, interest and rents, and transfer payments.

This Bureau of Economic Analysis data also indicates that Skagit County was at about 89% of statewide per capita income figures in 1991. The more recent 1996 comparison of 86% of state

per capita income shows a growing gap in earning capacity for Skagit County residents. A subsequent 1997 review of per capita personal income reveals that Skagit County ranks 9th in the State at $22,670, and continues to be at 86% of the state level of $26,451.

## Industrial & Commercial Lands

The *Skagit County Urban Growth Area Analysis* was completed in 1996. An update was completed in 1997. Together, these reports offer a detailed inventory of industrial and commercial lands available for development under the current regulations of the Growth Management Hearings Board. Below are summaries covering total land area estimates; existing city limits; unincorporated UGA; and total incorporated plus unincorporated UGA.

- Bayview Ridge UGA (except Port property) was declared invalid by the Western Washington Growth Management Hearings Board (WWGMHB) under Case No. 97-2-0060c dated January 23, 1998. As part of it's compliance effort, the County is proposing to retain the commercial/industrial acreage (while limiting it to industrial uses) and to remove the residential acreage (but hold in reserve the residential allocated population) for the UGA. A study will be conducted over the next two years to assess the Bayview Ridge UGA more thoroughly.
- The WWGMHB also determined that the Big Lake UGA was out of compliance with the Growth Management Act. In all probability, the Big Lake UGA will be eliminated and its commercial and residential acreage allocations will be re-assigned to other UGAs in Skagit County.
- Total UGA land area is 36,626 acres. Of the total UGA acreage, 23,764 acres fall within incorporated cities (and their proposed UGAs) and 12,862 acres within unincorporated UGA areas.

- By major use category, the total land allocated for residential development is 3,268 acres — reflecting acknowledged excess capacity in several of the UGAs. The larger number of 4,114 acres shown in the summary table also reflects the addition of *market factor* acreage to this category. The commercial/industrial allocation has been 1,841 acres (or to 2,301 acres with a market factor included).
- Land committed to existing uses already is 23,705 acres. Remaining (as yet uncommitted) land that is assumed to be not available for development (due to land that is environmentally constrained, set aside for parks/open space, infrastructure/rights-of-way, and related considerations) is reported at 6,016 acres.

Actions taken by the Western Washington Growth Hearings Board on January 23, 1998 have implemented a mandatory "invalidation" of lands listed as industrial or commercial which do not lie within the approved incorporated areas of the UGAs. A specific inventory of affected lands is not available but is estimated by Skagit County Planning and Permit Center at approximately 1,250 acres. This action has had an effect similar to that of placing a moratorium on industrial/commercial lands outside approved UGAs pending resolution. This issue is being addressed as part of a separate rural industrial commercial lands analysis, completed in 1999.



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On April 9, 1999, Whatcom County Superior Court Judge Steven Mura signed an order lifting the January 1998 order of invalidity that had been placed on commercial and industrial zones outside Skagit County's urban growth areas by the Western Washington Growth Management Hearings Board. Judge Mura granted Skagit County's request to reverse the Hearings Board's invalidity order because the court concurred that the Board had exceeded its jurisdiction. Judge Mura remanded the matter back to the Hearings Board for further clarification of its order.

The effect of the lifting of the invalidity order is that owners of property zoned for commercial and industrial uses prior to September 11, 1996, which are outside an area that has been designated as an "urban growth area" or "Rural Village" under the County Comprehensive Plan, may proceed with development proposals as long as those proposals meet current County regulations.

On August 17, 1999, Skagit County adopted Interim Ordinance No. 17535 to address Western Washington Growth Management Hearings Board GMA compliance issues regarding commercial/industrial development in non-UGAs. Interim Ordinance No. 17535 allows expansion opportunities and changes of use for *existing* commercial and industrial businesses outside of urban growth areas. These interim development regulations and their amendments are part of Skagit County's longer term GMA compliance efforts that are to be addressed under pending Comprehensive Plan Amendments, a Unified Development Code, and amendments to the Countywide Planning Policies.

Allocations of land for industrial and commercial land within the urban growth areas (UGAs) have been made on a jurisdiction-by-jurisdiction basis. A total of 2,256 acres within designated UGAs have been identified. Of this amount, 2,002 acres (89%) of the total are located within incorporated cities and their associated unincorporated UGAs. The remaining 11% are situated within the Bayview UGA.

**Figure 26. Skagit County UGA Land Allocation Summary**

| Urban Growth Areas | Residential Population (2015) | Commercial/Industrial Land Allocations (Undeveloped) |
|---|---|---|
| Anacortes | 18,300 | 525 |
| Burlington/County | 3,320 | 497* |
| Big Lake | 2,400 | -0- |
| Burlington | 7,065 | 300 |
| Concrete | 1,110 | 18 |
| Hamilton | 315 | -0- |
| LaConner | 890 | 2 |
| Lyman | 370 | -0- |
| Mount Vernon | 41,725 | 771 |
| Sedro-Woolley | 11,030 | 143 |
| Swinomish | 2,722 | -0- |
| County Unincorporated | 48,355 | -0- |
| **Total County** | **137,700** | **2,256** |

* Note: 254 acres allocated to the Port of Skagit County.

Source: *Skagit County Countywide Planning Policies*, 1996.

## Developable Industrial & Commercial Lands Inventory

The 1994 Skagit County OEDP and Comprehensive Plan business development objective reference is to: "Provide a diversity of *ready-to-build* sites with sufficient support infrastructure and services needed to meet demand for industrial land through the duration of the comprehensive plan." A similar policy objective is noted for commercial development. The term *ready-to-build* means sites that are truly developable based on: accessibility (current or prospective) to appropriate water, sewer, transportation, electrical, natural gas and telecommunications infrastructure; and lack of significant environmental constraints (such as wetlands).

The above-noted Skagit County UGA Land Allocation Summary has placed the developable industrial and commercial acreage at 2,256.

***Major Industrial Properties:*** The dominant player in the industrial property market in recent years has been the Port of Skagit County's Bayview Business & Industrial Park. With the completion of a comprehensive wetland and industry negotiation, resulting in a detailed inventory and development plan of a complete infrastructure, Bayview Business and Industrial Park has 234 *ready-to-build* acres within its UGA.

Other major industrial sites in Skagit County include Bouslog Business Park, Skagit Air Industrial Development, Burlington Hill Industrial Park, the City of Anacortes Industrial Park, and the former Crown Pacific Mill site (with up to about 60 acres near Hamilton). One large site remaining available is the 38-acre Skagit Manufacturing property in Sedro-Woolley.

The Swinomish Tribe has approximately six parcels comprising a total of less than 83 acres. However, much of this property is affected by wetlands.

Developments such as Bayview, the Sunset Industrial Park, Skagit/I-5 Business Park, Bouslog Business Park and City of Anacortes Industrial Park are all clearly capable of providing infrastructure to the site. For other sites, infrastructure capabilities are less clear. It is also noted that with the exception of the Sunset Industrial Park and Skagit Manufacturing properties in Sedro-Woolley, there appear to be no other *east county* properties of 10+ acres that are appropriately zoned and currently served by public water and sewer.

## Major Economic Development Investments

Major developments continue to make a significant impact on the vitality of the community. Recent companies locating and/or expanding within Skagit County include Pacific Circuits with nearly 500 jobs introduced over the past 5 years, Sun Healthcare Systems with 150, and Pacific Woodtech which is expected to peak at 125 new jobs.

Industrial and commercial investments make a significant contribution to the economic vitality of Skagit County. In addition to the creation of over 1000 jobs in the past four years, well over $220 million of capital has been invested into the local economy.

In the late 1980s, a number of major retail development occurred including opening of the Cascade regional mall, Crossroads Mall, Food Pavilion and Pacific Edge Outlet Center. These

commercial projects all were completed in 1989.[12] More recent major retail investments include a Kmart, Fred Meyer super store, Wal-Mart, Office Depot/Petco, Safeway and Albertson's complex improvements, Amtrak depot and DSHS building and numerous other improvements along College Way. Recreational and service-oriented investments include the Skagit Valley Casino, Peoples Bank, and Whidbey Island Bank.

Currently, over 50 industrial or commercial investment and/or expansion projects are being considered in Skagit County. These investments are indicative of the type of continuing economic development impetus critical to address local needs for employment and a stronger wage and salary income base for Skagit County.

**Figure 27. Major Skagit County Industrial Investments (since 1996)**

| Name of Project | Description | Location | Year | Added # of Jobs since 1996 |
|---|---|---|---|---|
| Pacific Circuits | Circuit board manufacturer | Bayview/Port | 1996-98 | 366 |
| Sun Healthcare Systems | Software developer | Anacortes | 1997-98 | 150 |
| Valley Electric | Electrical contractor | Mount Vernon | 1996 | 150 |
| Dakota Creek | Boat builders | Anacortes/Port | 1996 | 100 |
| Nordic Tugs | Pleasure tugboat manufacturer | Bayview/Port | 1997-98 | 96 |
| Skagit Pacific Corp | Manufactured/modular buildings | Sedro-Woolley | 1997-98 | 78 |
| Sport Manufacturing Business | Sporting products | | 1998 | 70 |
| Northern Marine | Marine products | Anacortes | 1997-98 | 60 |
| Washington Alder | Specialty alder mill | Burlington | 1997-98 | 40 |
| Tesoro (Shell Oil) | Upgrade of oil refinery | March's Point | 1997 | 24 |
| International Aero | Airplane interiors | Bayview/Port | 1998 | 20 |
| Hexcel | Airplane interiors | Bayview/Port | 1998 | 19 |
| Baywood | Aluminum foundry | Sedro-Woolley | 1996 | 15 |
| Mathers Controls | Boat controls | Burlington | 1997 | 14 |
| Bunnies By The Bay | Stuffed animals | Anacortes | 1996 | 11 |
| Aroma Creations | Fragrance manufacturer | Sedro-Woolley | 1998 | 10 |
| Northwest Marine Tech | Fish tagging manufacturer | Anacortes/Port | 1998 | 10 |
| San Juan Composites | Boat & boat composite manufacturer | Anaocrtes | 1998 | 10 |
| Whispering Winds | Wind chimes | Anacortes | 1996 | 10 |
| Olympic Pipeline | Distributor of refining products | Bayview/Port | 1998 | 8 |
| Lindal Building Products | Sun rooms/window frames | Bayview/Port | 1997 | 8 |
| Armadillo Truck Vault | Vehicle security systems | Sedro-Woolley | 1997 | 8 |
| Pacific Woodtech, Inc. | Engineered wood product maker | Burlington | 1998 | 5 |
| Flounder Bay Boat & Lumber | Marine products | Anacortes | 1996 | 5 |
| Callaghan USA Inc. | Concrete pumps | | 1997 | 4 |
| Helena Chemical | Fertilizer mixing & bagging | Burlington | 1998 | 2 |

Source: E.D. Hovee & Company, based on data provided by EDASC and other sources, January 1999.

## Tourism

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Tourism brings significant financial benefits to Skagit County. Establishment of tourist attractions throughout the county enables Skagit County to be a destination of choice for many travelers.

However Skagit County is somewhat underrepresented in tourism spending on a per capita basis. With 1.7% of the state's population, Skagit County accounts for only 1.4% of statewide tourism expenditures ($123,100,000) and 1.1% of lodging tax receipts ($253,500).

This means that Skagit County is receiving about $27 million less in annual visitor business than if it were at the state per capita average for tourism expenditures. While Skagit's share of statewide tourism expenditures increased somewhat from 1992-1997, the County's share of lodging tax revenue declined.[13]

**Figure 28. Tourism and Travel Impacts for Skagit County and Other Puget Sound Counties**

| | Travel Spending | | | | Transient Lodging Tax Receipts | | | |
|---|---|---|---|---|---|---|---|---|
| | 1991 | | 1997 | | 1992 | | 1997 | |
| County | $ (millions) | % of State | $ (millions) | % of State | $ (000s) | % of State | $ (000s) | % of State |
| Whatcom | 235.4 | 3.4% | 278.5 | 3.0% | 487.4 | 3.1% | 480.8 | 2.2% |
| **Skagit** | **90.3** | **1.3%** | **123.1** | **1.4%** | **230.9** | **1.6%** | **253.5** | **1.1%** |
| Snohomish | 308.4 | 4.4% | 456.8 | 5.0% | 514.0 | 3.2% | 844.4 | 3.8% |
| King | 3,603.2 | 51.7% | 4,647.1 | 50.8% | 8,025.9 | 50.7% | 12,256.2 | 55.0% |
| Pierce | 369.6 | 5.3% | 487.9 | 5.3% | 685.0 | 4.3% | 899.3 | 4.0% |
| Thurston | 103.2 | 1.5% | 152.6 | 1.7% | 195.5 | 1.2% | 305.5 | 1.4% |
| State of Washington | 6,974.7 | -- | 9,153.1 | -- | 15,842.8 | -- | 22,297.9 | -- |

Source: Dean Runyan Associates, compiled by ED Hovee & Company, December 1999.

The OEDP Committee views enhanced tourism activity as a high priority for Skagit County. With this plan update, particular emphasis is recommended to encourage cooperative efforts between public and private organizations under coordinated leadership for tourism activities of mutual interest and countywide benefit.

## Puget Sound Regional Context

Located between the larger urban areas of Seattle/Everett/Tacoma to the south and Bellingham/Vancouver, B.C. to the north, Skagit County's economic prospects are closely intertwined with those of the entire Puget Sound region.

***Puget Sound Employment Trends:*** Rates of growth in total employment and more narrowly defined *industrial employment* have varied significantly at the local, regional and state and national level. For purposes of this analysis, industrial employment is defined to cover construction, manufacturing, rail, motor freight, water, and air transportation, wholesale trade, automotive and miscellaneous repair services. These businesses constitute typical users of industrial space.



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Commercial/institutional employment is defined to cover the balance of employment activity, but excluding agriculture and mining.

**Figure 29. Comparative Covered Employment Trends (1992 - 1997)**

| Geographic Area | 1997 Employment Industrial * | Commercial/ Institutional ** | Total | % 1992-97 Average Annual Change Industrial * | Commercial/ Institutional ** | Total |
|---|---|---|---|---|---|---|
| Skagit County | 10,280 | 25,157 | 38,806 | 2.5% | 4.0% | 3.5% |
| Northern Puget Sound *** | 117,047 | 179,831 | 305,969 | 4.0% | 4.6% | 4.2% |
| Puget Sound/I-5 Corridor | 515,639 | 1,112,367 | 1,651,442 | 1.7% | 3.6% | 3.2% |
| State of Washington | 867,832 | 1,547,724 | 2,508,962 | 5.4% | 1.3% | 2.6% |

Notes: * Industrial employment is defined to include: construction/ manufacturing/ rail, motor freight, water and air transportation; wholesale trades; automotive and miscellaneous repair services. Commercial plus Institutional includes all other employment categories.

** Commercial/institutional employment is defined to include: local and interurban passenger transit; pipelines, except natural gas; transportation services; communications; electric, gas, and sanitary services; retail trade; finance, insurance, and real estate; hotels and other lodging; personal services; business services; motion pictures; amusement & recreation services; health services; legal services; educational services; social services; museums botanical and zoological gardens; membership organizations; engineering & management services; private households; services not elsewhere classified; and local, state and federal government.

*** The Northern Puget Sound consists of Skagit, Snohomish and Whatcom Counties; the entire Puget Sound/I-5 Corridor also includes King, Pierce and Thurston Counties.

Source: State of Washington Employment Security Department, Employment and Wages in Washington State by County and Industry, 1997 Annual Averages, February 1999.

As of 1998, Skagit County had a base of over 33,000 jobs. *Note:* Figures are for jobs covered by unemployment insurance.

Between 1980 and 1998, total employment in Skagit County has increased at an average rate of 3.1% per year. This is greater than the rate of net new job creation experienced statewide or throughout the Puget Sound/I-5 corridor (2.5%), but is somewhat below the growth experienced in northern Puget Sound (3.2%). To date, rates of net new job creation in Whatcom and Snohomish counties have exceeded employment growth in Skagit County.

The track record with industrial employment growth parallels that of all job categories. Over 9,000 jobs (or 27% of Skagit County's total employment base) comprise industrial activities. The proportion of industrial jobs is lower in Skagit County than throughout the northern Puget Sound (37%), the entire Puget Sound/I-5 corridor (33%), and the entire state (30%).

***Related Puget Sound Developments:*** Industrial development in the Puget Sound area historically has been *driven* by the region's role as a transportation hub and distribution center for the Pacific Northwest and increasingly as a gateway to the Pacific Rim. The Ports of Seattle and Tacoma combine to provide the second largest container facilities on the West Coast.

Over the last 20-30 years, the Boeing Company has become an increasingly important *driver* of the industrial market as its operations have been decentralized from its South Seattle corporate headquarters to Renton, Everett and the Kent valley. Boeing owns its own production facilities, leases other industrial buildings (as in Arlington), and stimulates demand for yet other industrial

space occupied by a myriad of Boeing vendors and subcontractors. Impact from economic changes within Boeing is currently heightened by the recent announcement of a 48,000 employee (30,000 in Washington) layoff due to the Asian financial crisis.[14]

In the last decade, the *East Side* has come into its own as the center of the Puget Sound *high tech* industry. Growth has been driven by the emergence of Microsoft at the forefront of computer/software technology. The region's *high tech* industry is also diversified in activities ranging from software to hardware applications, medical research to biotechnology.

Aerospace jobs account for about one-half of all manufacturing jobs in the Seattle metropolitan area (King and Snohomish counties). And it has been estimated that each Boeing job directly or indirectly supports another 2.8 jobs throughout the state — meaning additional job loss as the Boeing cutbacks *ripple* through other industries ranging from Boeing vendors to retail store operators.

Despite these short-term adjustments, long-term prospects indicate continued strong overall growth potential for the entire Puget Sound area for several reasons:

- Seattle and the wider Puget Sound region are being shielded from the curtailment of military bases elsewhere in the country. The Everett Home Port, Bremerton Naval Shipyard, Trident base, McCord and Fort Lewis all appear comparatively *safe* for now. Some facilities such as Fort Lewis are experiencing growth as personnel are shifted from other bases outside the state of Washington that are being closed.
- The Seattle area has been and remains a preferred location for in-migration and investment. As recently as 1989, the number of jobs expanded by 7% — highest of any metropolitan area in the U.S. The recent and planned Boeing cutbacks coupled with economic slowdown (especially in California) is dampening, but not eliminating, continued in-migration and job creation for the Puget Sound area.
- As of mid 1998, Boeing has indicated that job losses could reach to 48,000. However, favorable indications for the Seattle metro economy include very strong employment growth.
- Growth in the high-tech field continues to be led by Microsoft, though currently under challenge as a monopoly by antitrust laws.

***Emerging Puget Sound/I-5 Corridor Industrial Markets:*** Outside the core counties of King, Pierce and Snohomish, Skagit, Thurston and Whatcom continue to represent *emerging* industrial markets. All three counties are gaining an increasing share of the industrial job base of the Puget Sound/I-5 corridor.

These three counties provide what could be considered a *second-tier* industrial market for the Puget Sound/I-5 corridor. None yet has what could be described as a *driving force* for large-scale industrial development — such as a Port of Tacoma or Seattle, a Boeing or Microsoft.

The largest employer in Snohomish County is Boeing with more than 27,000 workers at its Everett plant. Other major private sector employers are GTE Northwest (3,500 employees), Fluke Corporation (2,400), Blue Cross (1,800), Eldec Corporation (1,500), Advanced



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Technology Laboratories (1,400), Scott Paper (1,200) and U.S. Marine Corporation (builder of Bayliner boats with 685).

Lower cost of occupancy is often the major attraction offered by a *second-tier* industrial property. The main reason occupancy costs are lower is that land values are less and environmental mitigation costs have historically been lower (though this has been changing).[15]

Secondary advantages include a location midway between Seattle and Vancouver, B.C., relative lack of congestion, lower housing costs, and lower cost labor and quality of life considerations. Industrial users in these non-urban *second-tier* locations tend to be more self-contained, requiring less day-to-day interaction with vendors, shippers or service providers.

Companies with the discretion to locate in a fringe or *second-tier* market are often independent owners, with the owner able to make a decision to locate in a less urban location, unfettered by concerns of a board of directors or corporate parent.

In summary, growth in the market tends to come from two sources: existing companies seeking to expand, and new/relocating companies looking to lower cost of occupancy or obtain benefits of a less congested urban lifestyle.[16]

## B. ECONOMIC DEVELOPMENT ASSESSMENT

The assessment of Skagit County's economic development potential covers an evaluation of strengths, weaknesses, opportunities, and threats, and preparation of updated countywide employment forecasts.

### Strengths, Weaknesses, Opportunities, and Threats

An evaluation of *strengths, weaknesses, opportunities and threats* (or SWOT) is useful to better pinpoint underlying economic and social factors that affect current and future economic development potentials. Strengths and weaknesses are defined primarily on the basis of existing conditions that are largely *internal* to the community. By contrast, opportunities and threats reflect broader market, regulatory and social issues that may be *external* to Skagit County — but are likely nonetheless to affect future economic performance.[17]

This SWOT was conducted initially as part of the 1994 OEDP. While conditions have changed in recent years as noted, the underlying assessment of overall issues has remained relatively intact.

***Strengths:*** Community attributes or assets that make Skagit County a good place to do business or invest, as well as to live, work and recreate also are likely to serve as *building blocks* for achieving the community's *vision* for economic development. Five overall strengths were noted with the 1994/95 OEDP documents. They remain important, albeit with a different emphasis in several instances:

1. *Diverse natural resources make Skagit County a good place to live and continue to provide economic opportunity.*

Skagit County is fortunate to offer a combination of prime agricultural land, public and private forest lands and fishery resources together with recreational features ranging from the Cascade Mountains to rivers to Puget Sound. These resources provided the economic impetus for early settlement of the area. While natural resource development no longer serves as the dominant source of jobs, protection of these features enhances a local quality of life important to area residents. And proper resource management can continue to provide employment and business opportunity on a long-term, sustainable basis.

Recent state employment data confirms that primary harvesting jobs of farm, fish and forestry continue to decline while secondary, value-added and manufacturing employment is steadily and significantly increasing. Though Skagit County remains listed as distressed, previous OEDP goals to diversify the employment base in rural and timbered areas appear to be succeeding.

2. *Location midway between Seattle and Vancouver, B.C. puts Skagit County at the heart of the Pacific Northwest's most dynamic growth corridor.*

   The I-5 corridor from Olympia to Vancouver, B.C. has a combined population of 6.6 million with 3.4 million on the U.S. and 3.2 million on the Canadian side. The broader region of Washington State and British Columbia brings the population of this state and province to nearly 9.5 million persons, which compares to approximately 8.1 million in 1990-91. The more narrowly defined northern Puget Sound market of Skagit, Snohomish and Whatcom counties now has a combined population of 824,300, reflecting average annual growth of 2.6% since 1970.

   Diverse multi-modal transportation services are in place to reinforce these locational advantages. Major north-south access is provided by I-5. East-west access is provided by the North Cascades Highway (SR-20) which also provides ferry connections through Anacortes to the San Juan Islands. General aviation, rail freight and marine terminal services are also available. Recent softening in the value of the Canadian dollar related to US currency has had a lesser impact on Skagit County's economy than on that of its neighbor to the north, Whatcom County, which is more reliant on international retail sales.

3. *Local workforce available with the skills to support a wide variety of industrial, commercial and institutional activities.*

   The local Skagit County labor force numbers approximately 47,970. Employers can also draw specialty skills from nearby Snohomish and Whatcom Counties with a three-county combined labor force of 460,000.

   However, of more immediate local importance is the ready availability of local workers, evidenced by:

   - A local unemployment rate of 7.8% that is above the statewide rate of 5.0% (as of December 1998).
   - Ability to recapture up to 16% of the labor force that now is commuting out of Skagit County for employment.

   Skagit County employers also can benefit from workforce training programs offered through Skagit College, Private Industry Council and the state's job placement service. These and

other training resources are available in answer to the increased emphasis on retraining due to President Clinton's policy on moving welfare recipients into the workforce through training and job placement resources.

4. *Skagit County's commitment to environmental protection provides a quality of life experience not available elsewhere on the Puget Sound/I-5 corridor.*

   Urban communities are readily identifiable and contained rather than sprawling. Open space has been preserved rather than developed. In the words of a CAC member, Skagit County is "not too far gone" but retains the ability to plan for continued preservation of agriculture, open space and natural habitat.

   Other quality of life amenities include proximity to diverse recreational areas, mild climate and tolerance of cultural diversity. Provisions contained within the 1997 Skagit County Comprehensive Plan confirm this county's commitment to prudent management of these issues.

   Skagit Wetlands and Industry Negotiations (WIN) was a highly successful collaborative planning effort begun in 1994. This project initiated dialog between representatives of environmental groups, developers and government officials to develop a strategic plan to promote job creation and to create predictability for development as well as preserve, restore, and enhance wetlands.

5. *Strong inter-jurisdictional and public-private partnerships have been forged to facilitate coordinated delivery of public services.*

   Local governments, Skagit County, economic development organizations, Skagit Valley College, the medical community and a number of local businesses provide examples of organizations and forums that interact on a regular basis in support of a common, cooperative agenda for Skagit County. These have included a Community Summit in 1994, Upper Skagit Rural Community Forum on Sustainability in 1998, and currently a coordination of public meetings on contemporary Skagit Valley issues called The Forum. Ongoing results from most of these efforts have been limited, but the opportunity to air comments and concerns and network with other concerned citizens has proved to be a side benefit.

***Weaknesses:*** Local conditions may limit the extent or speed with which countywide objectives for economic development can be realized. Counterbalancing the strengths, five weaknesses or areas of concern are noted:

1. *Housing is becoming less available and affordable as Skagit County faces increasing population growth pressures.*

   The early 1990s began with housing prices escalating rapidly. Prices have stabilized to a moderate growth rate in the past few years. Skagit County has *been discovered* as a good place to live. In fact, Mount Vernon was named "the best small city in the United States" by Demographics Magazine.[18] While prices are still below those of the Seattle area, the increased cost of housing becomes particularly problematic for lower income residents — both homeowners and residents.

As is noted by the draft environmental impact statement (EIS) for the land use designation element of the Skagit County Comprehensive Plan, there may be a trade-off between goals of environmental protection/containment of urban sprawl and housing affordability. This will be one of the more challenging issues for Skagit County and local jurisdictions as long as growth pressures continue.

2. *Despite strong growth in labor force and the local job base, out commuting has increased.*

   From 1980-1990 and 1980-1998 Skagit County's population increased by 24%, for a total annual growth rate of 2.4%. This overall growth rate equaled the increase in size of the labor force (2.4%). The number of jobs actually provided in Skagit County increased by 2.7%.

   As a result, unemployment decreased from 11% to 6.7% (by 1990). 1998 unemployment is 7.1%, 0.4% above 1990 levels. However, the proportion of the labor force that commutes outside the county to work virtually doubled from 9% to 16% (from 1980 to 1990).

   Increased outcommuting is, to some degree, a normal consequence of a more mobile labor force. However, the rapidity of the change in Skagit County may also be related to structural shifts in the local economy as employment in traditional industries has waned.

3. *Educational attainment and social issues are growing sources of concern in the face of employer demands for a more skilled workforce.*

   The transition from *blue collar* to *white collar* occupations is difficult for existing workers, their families and even the next generation. While improvements have been made, average educational attainment of the Skagit County adult population remains below statewide averages. Area schools continue to face difficult issues such as early *dropout* and teen pregnancy.

4. *Physical infrastructure remains inadequate to remedy existing deficiencies and address new needs from growth.*

   Existing deficiencies include flood problems in the Skagit Valley, in particular affecting the Mount Vernon/Burlington area, and transportation congestion in the Mount Vernon/ Burlington area. Since the 1994/95 OEDP, both of these issues have been addressed and the following results achieved: Mount Vernon has acquired and improved flood-plain property along the west bank of the Skagit River and the jurisdictions of Mount Vernon, Burlington and the Port of Skagit have begun a cooperative effort to expand traffic lanes over the Skagit River.

   Population growth is causing the existing road network to be severely strained. Major water, sanitary and storm improvements are also among the planned projects for urban areas throughout the county — to serve residential, commercial and industrial development.

5. *Faced with difficult and complex issues, it is more challenging to build consensus on a common course for the future.*

   As has been the case elsewhere, public decision processes have tended to become more adversarial. Major resources for future economic development such as the Port of Skagit County's Bayview Business and Industrial Park are now affected by uncertainties as to what can or cannot be developed, and under what conditions.

Anticipating this, the Port took an innovative stance in project planning by concentrating on development of the overall Bayview Business and Industrial Park infrastructure, bringing together county, environmental and regulatory sectors in the planning process. This allowed the participants to find an agreeable compromise and draft an environmentally sound and economically feasible plan of developable infrastructure, which is currently near completion. The City of Mount Vernon is now mimicking this strategy in its approach to infrastructure development plans.

One member of the CAC has cited a need for better "communication skills" to resolve difficult issues. Skagit County has responded by encouraging an economic development planning process that is "citizen based," with no preconceptions regarding the direction for the county's future economic development. As before, review of this OEDP will be completed by a CAC made up of citizens as well as county officials and economic development planners.

***Opportunities:*** Representing *good bets* for business or community investment based on broader regional or global market conditions and trends, four major areas of economic opportunity have been identified by the CAC:

1. *Puget Sound and Pacific Rim markets.*

   Skagit County businesses have an opportunity to capitalize on locational advantages to serve either or both of: a) the I-5 corridor from Olympia to Vancouver, B.C.; and/or b) Pacific Rim countries (from Korea to Australia). These opportunities can be facilitated by actions ranging from technical assistance (as in export development) to infrastructure (including innovative applications such as development of high-speed rail service between Seattle and Vancouver, B.C.).

   The "Asian crisis" of the late '90s does not appear to have had as strong an effect on the economy of Skagit County as on neighboring counties and metropolitan areas. At present, any ripple effects (such as outcommuting by Skagit residents commuting to Boeing) that may be noticed are not expected to be significant.

2. *Footloose business and industrial firms.*

   In recent years, Skagit County has demonstrated an ability to attract firms that value:

   - Location outside but within one-hour driving proximity of a major metro area.
   - High quality of life.
   - Lower cost operating environment.

   As recent experience indicates, attracting footloose companies offers both positives and negatives for a community. One recently recruited footloose business offering good jobs to substantial number of employees made an abrupt and complete exit from Skagit County in 1998. In offering an excellent example of the resilience being built within the Skagit community, the vacated building was quickly filled by an expanding tugboat manufacturer and jobs affected were readily absorbed by other jobs which were created during the year.

3. *Recreation, convention and resort development.*

   The opportunity exists to improve amenities available to both local residents and visitors. Projects need to be carefully planned and executed to complement rather than detract from the environmental setting in which they are located. An example of this development can be seen in the Swinomish Tribe casino and marina near Anacortes, and the Upper Skagit Tribe casino near Bow.

4. *Value-added natural resource business.*

   These opportunities can be facilitated by efforts to: a) preserve agricultural, forest, fishing and open space resources on a sustainable basis; b) shift from commodity to specialty products; and c) shift from primary to value-added secondary production.

   Farmland acreage that is being threatened/co-opted by encroaching commercial, industrial or residential development can now be protected with the purchase of development rights offered by The Farm Legacy Program, implemented in 1997.

   Desired employment shift to a more diversified natural resource economy is clearly evident from the consistent interest on the part of specialty and value-added products businesses for both locating and expanding in Skagit County. Grass roots organizations continue to offer services through Woodworkers Northwest and community-based forums on sustainable and stewardship issues.

***Threats:*** Three conditions or concerns from external as well as local) sources that could undermine local economic stability are identified as posing potentially significant issues for Skagit County's economic development both short and long-term:

1. *Wetlands and floodplains.*

   Wetlands are a significant issue in Skagit County because much of the urbanizing area is low-lying and may be characterized by wetlands conditions. The Bayview Business & Industrial Park property had received attention as wetlands designations conflict with prior industrial park planning. Substantial efforts to remedy these issues have resulted in a completed drainage and retention system approved by multiple jurisdictions.

   Floodplains remain an issue because much of the Mount Vernon- Burlington area lies within the boundaries of a 100-year floodplain. Purchase, engineering and reclamation of a large section of West Mount Vernon is one of the projects completed since 1994/95 OEDP addressed this issue. While development typically has not been precluded in the past, future development within the floodplain is expected to become more constrained.

2. *Other federal, state and local regulatory requirements.*

   Salmon issues, expansion of business opportunities in rural distressed counties, and recreation on agricultural lands were topics of concern during the 1999 session of the Washington State Legislature. Of particular interest is the dramatic increase in threatened and endangered species listings since the 1994 OEDP.

3. *Urban sprawl.*

   For Skagit County, containment of the effects of urban sprawl is becoming more challenging as growth moves out from the larger, more populated urban areas of Seattle, Everett and Bellingham. Failure to control sprawl has other long-term negative implications — including greater risk of septic tank failures and continuing loss of agricultural lands. The Growth Management Act and the Board decisions of 1998 have temporarily re-classed several hundred acres as invalid industrial and commercial lands, until the need for non-urban industrial/commercial uses can be more clearly documented.

4. *ESA Listing of Chinook Salmon.*

   In March 1999, Puget Sound Chinook Salmon was added to the Federal Listing of Endangered Species. The effects on Skagit County are yet to be fully realized. Initial expectations include imposing a 100'-200' buffer (riparian habitat) along Type 1, 2, and 3 streams in all zoning districts. It has been estimated that such a requirement could remove as much as 8,000 acres of Ag-NRL designated land from production.

5. *Passage of Initiative 695 – Reduction of Automobile License Tab Fees.*

   Impacts of the recently adopted citizen Initiative 695 is yet unknown. Early implications appear to be substantial reductions to the state ferry and local public transit systems. Further impacts may include deferral or curtailment of projects currently being planned and the need to redirect funds previously budgeted to other categories.

6. *Hospital Relocation or Reconstruction.*

   Affiliated Health Services has undertaken an extensive study to assess both the feasibility/costs and community needs/responses for either replacing United General and Skagit Valley Hospitals with a single new hospital, or extensively remodeling the current Skagit Valley Hospital facility, located within the city limits of Mount Vernon. Though no determination has been made to date, local jurisdictions are working cooperatively with Affiliated Health to address the public health and economic development needs of the whole community.

7. *National Frozen Foods Potential Relocation.*

   The agricultural sector continues to undergo several pressures from land use to financial constraints. As the urban/rural delineation becomes less defined and the cost/price squeeze causes revenues to decline, decisions are made for the most optimal results. Consequently, there has been a trend for several years of processors and larger farms moving to Washington's more agricultural east side. Most recently, National Frozen Foods has announced that it is considering a similar move of their vegetable processing plants.

## Employment Forecasts

In both the 1994 and 1995 OEDP documents, E.D. Hovee & Company prepared forecast scenarios for overall and industrial employment growth in Skagit County. These scenarios included both:

- A *population-driven* forecast based on the increase in employment needed to serve forecast Skagit County population growth
- An *employment-driven forecast* based on utilization of Washington projections made by Employment Security Department and extrapolation of Skagit County's changing share of regional employment forward over a 20-year period.

For this 1999 update, only the employment-driven forecast methodology is used which reflects revised State of Washington Employment Security Department (ESD) statewide employment projections. The population-driven method has not been updated because the state Office of Financial Management (OFM) is not expected to revise county-level population projections until after the 2000 census.

Analysis of both 1994 and 1995 OEDP results show that the population and employment-driven methodologies produce similar results (less than a 2% difference) while the latter is found to be more applicable when forecasting employment by industry and land-use type for use in the OEDP. As in the prior 1995 analysis, the employment forecast period for this update is through the year 2015.

***Employment-Driven Forecast Update:*** This approach forecasts employment independent of expected population growth, based on Skagit County's changing competitive position within the Washington State economy. This methodology consists of the following steps:

- Start with expected statewide covered employment growth (based on a non-agricultural employment forecast recently updated by ESD and OFM).[19]
- Evaluate Skagit County shares of employment statewide and forecast future employment shares based on extrapolation of past trends (on a sector by sector basis).
- Multiply Skagit County's expected shares of employment by the statewide employment forecast (be sector) to arrive at a projected year 2015 employment total for Skagit County.

## EMPLOYMENT FORECAST METHODOLOGY & LAND USE ALLOCATIONS

The employment forecast is based on Skagit County's changing competitive position within Washington's economy, and begins with an evaluation of Skagit County's share of statewide employment by detailed employment sector over the period 1980-1997.

Between 1980 and 1997, Skagit County's share of statewide covered employment increased somewhat from 1.4% to 1.5%. Particularly strong gains occurred in the county's competitive position in construction and retail trade. During the most recent period (1994 to 1997), Skagit County regained some competitive share in agriculture, and stabilized its share of statewide employment in manufacturing, transportation, communications, and public utilities.

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Local shares of statewide employment from 1980 through 1997 were evaluated to forecast future employment shares on a detailed sector-by-sector basis to year 2015. The updated employment share analysis, in comparison with the prior forecast, produces similar results for the 2015 projections. Skagit County is projected to further increase its share of statewide employment to 1.9%, up from the current level of 1.5%, but the same share as projected by the prior forecast. Minor differences between this forecast and the prior forecast are noted by major employment sector. A summary table of employment shares by major employment sector follows:

**Figure 30. Changing Skagit County Shares of Statewide Employment**

| | Historic Shares | | | 2015 Projection | |
|---|---|---|---|---|---|
| **Employment Sector** | **1980** | **1994** | **1997** | **Updated** | **Prior** |
| Agriculture (including services) | 5.5% | 3.1% | 3.7% | 3.7% | 2.8% |
| Mining | 0.5% | 0.7% | 0.7% | 0.9% | 1.1% |
| Construction | 1.5% | 2.4% | 2.0% | 3.2% | 3.8% |
| Manufacturing | 1.2% | 1.3% | 1.3% | 2.0% | 2.0% |
| TCPU * | 1.3% | 1.2% | 1.2% | 1.4% | 1.3% |
| Wholesale Trade | 0.7% | 0.9% | 1.0% | 1.2% | 1.0% |
| Retail Trade | 1.6% | 1.9% | 1.9% | 2.5% | 2.7% |
| FIRE * | 0.7% | 0.8% | 0.9% | 1.0% | 1.0% |
| Services | 1.1% | 1.1% | 1.2% | 1.3% | 1.3% |
| Government | 1.5% | 1.6% | 1.8% | 2.0% | 1.9% |
| Total Covered Employment | 1.4% | 1.5% | 1.5% | 1.9% | 1.9% |

* Note: TCPU is an abbreviation for Transportation, Communications, Public Utilities; FIRE denotes Finance, Insurance, and Real Estate.

Source: E.D. Hovee & Company, based on 1980 and 1997 covered employment data from the State of Washington Employment Security Department.

The greatest increases in shares of statewide employment are expected in the construction, manufacturing, and retail sectors. Skagit County's increased share of statewide construction employment will be driven by an increase in local population and overall employment growth – as both population and employment in Skagit County are expected to represent an increasing share of statewide levels.[20] As growth in the Seattle area continues to creep north, Skagit County's share of statewide economic activity also will increase, driving growth in the construction sector.

An increased share of statewide retail employment also results from projected local population and economic growth. As Skagit County grows and becomes more urbanized, added consumers eventually will create a critical mass (increased demand) that will attract a broader retail base (e.g. a greater diversity of retail goods and merchants). Greater retail diversity also will lead to a recapture of spending currently lost to neighboring counties (i.e. retail sales leakage) and potentially will attract consumers in nearby underserved communities (e.g. Island County, San Juan County, etc.).

The recent addition of major national retailers such as Wal-Mart is evidence that some growth in retail diversity has already begun to occur The projected increased share of statewide manufacturing employment reflects local countywide economic development policies and goals.

These goals and policies include the recapturing of competitive advantage, as in the wood products industry.

Several Skagit County agencies, such as the Economic Development Association of Skagit County (EDASC) and Woodworkers Northwest, have aggressively marketed Skagit County and its products with success. The county also has been successful in attracting companies such as Ligno-Tech. Woodworkers Northwest has successfully marketed local woodcrafts on the Internet — an aggressive marketing effort resulting in an increase in Skagit County's share of statewide wood products employment from 1.7% in 1994 to 1.8% in 1997.

Future employment shares are applied to the statewide covered employment forecast in order to arrive at a projected year 2015 Skagit County employment total by detailed employment sector.[21] For purposes of the urban-rural land analysis, the growth in employment between the forecast period of 1995 to 2015 is evaluated. This forecast period is consistent with the original urban-rural land analysis used by county officials to determine urban growth boundaries as part of the GMA-mandated comprehensive planning process.

Close to another 28,000 jobs are expected to be created in Skagit County between 1995 and 2015. Highest growth sectors are forecast to be retail trade (with 6,500 added jobs) and services (with 6,100 added jobs); together, these two sectors represent 45% of total job growth anticipated. The manufacturing sector is expected to grow at a rate twice as fast as the growth experienced since 1980.

**Figure 31. Skagit County Employment Projections**

| | | Covered Employment | | | | Forecast | Growth |
|---|---|---|---|---|---|---|---|
| Employment Sector | Land Use | 1980 | 1994 | 1995 | 1997 | 2015 | 1995-2015 |
| Agriculture (including services) | AG/NR | 2,132 | 3,175 | 3,199 | 3,369 | 3,655 | 456 |
| Mining | NR | 17 | 23 | 22 | 25 | 35 | 13 |
| Construction | I | 1,406 | 2,897 | 2,687 | 2,547 | 4,920 | 2,233 |
| Manufacturing | NR/I | 3,777 | 4,454 | 4,717 | 4,859 | 8,091 | 3,374 |
| TCPU | I/C | 1,044 | 1,394 | 1,399 | 1,467 | 2,105 | 706 |
| Wholesale Trade | I | 751 | 1,224 | 1,267 | 1,394 | 2,045 | 778 |
| Retail Trade | C | 4,462 | 8,239 | 8,395 | 8,491 | 14,882 | 6,487 |
| FIRE | C | 661 | 1,003 | 964 | 1,062 | 1,439 | 475 |
| Services | C/P | 3,218 | 6,328 | 6,717 | 7,942 | 12,830 | 6,113 |
| Government | P | 4,536 | 7,035 | 7,208 | 7,650 | 11,537 | 4,329 |
| Total Covered Employment | | 22,004 | 35,772 | 36,575 | 38,806 | 61,539 | 24,964 |
| Self-Employment | SE | – | 3,770 | 4,441 | 4,711 | 7,471 | 3,030 |
| Total Employment | | – | 39,542 | 41,016 | 43,517 | 69,010 | 27,994 |

Note: Self-employment for 1997 to 2015 growth was straight lined from 1990 and 2015 estimates assuming continuation of the 1990 U.S. Census ratio of self-employed to covered employment.

Source: E.D. Hovee & Company.

## EMPLOYMENT FORECAST COMPARISON

Each detailed employment sector is assigned a land use designation, consistent with those used in prior OEDP documents. Using these land use designations, employment growth estimates are

summarized by land use type to arrive at an indication of what land use types will generate the most employment.

Projecting retail trade and service sectors as the highest growth sectors results in projected employment on commercial lands accounting for 36% of forecast employment growth. Another one-fourth of employment growth is anticipated to occur on public/institutional lands and an additional 22% of employment growth on industrial lands.

**Figure 32. Comparison of Current & Prior Employment Forecasts by Land Use Designation (1995-2015)**

| Land Use | 1999 Forecast | 1995 Forecast | Forecast Difference |
|---|---|---|---|
| Commercial (C) | 10,145 | 10,108 | +37 |
| Industrial (I) | 6,270 | 5,615 | +655 |
| Natural Resource (NR) | 1,171 | 1,335 | -164 |
| Agriculture (AG) | 309 | -25 | +334 |
| Public/Institutional (P) | 7,069 | 7,779 | -710 |
| Covered Employment | 24,964 | 24,812 | +152 |
| Self-Employment (SE) | 3,030 | 2,824 | +206 |
| Total Employment | 27,994 | 27,636 | +358 |

Source: E.D. Hovee & Company, May 1999.

In terms of total job numbers, this 1999 employment forecast update closely resembles results of the previous 1995 forecast — the forecast used for the original Skagit County Comprehensive Plan. This 1999 forecast projects an increase of only 358 jobs (18 more jobs per year) over the 20-year forecast period. However, differences do occur between land uses.

A higher level of industrial jobs is projected based on a forecast of continued improvement in both statewide and local economic conditions. Job growth on agricultural lands is also higher than that projected in the 1995 forecast because of Skagit County's increasing role in statewide agricultural production.

Lower levels of natural resource and public/institutional employment growth are projected. Lower levels of employment growth in natural resources are now expected than those projected earlier because of the reduced role that the food processing and forest product sectors now play in Skagit County's economy. The lower growth in public/institutional employment results from a decrease in Skagit County's statewide service sector activity in health care, education, social services, museums, and membership organization.

## COMMERCIAL-INDUSTRIAL LAND DEMAND

E.D. Hovee & Company analyzed projected employment growth (by land use) to estimate total land demand for *commercial and industrial lands* over the next 20 years. These land uses include commercial, industrial, natural resource, and public/institutional (except education).[22]

Educational uses generally occur on lands designated for residential use and, therefore, were not considered as part of this commercial/industrial land demand analysis. Other land uses excluded

from the land demand analysis include agriculture and self-employment. (Agriculture includes the raising of crops and livestock, practices that generally do not occur on industrial and commercial lands.)

Self-employment was excluded from the analysis because little reliable research is available on the amount of self-employment on urban commercial and industrial lands, rather than as home occupations in residentially-zoned areas.[23] Even though some self-employment occurs on industrial/commercial sites, omitting future self-employment growth from allocation to commercial/industrial land reflects a conservative approach to estimating industrial/commercial land demand.

**Figure 33. Employment Further Allocated to Industrial & Commercial Lands (Job Growth 1995-2015)**

| Land Use | Allocated to Commercial & Industrial | Unallocated | Total Employment |
|---|---|---|---|
| Commercial (C) | 10,145 | 0 | 10,145 |
| Industrial (I) | 6,270 | 0 | 6,270 |
| Natural Resource (NR) | 1,158 | 13 | 1,171 |
| Agriculture (AG) | 0 | 309 | 309 |
| Public/Institutional (P) | 5,938 | 1,131 | 7,069 |
| Self-Employment (SE) | 0 | 3,030 | 3,030 |
| Total Employment | 23,511 | 4,483 | 27,994 |

Source: E.D. Hovee & Company.

Out of a total updated employment forecast of almost 28,000, over 23,500 of the added jobs (or 84%) are allocated to industrial/commercial land. The remaining 16% remains unallocated. Unallocated employment categories include all of agriculture, mining, self-employment, and the public education portion of public/institutional.

## URBAN VS. RURAL ALLOCATIONS

The Skagit County Council of Governments retained BST Associates to geo code 1998 employment by detailed sector. Results were summarized by city, urban growth area (UGA), and rural area. These results were further summarized by land use designation to derive allocation ratios between urban (city *plus* UGA) versus rural areas by land use.

According to BST, urban areas account for an estimated 94% of commercial, 87% of industrial, 90% of natural resource, and 92% of public/institutional employment in Skagit County. Rural areas account for remaining employment, with the exception of public/institutional. Within rural areas, public/institutional employment is not calculated as part of the commercial/industrial land demand because these uses typically occur on rural lands without commercial/industrial zoning.[24]

Projected employment growth estimates are allocated to urban versus rural areas using the current allocation ratios. Based on these allocation ratios, over 21,500 jobs are anticipated to be created within Skagit County urban areas. Rural areas are estimated to capture over 1,500 added jobs between 1995 and 2015.

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**Figure 34. Urban vs. Rural Employment by Land Use Allocations (1995-2015)**

| Land Use | Employment Growth (1995-2015) | % Allocated | | Employment Growth | |
|---|---|---|---|---|---|
| | | Urban | Rural | Urban | Rural |
| Commercial (C) | 10,145 | 94% | 6% | 9,536 | 609 |
| Industrial (I) | 6,270 | 87% | 13% | 5,455 | 815 |
| Natural Resource (NR) | 1,158 | 90% | 10% | 1,042 | 116 |
| Public/Institutional (P) | 5,938 | 92% | – | 5,463 | – |
| Total Com'l & Ind'l Employment | 23,524 | – | – | 21,496 | 1,540 |

Source: E.D. Hovee & Company, based on BST Associates Geocode Employment Database, July 1999.

## EMPLOYMENT DENSITIES

Using the employment growth projections, an estimate of land demand for urban and rural areas is derived from land use density ratios. Density ratios are a calculation of jobs per net developable acre.

Urban density ratios were assumed to remain the same as in the previous commercial/industrial land analysis. These ratios were originally derived by reviewing past development within City of Anacortes, Port of Anacortes, Port of Skagit County, City of Mount Vernon, and City of Burlington in Skagit County, as well as inventorying 109 major end-user industrial investments in Washington and Oregon.[25]

As part of this revised land use analysis, a review of past rural developments was conducted, resulting in density estimates perceived to be well below acceptable development standards for future commercial development.[26] After discussion with Skagit County jurisdictions, somewhat higher density estimates were used in the land demand analysis to reflect future development standards. The effect is the reduction of calculated land need below what might be projected with lower densities.[27]

Using urban and rural employment densities identified in the following table, a need for a total of 2,670 net developable urban and rural area acres of commercial and industrial land — before market factors are considered — was identified. This total would allow the creation of the 23,000+ net new jobs anticipated over the next 20 years. Urban areas will need almost 2,200 net developable acres while rural areas will need over 475 net developable acres — both of these before market factors are taken into consideration.

**Figure 35. Comercial/Industrial Land Demand by Land Use (1995-2015)**

| Land Use | Employment Growth | | Density (jobs/net acre) | | Land Demand (net acres) | |
|---|---|---|---|---|---|---|
| | Urban | Rural | Urban | Rural | Urban | Rural |
| Commercial | 9,536 | 609 | 20.0 | 6.0 | 477 | 102 |
| Industrial | 5,455 | – | 6.5 | — | 839 | – |
| Natural Resource | 1,042 | – | 2.5 | — | 417 | – |
| Rural Industrial/Natural Resource | – | 931 | – | 2.5 | – | 372 |
| Public/Institutional | 5,463 | – | 12.0 | – | 455 | – |
| Total Com'l & Ind'l Land Demand | 21,496 | 1,540 | – | – | 2,188 | 474 |

Source: E.D. Hovee & Company, based on Skagit County Rural Employment Density Database.



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Growth Management Act provisions and Growth Management Hearings Board rulings permit certain industrial activities in rural and unincorporated areas. Generally, industrial activities are permitted in rural areas if they are a) resource-based or dependent on a rural location, b) do not require urban services, and c) are compatible with the surrounding rural area and rural character. Examples of permitted rural industrial uses include natural resource-related industries engaged in the extraction and processing of natural resources; the wholesaling and storage of products associated with natural resources; and small-scale businesses and cottage industries providing job opportunities for rural residents. Because of the particularity of this permitted use, rural industrial and natural resource land uses were combined into a common category called *rural industrial/natural resource*.

## MARKET FACTOR

Few forecasts of future conditions turn out precisely as predicted. In the case of industrial and commercial land demand, important factors that may vary from forecast conditions include expected total employment, mix of employment by sector, and employment density. Application of a market factor provides a margin of error (or *cushion*) to account for changes that may not be foreseen at present.

Given the uncertainty of future development patterns and the potential for actual conditions to vary from the forecast, a market factor is recommended to ensure that an adequate supply of commercial/industrial land is available for future development. This recommendation is consistent with the practice of other counties, including results of the 1995 Skagit County OEDP for UGAs. Also, conservative assumptions have been used to project future commercial/ industrial land demand. If future patterns of development occur in a manner outside the forecast parameters, Skagit County could fall short of its growth management targets for jobs to support population growth.

Finally, it is noted that a market factor is important to ensure that commercial and industrial land in Skagit County stays competitive with nearby markets in terms of both supply and price. Research conducted by E.D. Hovee & Company for the Lewis County Economic Development Council indicates that other I-5 counties use market factors ranging from 20% to 75%.[28] Market factors near 75% usually contain adjustments for environmental and other types of constraints.

The 1995 land demand analysis used a market factor of 25% to account only for competitive issues. However, as part of this revised land demand analysis, E.D. Hovee & Company analyzed the effects of higher market factors.

Applying a market factor of 25% results in the need for 3,330 acres of commercial and industrial land. If a market factor of 40% is used, then the amount of commercial and industrial land needed increases to almost 3,730 acres, 400 acres more than the 25% market factor. A market factor of 50% results in the need for almost 4,000 acres. Given the dramatic increase in net developable acreage needed under the 40% and 50% market factors, it was decided that continued application of a more conservative approach remains appropriate. The use of the 25% market factor, therefore, was continued in this revised land demand analysis.

**Figure 36. Land Demand Under Alternative Market Factors**

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| Land Use | Net Demand * | Market Factors 25% | 40% | 50% |
|---|---|---|---|---|
| Commercial | 579 | 724 | 811 | 869 |
| Industrial | 839 | 1,049 | 1,175 | 1,259 |
| Natural Resource | 417 | 521 | 584 | 626 |
| Rural Industrial/Natural Resource | 372 | 465 | 521 | 558 |
| Public/Institutional | 455 | 569 | 637 | 683 |
| Total Com'l & Ind'l Land Demand | 2,662 | 3,328 | 3,728 | 3,995 |

* Note: Before application of a market factor.

Source: E.D. Hovee & Company.

## SUMMARY RESULTS

The original land demand estimates prepared in 1995 did not distinguish between urban and rural demands. For this revised analysis, E.D. Hovee & Company has applied detailed geocoded employment information from BST Associates to estimate urban versus rural job growth.

To estimate rural land demand from projected employment growth, E.D. Hovee & Company used a land development database developed by Skagit County using past non-residential developments as a guide. After considering several possible market factors (consistent with experience of other Western Washington I-5 corridor counties), the original 25% market factor was used again to estimate land demand. This 25% market factor took market competition issues into consideration.

In summary, E.D. Hovee & Company has applied a relatively conservative approach in revising the land demand estimates for Skagit County. For information deemed unreliable or not indicative of future development standards, E.D. Hovee & Company either assumed no allocation for potential land demand or used more conservative parameters.

The revised land demand analysis results in the need for almost 2,740 acres of commercial and industrial land in urban areas and over 590 acres in rural areas. Altogether, Skagit County will need 3,330 acres of commercial and industrial land to support the creation of 23,040 jobs as projected over the next 20 years. This allocation of industrial and commercial sites is important to Skagit County's local economic base to keep pace with anticipated local population and statewide growth.

**Figure 37. Land Demand with Market Factor Adjustment (Net Developable Acres)**

| | Land Demand | | With Market Factor (25%) | |
|---|---|---|---|---|
| **Land Use** | **Urban** | **Rural** | **Urban** | **Rural** |
| Commercial | 477 | 102 | 596 | 128 |
| Industrial | 839 | – | 1,049 | – |
| Natural Resource | 417 | – | 521 | – |
| Rural Industrial/Natural Resource | – | 372 | – | 465 |
| Public/Institutional | 455 | – | 569 | – |
| Total Com'l & Ind'l Land Demand | 2,188 | 474 | 2,735 | 593 |

Source: E.D. Hovee & Company.

For urban areas (cities plus unincorporated UGAs), total commercial and industrial land demand of 2,735 forecast in this update acres compares with UGA demand over the same 1995-2015 period of 2,379 acres in the prior 1995 OEDP. Countywide planning policy CPP1.1 identifies the supply of commercial and industrial land (as of 1995) at 2,256 acres. Consequently, this updated analysis documents need for 593 rural acres (not previously estimated) and for 479 acres of urban commercial/industrial land above and beyond what was previously allocated with CPP1.1.



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# V. ENVIRONMENTAL CONSIDERATIONS

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Balancing environmental and economic objectives has become increasingly important both nationally and in Washington. Skagit County's location, topography and climate make achieving an appropriate balance more challenging than for many other counties and communities in western Washington.

This section of the 1999 OEDP report provides a summary of environmental information as stipulated by the U.S. Economic Development Administration (EDA). More detailed information is provided in a variety of other county planning documents, including a draft Environmental Impact Statement for Skagit County's proposed comprehensive plan and the Skagit County Comprehensive Plan, adopted June 1, 1997.

Current conditions are described with special focus on pertinent changes in environmental conditions reported since the 1994 and 1995 OEDP reports. Information is organized to cover:

Description of Area
Political Geography
Land Usage
Public Facilities
Wetlands & Critical Areas
Endangered Species
Other Environmental Issues
Pertinent Countywide Planning Policies

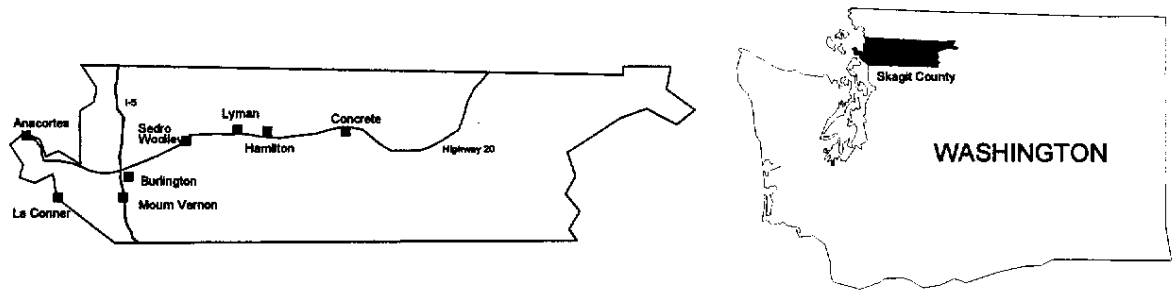
## A. DESCRIPTION OF REGION

As previously noted, Skagit County encompasses 1,735 square miles and ranks 21st in geographic size among Washington State counties. Skagit County's elevation ranges from sea level at the western edge bordering on Puget Sound to 8,966 feet at Mt. Logan in the extreme eastern portion of the county. The basic topography of the county can be described as western islands, valleys, and mountains.

A fertile alluvial plain nurtured by the flood plain of the Skagit River offers some of the richest farm soil regionally and nationally. The forests of the Cascades dominate two-thirds of Skagit County. The county has a marine climate affected by Pacific Ocean air currents. Mild wet winters and comfortably warm, drier summers are the result of these air currents.

Southwest winds generally prevail, but during the summer months are more often out of the north and northwest. Although Skagit County generally has good air quality, there are periods when localized air quality can deteriorate. During times of stable weather when there is an absence of wind is when air quality is most likely to be affected. Precipitation ranges from about 22 inches at Anacortes to 70 inches in Concrete annually.

**Figure 38. Skagit County Location** 17938




## B. POLITICAL GEOGRAPHY

Skagit County has eight incorporated communities. Taken together, the incorporated communities account for almost 52,000 residents or 52.6% of the county's population. The remaining unincorporated area has a population of over 46,000, representing 47.4% of the population countywide. Incorporated cities encompass approximately 19,160 acres, encompassing approximately 3% of Skagit County's zoned land area.

The Swinomish, Upper Skagit and Sauk-Suiattle Tribes have reservations in the county. The Swinomish reservation occupies approximately 7,200 acres of uplands and 2,890 acres of tidelands.

A variety of other governmental jurisdictional responsibilities are noted. Skagit County has two port districts, two large water utility districts, a total of 174 identified public and community water providers, and three public sewer districts (excluding community systems). In addition, other special districts such as fire and diking districts serve various parts of the county.

## C. LAND USAGE

Land use factors described include zoning, superfund sites, prime or unique farmland, agricultural lands, conservation areas and sites of historical significance.

### Zoning

Zoning ordinances are used to designate permissible land uses and restrictions within defined geographic areas of local cities and the unincorporated area. Through the adoption of specific ordinances the cities, towns and county governments have methods to protect their environments. The Skagit County Zoning Ordinance implements policies in the Comprehensive Plans.

In addition to zoning controls, comprehensive land use plans provide additional tools for controlling the type of development within local jurisdictions. Other land use regulations include the Skagit County Environmental Policy Ordinance, Critical Area Ordinances for Skagit County and each jurisdiction, Subdivision Ordinance and Shoreline Management Master Program.

The Skagit County Zoning Ordinance is comprised of maps, including a zoning map that identifies various zoning districts. Also contained in the ordinance is descriptive text explaining the uses and regulations for the zoning districts.

**Figure 39. Acreage by Land Use Classification**

| Generalized Land Use Class | Land Use Designations | Acres | % of Total |
|---|---|---|---|
| Natural Resource Lands* | Agriculture, Industrial Forest, Secondary Forest, and Rural Resource. Note: Mineral Overlay acreage is 23,620. | 489,378 | 43.9% |
| Rural | Rural Reserve, Rural Intermediate, and Rural Village Residential | 83,118 | 7.5% |
| Urban Growth Areas | Unincorporated, and Cities/Towns | 36,626 | 3.3% |
| Commercial/Industrial | Rural Business, Rural Freeway Services, Rural Village Commercial, Natural Resource | 702 | 0.1% |
| Public Lands | National Forest, and Federal Park, Wilderness, and Recreation Areas | 503,507 | 45.2% |
| **TOTAL** | | **1,113,331** | **100.0%** |

Source: Skagit County GIS, 1999.

Of zoned county land, approximately 89% are zoned for public and natural resource lands. The remaining 11% is designated for low density rural as well as more urban uses.

Federal and state forest, parks and recreation lands account for approximately 45% or 503,507 acres of Skagit County's total land area of 1.1 million acres. A 1991 wetlands inventory reports approximately 76,188 acres of potential wetlands; 10% of the county (excluding federal lands) is represented by this acreage.

## Superfund Sites

The Pacific Northwest EPA Region 10 identifies no designated superfund sites in Skagit County.[29]

## Prime or Unique Farmland

The U.S. Department of Agriculture, Natural Resource Conservation Service (previously Soil Conservation Service) has identified areas within the county with prime and unique farmland. Of the county's approximate one million acres, 108,000 acres or 10% are defined as prime farmland. Seventy-five thousand acres of prime farmland are actively cropped while the remainder is in other uses.

Skagit County has made a clear policy commitment to preserving agricultural land as was quantified in the 1996 Agricultural Land Protection Survey of Skagit County Voters. Programs that are already in place include agricultural zoning, open space taxation, and a right-to-farm ordinance.

Since 1994, the county has developed and adopted the Farm Legacy Program, a provision for the county to purchase development rights on certain agricultural lands. Also initiated have been



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potential projects for a controlled atmosphere storage facility, development of a marketing plan for local agricultural products, and feasibility of an agricultural processing incubator.

The main goal of the agricultural element being considered for Skagit County's comprehensive plan is to protect and conserve the nearly 90,000 acres designated as agricultural resource lands of long-term commercial significance. Additionally, the Washington State University Safe Food Initiative and 1997 legislated Assistance for Rural Distressed Areas are two factors supporting the work to maintain the vitality of agriculture in Skagit County.

Leading these efforts locally are Skagitonians to Preserve Farmland and Washington State University Mount Vernon Research and Extension Unit. The work being accomplished by these and other groups coupled with the documented local community support for agriculture has brought about a shift in emphasis from the Puyallup Research Station to the Mount Vernon facility. Expansion and upgrade of this facility is needed for the additional staff and modern equipment being located at the Mount Vernon site.

The element contains locational criteria, establishes policies to ensure the stability and productivity of the county's agricultural lands and industries, and supports the needs and practices of agriculture as the highest priority in areas designated for agricultural use. The element also would provide policies, programs and measures that promote and protect the current and future needs of agriculture within the county.

Major issues addressed by the proposed agricultural element include:

- The establishment of a local farmland protection program, the Farm Legacy Program.
- Stabilizing the loss of prime farmland.
- Limiting the intrusion of non-agricultural uses into agricultural designated areas.
- Assisting agricultural production by allowing agricultural support services and direct on-farm marketing in the agricultural designated lands.
- Mitigating conflicts between agricultural and non-agricultural uses in designated agricultural resource lands.
- Allowing processing facilities and limited support services that support local agricultural activities, which are not harmful to the long-term agricultural use in all agricultural land, use categories.
- Promoting a healthy and competitive agricultural industry whose products are recognized as being produced in Skagit County.
- Educating the public on agricultural issues, policies and programs regarding agriculture in Skagit County.

### Conservation Areas

Approximately 34% of the county's total land base is zoned as a Secondary Forest-NRL or Industrial Forest-NRL. Another 45% of the county's land base is in federal ownership, including U.S. Forest Service managed land and National Park and Wilderness Areas.



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The U.S. Forest Service and U.S. Park Service own and manage large federal facilities in the eastern half of the county. In addition portions of the San Juan National Wildlife Refuge, Noisy Diobsud Wilderness and Glacier Peak Wilderness are also located in Skagit County.

Both private and public forestlands are susceptible to conversions to non-resource uses. Such conversions can create areas of conflicting land uses and environmental impacts of such conversions may, over time, alter the economic character of a community.

One hundred fifty-eight miles of the Skagit River system has been designated as a Wild and Scenic River since 1978. The National Forest Land and Resource Management Program recommends protection of specific viewsheds, including portions of the North Cascades Highway.

The Washington State Department of Transportation has designated several highways in Skagit County as Scenic and Recreation Highways. Management actions call for the protection of such highways and their adjacent areas.

Public park and recreational land ownership and management in the county is divided among federal, state, county and municipal agencies.

**Figure 40. Public Recreation Lands in Skagit County**

| Agency | Developed Public Recreation Lands | Undeveloped Public Recreation Lands | Total Acres |
|---|---|---|---|
| National Forest & Parks | | | 555,200.0 |
| State of Washington | 18242.2 | 359.8 | 18,602.0 |
| Cities & Towns | 3,767.6 | 31.8 | 3,799.4 |
| Skagit County | 735.8 | 974.5 | 1,710.3 |
| Other Agencies | | | 473.0 |
| **Total** | **22,745.6** | **1,366.1** | **579,784.7** |

Source: Skagit County Comprehensive Parks and Recreation, May 1998.

The largest developed park is Deception Pass State Park, with 1,233 acres. The largest undeveloped state open space habitat area is the Padilla Bay National Estuarine Research Reserve and Cypress Head Conservation Area.

## Sites of Historic Significance

Skagit County's coastal areas, western islands, and along the Skagit River valley are repositories of Swinomish and Skagit Indian Tribe artifacts. Several communities — such as La Conner — are locations of historic European settlement and remain largely intact today.

Efforts to preserve and protect archaeological and historic places and artifacts are directed by Federal, State, and local acts or ordinances whose mandates are administered to by several agencies.

Skagit County has 30 sites listed on the National Register of Historic Places and Landmarks. Historic register sites are located throughout the county from Anacortes and La Conner in the

west to Marblemount and Diablo in the east. 17938 Since the 1994 OEDP, six new sites have been added to this list.

**Figure 41. Skagit County Sites of Historic Significance**

| Jurisdiction | Historic Site |
|---|---|
| Anacortes | La Merced, waterfront off Oakes Avenue |
| Anacortes | W.T. Preston, waterfront, R Avenue at foot of 7th Street |
| Anacortes | Anacortes Public Library, 1305 Eighth Street |
| Anacortes | California Fruit Store, 909 Third Street |
| Anacortes | Causland Park, Eighth Street and "M" Avenue |
| Anacortes | Deception Pass Bridge, spans Deception Pass from Pass Island to Whidbey Island on WA 20 |
| Anacortes | Great Northern Depot, "R" Avenue and Seventh Street |
| Anacortes | Marine Supply and Hardware Complex, 202-218 Commercial Avenue/1009 Second Street |
| Anacortes | Canoe Pass Bridge, spans Canoe Pass from Anacortes to Pass Island on WA 20 |
| Anacortes | Semar Block, 501 "Q" Avenue |
| Burlington | Burlington Carnegie Library, 901 Fairhaven Street |
| Concrete | Concrete Theatre, 128 Main Street |
| Concrete vicinity | Baker River Bridge, on WA 17A over Baker River |
| Concrete vicinity | Lower Baker River Hydroelectric Power Plant, on Baker River |
| Diablo vicinity | Rock Cabin, Fisher Creek Trail south of Diablo Lake |
| Diablo vicinity | Swamp/Meadow Cabin East, Thunder Creek Trail south of Diablo Lake |
| Diablo vicinity | Swamp/Meadow Cabin West, Thunder Creek Trail south of Diablo Lake |
| La Conner | Bethsaida Swedish Evangelical Lutheran Church Parsonage, 1754 Chilberg Road |
| La Conner | La Conner Historic District, Swinomish Channel waterfront |
| La Conner | La Conner Civic Garden Club, Second and Calhoun |
| La Conner vicinity | Sqwikwikwab (Fishtown), Dodge Valley Road |
| Lyman | Minkler Birdsey D., House, 201 South Main Street |
| Hamilton | Slipper House, 584 Maple Street |
| Marblemount | Backus/Marblemount Ranger Station House Nos. 1009 and 1010, Ranger Station Road, 1 mile north of WA 20 |
| Marblemount vicinity | Gilbert's Cabin, Cascade River Road west of Gilbert Creek |
| Marblemount vicinity | Hidden Lake Peak Lookout, Mt. Baker Ranger District, Mt. Baker-Snoqualmie National Forest |
| Mount Vernon | Lincoln Theatre and Commercial Block, 301-329 Kincaid Street and 710 – 740 First Street |
| Mount Vernon vicinity | Skagit City School, 3.5 miles south of Mount Vernon on Moore Road |
| Sedro-Woolley vicinity | Park Butte Lookout, Mt. Baker Ranger District, Mt. Baker-Snoqualmie National Forest |
| Sedro-Woolley | US Post Office – Sedro-Woolley Main, 111 Woodworth Street |

Source: Washington State Department of Community, Trade and Economic Development, January 2000.

## D. PUBLIC SERVICES

Public service or infrastructure facilities reviewed include sewage, water, solid waste and transportation facilities.

## Sewage Collection & Treatment Facilities

Sewage treatment in Skagit County is disposed of in one of three ways: (a) municipal treatment and disposal system; (b) smaller localized (i.e. community) collection and treatment systems; and (c) individual septic tank systems. Six cities, three communities and two sewer districts operate sewage collection and treatment facilities. Of the five treatment facilities reporting, most of the larger sewage treatment facilities have the capacity to serve future growth or are in the process of upgrading at this time. All cities reporting either have already or will have sufficient capacity to accommodate growth into the year 2015.

**Figure 42. Sewage Collection and Treatment Facilities**

| System | Current Load (Gallons per day) | Design Capacity (Gallons per day) | % of Design Capacity Use | Current Upgrade Projects |
|---|---|---|---|---|
| Big Lake* | 70,000 | 200,000 | 35% | |
| Burlington | 1,300,000 | 1,600,000 | 81% | 3.8 MGD by November 2000. |
| Anacortes* | 3,200,000 | 6,400,000 | 50% | |
| Sedro-Woolley | 800,000 | 1,900,000 | 32% | 2.3 MGD by August 1999. |
| Concrete | 75,000 | 100,000 | 75% | Currently in planning process. |
| Mount Vernon | 5,600,000 | 8,200,000 | 68% | Implementing several upgrades. |
| La Conner | 250,000 | 520,000 | 48%* | Stated upgrade to be complete May 1999. |

* Note: Big Lake and Anacortes load and capacity amounts based on 1994 data.
Source: Skagit County Sewage Treatment Facilities, April 1999.

Septic systems provide wastewater treatment throughout much of the unincorporated area of Skagit County. In certain identified areas of the county, failing systems are causing public health and watershed problems. Skagit County has an ordinance in place to bring these faltering systems into compliance once specifically identified.

Six cities, three communities and two sewer districts operate sewage collection and treatment facilities. Most of the larger sewage treatment facilities have the capacity to serve future growth.

## Water Resources

Skagit County contains numerous rivers, streams, lakes, wetlands and borders the Puget Sound. Within the boundaries of Skagit County are four major watersheds: Skagit, Samish, Nooksack and Stillaguamish. Both human activities and natural processes can impact the water quality of Skagit County.

Rivers, aquifers, and reservoirs supply water in Skagit County. While some water is supplied by aquifers, most of the water supply comes from two primary sources: the Anacortes Water Utility and Skagit County PUD. Besides the two largest suppliers, there are approximately two dozen large community water systems (with the term "large" being defined as 50-100 customers each), with a total of approximately 174 systems countywide.

Groundwater supplies the rest of the county's drinking water. Illustrated by the following chart is overall customer average use per day of the county's two major water utilities.



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**Figure 43. Average Customer Use Per Day of Two Major Water Utilities**

| Utility | Customers | Gallons per Day Pumped |
|---|---|---|
| Anacortes Water Utility | 5,900 | 16-18 MGD |
| Skagit County PUD | 18,500 | 8-9 MGD |
| Total | 24,400 | 24-27 MGD |

Source: Skagit County Water Purveyors, 1998.

The number of customers being served by the Anacortes Water Utility and Skagit County PUD has increased from 19,500 (or by 25%) since 1994, while gallons pumped per day increased from 22-25 MGD per day (approximately 8-9% increase).

Most rural areas of five-acre or larger parcels obtain water from individual wells. Individual water delivery systems created after January 1992 are required to document groundwater quality and quantity prior to issuance of a building permit or finalization of a land division.

Groundwater quality in Skagit is generally good. Some areas of the county have experienced groundwater quality problems from high-impact uses along with vulnerable aquifers and naturally occurring contaminants.[30]

Some portions of the public systems meet all needs plus fire flow requirements while some portions are not completely able to deliver fire flow volume due to undersized water lines and other minor system infrastructure inadequacies. Fire district ratings are based on factors such as land use and density, access, fire flow and distance from hydrant. District ratings in Skagit County range from 3 to 9. Water supply is a major rating factor and many of the county's independent water systems have insufficient fire flows.

Although the region receives relatively ample precipitation, the competing demands upon available surface and groundwater make water a critical issue. Urban land uses threaten both groundwater and surface water resources with contamination. The Washington Department of Ecology (DOE) is responsible for water rights, and is involved with all surface water uses, except those under 5,000 gallons per day. Other regulations apply to those using less than 5,000 gallons per day.

A countywide Coordinated Water System Plan is part of the Skagit County Comprehensive Plan. This plan offers the ability to direct development (i.e., housing and water dependent commercial) in areas with adequate water supply and capacity.

## Solid Waste Handling & Disposal

Solid waste collection in Skagit County is provided by a combination of the municipalities and two private firms. Skagit County closed its landfill on April 8, 1994 and is now long-hauling the county's solid waste to Klickitat County. Also, in June 1997, the Similk Compactor Site was closed after an economic evaluation of all municipal sites, now referred to as *cost centers*.

Skagit County collected and shipped 68,468 tons of garbage in 1997, an increase of 3.1% from 1996. The April 1994 Skagit County Comprehensive Solid Waste Management Plan (SWMP)



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summarized actions to be taken regarding solid waste management and an implementation schedule showing recommendations and associated costs.

### Transportation Facilities — Road System Adequacy

Freeways, highways, principal arterials, minor arterials, major collectors, minor collectors and local access roads comprise the road system of Skagit County. The county also has 99 bridges. In 1990, approximately 54% of the vehicles on Skagit County roads were passenger vehicles, 27% were trucks, 9% were motorcycles with the remainder being trailers and other miscellaneous vehicles.

Performance of state highways is of vital concern to Skagit County.[31] I-5 and SR-20 are of critical importance to this region. Both are identified as needing major investments by the year 2014. Both the Skagit Sub-RTP and the City of Burlington priority project list identify the bridge capacity across the Skagit River as being an immediate concern.

Regionally, the Department of Transportation is evaluating possible solutions to ease the traffic congestion across the Deception Pass and Canoe Pass Bridges. Suggestions include widening the existing structure, constructing a new bridge, and inaugurating a ferry service.[32]

The Skagit Flats area is a popular bicycling area, but there are no designated bicycle routes within the county. A non-motorized transportation and rails plan is in development. Bicycle and pedestrian models — along with equestrian issues — will be the focus of the plan.

Levels of traffic in Skagit County have risen over the last several years. New residential development, an increase in commercial development, and the dispersed pattern of development are a few of the factors that may account for the increase in traffic.

Skagit County uses an active traffic count program to monitor traffic volumes and growth. The following chart identifies rural and urban arterials with average annual daily traffic of 5,000 counts or more.

**Figure 44. Skagit County Roads with 5,000+ AADT (Average Annual Daily Traffic)**

| Road Name | Location | Functional Class | AADT |
|---|---|---|---|
| Cook Road | I-5 to Old Highway 99 N | Major collector | 12,000 |
| Cook Road | Old Highway 99 N to Green Rd. | Major collector | 10,150 |
| Cook Road | Green Rd. to Gardner Rd. | Major collector | 8,380 |
| Cook Road | Gardner Rd. to Collins Rd. | Major collector | 7,900 |
| Cook Road | Collins Rd. to Prospect Rd. | Major collector | 8,260 |
| Cook Road | Prospect Rd. to S-W City Limits | Major collector | 8,480 |
| Old Highway 99 N | I-5 to BN&SF RR Bridge | Major collector | 6,580 |
| Old Highway 99 N | RR Bridge to Samish River Park | Major collector | 5,700 |
| Old Highway 99 S | Blackburn Rd. to Anderson Rd. | Major collector | 5,810 |
| Anderson Road | I-5 to Old Highway 99 S | Urban collector | 7,120 |
| Cedardale Road | Anderson Rd. to Dale Lane | Major collector | 5,120 |
| Fir Island Road | Pioneer Hwy. To BN&SF RR | Major collector | 7,410 |
| Fir Island Road | BN&SF RR to S. Fork Bridge | Major collector | 5,675 |
| Pioneer Highway | I-5 to Fir Island Road | Major collector | 9,050 |
| Pioneer Highway | Fir Island Road to County Line | Major collector | 6,200 |
| LaConner Whitney Rd. | Flatts Road to SR-20 | Major collector | 7,530 |
| LaConner Whitney Rd. | Chilberg Road to Flatts Road | Major collector | 5,000 |
| McLean Road | City Limits to Penn Road | Major collector | 7,890 |
| McLean Road | Penn Road to Beaver Marsh Road | Major collector | 5,200 |

Source: Skagit County Public Works Department, March 1999.

Unincorporated arterials in Skagit County are generally free of hazards associated with traffic congestion; however, at times such as the spring flower season, heavy visitor traffic creates significant traffic congestion and may contribute to hazardous conditions.

Many county roads and major transportation routes such as State Highway 20 and I-5 are located in the 100-year floodplain. A floodplain location presents periodic traffic movement problems. Flood free routes are needed to and from major public facilities. Emergency and medical services need access to these areas in the event of serious flooding or disaster.

## E. WETLANDS & CRITICAL AREAS

A significant portion of Skagit County is affected by wetlands designations, including tidelands, agricultural areas and/or river valleys. Based on a wetlands inventory conducted in 1991, Skagit County has approximately 76,188 acres of potential wetlands, representing 10% of the county (excluding federal lands).

Approximately 41% of the total potential wetland acreage consist of estuary or marine wetland habitat, representing 6% of the county. Approximately 9% of the county is comprised of freshwater wetlands.

Due to previous development, remaining wetlands are more often an issue for unincorporated areas of the county than for incorporated cities. Particularly affected are a number of Skagit County's major industrial properties. For example, the county's largest single industrial property

— the Port of Skagit County's Bayview Business & Industrial Park — has been significantly affected by wetlands designations.

Efforts since the 1994-95 OEDP have resulted in the development of a complete infrastructure of Bayview Business and Industrial Park property. This included resolution of wetlands issues and consensus with affected jurisdictions and environmental organizations.

The Skagit County industrial and commercial land inventory, completed in 1996, has been used to better document the extent to which vacant industrial and commercial properties are affected by wetlands designations.

Major floods have been recorded in Skagit County as early as 1815 and as recently as 1990 and 1995. Flooding has been somewhat less severe since the 1920s when dams were constructed on the Baker and Skagit Rivers to provide retention and storage of upstream floodwaters. There has also been an extensive program of levee construction along the Skagit River downstream from Sedro-Woolley and marine dike construction in the Samish and Padilla saltwater bays.

Recent floods illustrate a persistent problem. Because considerable urban and agricultural land lies in lowland areas, flooding can cause significant damage. Areas that are exposed to flooding are generally located on the Skagit River downstream from Sedro-Woolley, including Mount Vernon, Burlington and Fir Island. However, upriver communities such as Lyman and Hamilton also experience floods.

## F. ENDANGERED SPECIES OF PLANTS OR ANIMALS

A total of 17 plant species have been identified as endangered, threatened and sensitive vascular plant species. Of these, the Golden Indian Paintbrush is considered a candidate for federal status; the others are noted as state sensitive or threatened species.

**Figure 45. Endangered, Threatened & Sensitive Vascular Plant Species**

| Common Name | Federal/State Status |
|---|---|
| Lance-leaved Grape-fern | State Sensitive |
| Mountain Moonwort | State Sensitive |
| Buxbaum's Sedge | State Sensitive |
| Bristly Sedge | State Sensitive |
| Poor Sedge | State Sensitive |
| Russet Sedge | State Sensitive |
| Long-styled Sedge | State Sensitive |
| Golden Indian Paintbrush | Federal Candidate/State Endangered |
| Pink Fawn-lily | State Sensitive |
| Boreal Bedstraw | State Sensitive |
| Water Lobelia | State Threatened |
| Alpine Azalea | State Sensitive |
| Branching Montia | State Sensitive |
| Blunt-leaved Pondweed | State Sensitive |
| Alaska Alkaligrass | State Sensitive |
| Soft-leaved Willow | State Threatened |
| Pygmy Saxifrage | State Sensitive |

Source: Department of Natural Resources, Washington Natural Heritage Information System.

The list of endangered, threatened, sensitive, candidate, monitor and priority wildlife covers nearly 150 different species, up from 39 in 1994. The Chinook Salmon, peregrine falcon, grey wolf and brown pelican are all identified as endangered species (federal and state). The bald eagle, marbled murrelet, northern spotted owl, bull trout and grizzly bear are federal threatened species.

**Figure 46. Endangered, Threatened, Sensitive, Candidate, Monitor & Priority Fish & Wildlife Species**

| Common Name | Federal/State Status |
|---|---|
| ***Fish:*** | |
| Puget Sound Chinook Salmon[33] | Federal Endangered |
| Pacific lamprey | Federal Species of Concern |
| River lamprey | Federal Species of Concern & State Candidate |
| Pacific herring (Discover Bay) | State Candidate |
| Chinook salmon (Puget Sound) | State Candidate |
| Pygmy whitefish | State Sensitive |
| Westslope cutthroat | Federal Species of Concern |
| Bull trout | Federal Candidate |
| Eulachon | State Candidate |
| Olympic midminnow | State Candidate |
| Lake chub | State Candidate |
| Leopard dace | State Candidate |
| Umatilla dace | State Candidate |
| Mountain sucker | State Candidate |
| Pacific cod (S&C Puget Sound) | State Candidate |



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| Common Name | Federal/State Status |
|---|---|
| Pacific hake (C Puget Sound) | State Candidate |
| Brown rockfish | State Candidate |
| Copper rockfish | State Candidate |
| Greenstriped rockfish | State Candidate |
| Widow rockfish | State Candidate |
| Yellowtail rockfish | State Candidate |
| Quillback rockfish | State Candidate |
| Black rockfish | State Candidate |
| China rockfish | State Candidate |
| Tiger rockfish | State Candidate |
| Bocaccio rockfish | State Candidate |
| Canary rockfish | State Candidate |
| Redstripe rockfish | State Candidate |
| Yelloweye rockfish | State Candidate |
| Margined sculpin | Federal Species of Concern & State Sensitive |
| ***Mollusks:*** | |
| Northern abalone | State Candidate |
| Olympia oyster | State Candidate |
| Newcomb's littorine snail | Federal Species of Concern & State Candidate |
| California floater | Federal Species of Concern & State Candidate |
| Giant Columbia River limpet | State Candidate |
| Great Columbia River snail | Federal Species of Concern & State Candidate |
| ***Beetles:*** | |
| Beller's ground beetle | Federal Species of Concern & State Candidate |
| Long-horned leaf beetle | State Candidate |
| Columbia River tiger beetle | State Candidate |
| Hatch's click beetle | Federal Species of Concern & State Candidate |
| ***Butterflies:*** | |
| Mardon skipper | Federal Species of Concern & State Candidate |
| Yuma skipper | State Candidate |
| Shepard's parnassian | State Candidate |
| Makah (Queen Charlotte) copper | State Candidate |
| Chinquapin hairstreak | State Candidate |
| Johnson's hairstreak | State Candidate |
| Juniper hairstreak | State Candidate |
| Puget blue | State Candidate |
| Oregon silverspot butterfly | Federal Threatened & State Endangered |
| Valley silverspot | State Candidate |
| Silver-bordered fritillary | State Candidate |
| Whulge checkerspot | State Candidate |
| Great arctic | State Candidate |
| ***Other Insects:*** | |
| Fender's soliperlan | Federal Species of Concern |
| Lynn's clubtail | Federal Species of Concern |
| ***Amphibians:*** | |

| Common Name | Federal/State Status |
|---|---|
| Oregon spotted frog | Federal Candidate & State Endangered |
| Columbia spotted frog | Federal Species of Concern & State Candidate |
| Northern leopard frog | State Candidate |
| Cascades frog | Federal Species of Concern |
| Red-legged frog | Federal Species of Concern |
| Van dyke's salamander | Federal Species of Concern & State Candidate |
| Larch mountain salamander | Federal Species of Concern & State Candidate |
| Dunn's salamander | State Candidate |
| Cascade torrent salamander | State Candidate |
| Columbia torrent salamander | Federal Species of Concern & State Candidate |
| ***Reptiles:*** | |
| Western pond turtle | Federal Species of Concern & State Endangered |
| Olive Ridley sea turtle | Federal Threatened |
| Leatherback sea turtle | Federal & State Endangered |
| Green sea turtle | Federal & State Threatened |
| Loggerhead sea turtle | Federal & State Threatened |
| Sagebrush lizard | Federal Species of Concern |
| California mountain kingsnake | State Candidate |
| Striped whipsnake | State Candidate |
| ***Birds:*** | |
| Common loon | State Candidate |
| American white pelican | State Endangered |
| Brown pelican | Federal & State Endangered |
| Brandt's cormorant | State Candidate |
| Aleutian Canada goose | Federal & State Threatened |
| Harlequin duck | Federal Species of Concern |
| Marbled murrelet | Federal & State Threatened |
| Golden eagle | State Candidate |
| Bald eagle | Federal & State Threatened |
| Northern goshawk | Federal Species of concern & State Candidate |
| Merlin | State Candidate |
| Peregrine falcon | Federal & State Endangered |
| Sage grouse | Federal Species of Concern & State Threatened |
| Sharp-tailed grouse | Federal Species of Concern & State Threatened |
| Spotted owl | Federal Threatened & State Endangered |
| Vaux's swift | State Candidate |
| Black-backed woodpecker | State Candidate |
| Pileated woodpecker | State Candidate |
| Purple martin | State Candidate |
| Sandhill crane | State Endangered |
| Snowy plover | Federal Threatened & State Endangered |
| Upland sandpiper | State Endangered |
| Common murre | State Candidate |
| Tufted puffin | State Candidate |
| Yellow-billed cuckoo | State Candidate |
| Flammulated owl | State Candidate |

| Common Name | Federal/State Status |
|---|---|
| Burrowing owl | Federal Species of Concern & State Candidate |
| Vaux's swift | State Candidate |
| Lewis' woodpecker | State Candidate |
| White-headed woodpecker | State Candidate |
| Olive-sided flycatcher | Federal Species of Concern |
| Willow flycatcher | Federal Species of Concern |
| Streaked horned lark | State Candidate |
| Slender-billed white-breasted nuthatch | State Candidate |
| Sage thrasher | State Candidate |
| Loggerhead shrike | Federal Species of Concern & State Candidate |
| Oregon vesper | State Candidate |
| Sage sparrow | State Candidate |
| ***Mammals:*** | |
| Destruction Island shrew | Federal Species of Concern |
| Yuma myotis | Federal Species of Concern |
| Townsend's Big-eared Bat | Federal Species of Concern & State Candidate |
| Grey Wolf | Federal & State Endangered |
| Grizzly Bear | Federal Threatened & State Endangered |
| Fisher | Federal Species of Concern & State Endangered |
| Pygmy rabbit | Federal Species of Concern & State Endangered |
| Washington Ground Squirrel | Federal Species of Concern & State Candidate |
| Western Gray Squirrel | Federal Species of Concern & State Threatened |
| Merriam's Shrew | State Candidate |
| Brush Prairie pocket gopher | State Candidate |
| Western pocket gopher | Federal Species of Concern & State Candidate |
| Gray-tailed vole | State Candidate |
| Shaw Island Townsend's vole | Federal Candidate |
| Steller sea lion | Federal & State Threatened |
| Wolverine | Federal Species of Concern & State Candidate |
| Sea otter | State Endangered |
| Lynx | Federal Candidate & State Threatened |
| Gray whale | State Sensitive |
| Fin whale | Federal & State Endangered |
| Sei whale | Federal & State Endangered |
| Blue whale | Federal & State Endangered |
| Humpback whale | Federal & State Endangered |
| Black right whale | Federal & State Endangered |
| Pacific harbor porpoise | State Candidate |
| Sperm whale | Federal & State Endangered |
| Columbian white-tailed dear | Federal & State Endangered |
| California bighorn sheep | Federal Species of Concern |
| Woodland caribou | Federal & State Endangered |

Source: Washington State Department of Fish and Wildlife, October 28, 1998.

## G. Other Environmental Issues

All parts of Skagit County are in attainment with established air quality standards. However, there are periods when localized air quality can deteriorate. This is particularly the case during periods of stable weather with an absence of wind. Particulates, resulting from wood stoves and fireplaces, industrial, forest slash burning and vehicular sources are of concern during temperature inversions in urban areas.

## H. Pertinent Countywide Policies

As part of their planning programs, Skagit County and local jurisdictions have taken steps to address environmental issues on a comprehensive basis. Skagit Countywide Regional Comprehensive Plan Policies, adopted as of June 1, 1997 specifically address wetlands, forestry, fisheries and other environmental standards as illustrated by the chart on the following two pages. Additional policies may be considered for adoption as part of countywide and local jurisdiction comprehensive plans for growth management.

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## Figure 47. Skagit Countywide Environmental Plan Policies

Skagit County is guided by Goals, Objectives, and Policies when developing the County Comprehensive Plan and the associated implementing Ordinances, Regulations, and Cooperative Agreements that address Critical Areas within Skagit county. Critical Areas include Wetlands, Frequently Flooded Areas, Aquifer Recharge Areas, Geologically Hazardous Areas, and Critical Fish and Wildlife Habitat Conservation Areas. The following Countywide Planning Policies provide specific guidance to the analysis and policies developed in addressing critical areas:

- Land uses and developments which are incompatible with critical areas shall be prohibited except when impacts from such uses and developments can be mitigated (CWPP 10.1)
- 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 (CWPP 10.2)
- 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 (CWPP 10.5)
- 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 (CWPP 10.9)
- When evaluating and conditioning commercial, industrial or residential development, Skagit County shall consider threatened or endangered wildlife (CWPP 10.11)

**Goals:**

| | |
|---|---|
| Wetlands | Preserve and protect wetlands to prevent their continual loss and degradation. Encourage the voluntary restoration and enhancement of lost or degraded wetlands. |
| Aquifer Recharge Areas | Protect aquifer recharge areas, and wellhead areas, ground and surface water quality and quantity for supplying all needs within Skagit County, including potable water for human use. |
| Frequently Flooded Areas | Protect hydrologic functions and reduce the potential for physical injury and property damage associated with flooding. |
| Geologically Hazardous Areas | Minimize risk to life, property, infrastructure, and resources caused by disrupting geologically hazardous areas or by locating development in areas subject to naturally hazardous geologic processes. |
| Fish and Wildlife Habitat Conservation Areas | Protect, restore where practical, and enhance fish and wildlife populations and their associated habitats. |

**Objectives:**

- In cooperation with local, state, federal and tribal agencies and jurisdictions, Skagit County shall identify, classify, designate, and map critical areas to protect and conserve them.
- Provide for coordinated educational opportunities and the involvement of a well-informed citizenry in the development of programs and ordinances for the conservation and protection of critical areas.
- Develop a system of economic incentives, including but not limited to: buffer averaging, density credit transfers, transfer of development rights, tax incentives, cluster housing, conservation easements, public benefit rating systems, and regulatory incentives, as appropriate, to encourage the public to voluntarily conserve, protect and restore critical areas.
- Improve communication and seek cooperation and coordination among county, city, state, tribal, federal agencies, and the public to avoid duplication and achieve efficiency and effectiveness in development of standards, policies, regulations, programs, projects, planning and funding efforts that conserve and protect critical areas.
- Skagit County shall, in cooperation with federal, state, local, and tribal jurisdictions, require that protection and conservation of critical areas within the county consistent with legal requirements.

Source: Skagit County Regional Comprehensive Plan – Environmental Element, adopted June 1, 1997.

## I. CHANGES IN ENVIRONMENTAL CONDITIONS

As noted, environmental conditions previously reported in the 1994 and 1995 OEDP documents remain largely unchanged in 1999. However, several other activities recently underway do suggest changes that are of special note:

- Washington's Growth Management Hearing Board has directed substantiation of population forecasts for Skagit County, interim urban growth areas outside of incorporated city boundaries, and open space/greenbelt areas outside of designated urban growth areas. Skagit County has incorporated these revisions into its current comprehensive plan.[34]
- Skagit County has adopted the Countywide Planning Policies, which concur with environmental directives of the County Comprehensive Plan, and which are intended to protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
- Transit service has been expanded to provide alternatives to automobile transportation with associated benefits of reducing pollution and need for added highway/roadway capacity.
- The Economic Development Association of Skagit County (EDASC) has moved forward with a variety of projects to address combined objectives of environmental quality and economic development. Examples are the Hamilton water system and an agricultural cold storage facility.

# VI. ECONOMIC DEVELOPMENT GOALS & OBJECTIVES

Economic development goals and objectives address federal OEDP and countywide comprehensive planning requirements consistent with the Growth Management Act (GMA). Goals, objectives and resulting policies have been drafted, revised and refined over the course of several meetings with the Citizens Advisory Committee (CAC) for economic development.

It is noted that the goals, policies and objectives contained in this *preliminary draft* OEDP report are those of the prior 1995 OEDP and current Skagit County Comprehensive Plan. The Skagit Council of Governments recommends these goals and objectives to the CAC for further consideration with this update and potential forwarding for submittal to the U.S. Economic Development Administration (EDA).

## A. DEFINING ECONOMIC DEVELOPMENT

For purposes of this OEDP, the term "economic development" is defined as: *encouraging commercial and business activities that: (a) meet the diverse employment and investment needs and interests of Skagit County residents; (b) locate in areas which can be served by public infrastructure; and (c) maintain Skagit County's quality of life.*

## B. GOALS, OBJECTIVES & POLICIES

The Economic Development element of Skagit County's comprehensive plan contains goals, objectives and policies, which identify and integrate countywide planning policies. These goals, objectives and policies are the most important part of the comprehensive plan for land use decision making.

While only goals and objectives are required for the OEDP, policies have also been included for two reasons: a) in recognition of the vital importance of growth management and land use planning for economic development; and b) to provide consistency between the OEDP and comprehensive plan.

The development of goals, objectives and policies is highly dependent upon conditions specific to Skagit County, the vision and desires of the community, standard operating procedures, and the ordinances and policies already in place. These statements will guide public and private land use decisions with regard to growth and development and assure resource and open space conservation in the rural areas of Skagit County.

A **goal** is a direction-setter. It is an ideal future end, condition or state related to the public health, safety or general welfare toward which planning and implementation measures are directed. A goal is a general expression of values and, therefore, is abstract in nature. Consequently, a goal is generally not quantifiable, time-dependent or suggestive of specific actions for its achievement.

An **objective** is a specific end, condition or state that is an intermediate step toward attaining a goal. It should be achievable and, when possible, measurable and time-specific. An objective may only pertain to one particular aspect of a goal or it may be one of several successive steps toward goal achievement. Consequently, there may be more than one objective for each goal.

A **policy** is a specific statement that guides decision-making. It indicates a clear commitment of the local legislative body. A policy is based on a comprehensive plan's goals and objectives as well as the analysis of data. A policy is effectuated by implementation measures (such as: zoning, land division, and environmental ordinances).

Wherever the term **countywide** is used, the goal, objective or policy statement is intended to apply both to Skagit County and the incorporated cities in the county. Otherwise, goals, objectives and policies apply to Skagit County only.

Seven overall topics are covered by this set of recommended economic development goals, objectives and policies for Skagit County:

Employment
Business Development
Commercial Activity
Visitor Services
Human Services
Conservation & Economic Development
Business & Investment Climate

**Goals & Objectives** — "Community Vision Statements: Defining Planning Objectives" are available from the Skagit County Comprehensive Plan, June 1, 1997. Eleven points are covered including:

1. Preserve the high quality of life
2. Strive for government efficiency
3. Support economic opportunities
4. Increase the housing choices for all residents
5. Ensure that necessary transportation facilities and services are available to serve development at the time of occupancy and use
6. Balance urban and environmental protection
7. Protect and retain rural lifestyles
8. Protect and conserve agriculture, forest and mineral resource lands
9. Protect and conserve the environment, ecologically sensitive areas, and preclude development and land uses which are incompatible with critical areas
10. Respect property rights
11. Encourage Citizen Participation and Involvement

Source: Skagit County Comprehensive Plan, Community Vision Statements: Defining Planning Objectives, Chapter 2, I, B, Page 1-17 through 1-20.

# VII. DEVELOPMENT STRATEGY & ACTION PLAN 17938

Skagit County's *development strategy* links the assessment of local economic potentials, goals and objectives with resulting programs, activities and projects described by the *implementation plan.* The development strategy also is an overall guide to future actions, recognizing that specific projects in the implementation plan may change on an annual basis in response to changing needs or opportunities.

## A. DEVELOPMENT STRATEGY

This development strategy represents a multi-year course of action for economic development and diversification activities in Skagit County. This *countywide* development strategy also reflects a continuing planning process, which reflects a balance of governmental jurisdiction, private business and citizen interests.

A Citizens Advisory Committee (CAC) shapes both the OEDP and the economic development element of Skagit County's comprehensive plan as a seamless, integrated planning process and document. CAC initiative in shaping the plan is supported by the institutional capacities of key economic development organizations and local governments who have also participated on a cooperative basis.

It is emphasized that this development strategy sets a multi-year course of action for meeting stated economic development goals and objectives as well as countywide planning policies. Growth and development occur in incremental steps, and there are only limited public and private resources to address economic needs and opportunities throughout Skagit County. Consequently, implementation of this strategy by governmental jurisdictions, the Skagit Council of Governments, EDASC, private and community interests will also occur incrementally.

To assist this process, the Washington Community Economic Revitalization Team (WA-CERT) was created under President Clinton's Economic Adjustment Initiative (EAI) for Washington, Oregon, and California. The purposes of the WA-CERT are:

1. To coordinate delivery of state and federal programs to impacted communities, businesses and workers.
2. To identify programmatic or administrative barriers that impede efficient delivery of resources.
3. To develop and utilize a "bottoms up" approach to service delivery.

WA-CERT membership includes representation of local government, county government, economic development councils, public ports, private lenders, not-for-profit organizations, state agencies, federal agencies, and tribal government. One of the goals of WA-CERT is to be responsive to local priorities and needs. WA-CERT accomplishes this goal through its project prioritization process during monthly meetings. Equally important is the commitment of the key participants to sustain a cooperative economic development program over the entire twenty-year course of Skagit County's growth management plan. While identified as an *optional element* by the statewide Growth Management Act (GMA), economic development has been identified as integral to the comprehensive plans of the city, county and tribal governments in Skagit County.

## Economic & Development Assumptions

In addition to the five guiding principles identified in the 1994/95 OEDP, this OEDP adds a sixth economic and development assumption serving as guiding principles to link the assessment of economic potentials and resulting goals and objectives with the formulation of a project-specific implementation plan:

1. *Growth management (GMA) significantly restructures the environment in which future growth and development will occur.*

   Rather than viewing GMA as an impediment to business activity and job generation, this OEDP is oriented to capitalizing on opportunities for integrating economic, environmental and quality of life values. The importance of this approach is underscored by the goal to: "Encourage economic development that conserves natural resources and open spaces, protects environmental quality and enhances Skagit County's overall quality of life."

2. *Balancing economic and environmental values represents a continuing challenge for Skagit County.*

   To a greater degree than most western Washington counties on the heavily populated Interstate 5 corridor, Skagit County is faced with difficult trade-offs and choices between agricultural and open space protection versus urban growth, and between pressures for industrial and commercial development versus wetland and floodplain preservation.

   The constraints on environmentally sensitive lands make it difficult to provide suitable *ready-to-build* sites for industrial and commercial use and resulting employment growth to serve the county's population in both rural and urbanized areas of Skagit County. Coordinated multi-jurisdictional leadership is viewed by the OEDP committee to proactively address these issues. Also recommended is that an economic development element be added to the flood control committee's scope of review.

3. *Similarly, population and employment growth poses major infrastructure requirements which are an important focus for project implementation.*

   The majority of the OEDP projects identified by local governments and economic development organizations are for infrastructure improvements, i.e. roads, water, sanitary and storm sewer. The inventory of vacant/underutilized industrial and commercial lands indicates that acreage currently served by all utilities is well below what will be needed over the twenty year planning period.

4. *Business development adequate to provide family-wage jobs for Skagit County residents historically and currently represents a continuing priority.*

   Since the 1950s, Skagit County has been an economy in transition — moving from historic reliance on natural resource commodities to value-added industries and more diverse non-resource based industries. As forest products, fisheries and agriculture are no longer sources of significant employment growth, multiple pressures of habitat protection, urbanization and technological advance threaten the continued viability of these industries.

   Without offsetting employment generated in non-traditional value-added products or more diverse industry, Skagit County will continue to experience relatively high levels of



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unemployment. It will remain difficult to generate new jobs at a pace commensurate with population growth.

5. *Building and maintaining working partnerships between public, private and community interests has been and remains a cornerstone of Skagit County's economic development plan.*

   A partnership involving local jurisdictions, Skagit County, tribal governments, economic development organizations, business and citizen interests has resulted in the formation of the Citizens Advisory Committee (CAC) for economic development. The CAC has truly been a *grassroots* citizen-driven planning effort, with no preconceived outcomes.

   This partnership is being tested in Skagit County as elsewhere in Washington by the multiple objectives of the growth management planning process. However, the intent of all parties is to maintain a CAC/advisory function for economic development — addressing both OEDP and growth management functions — on an ongoing basis.

6. *Attraction of high technology (high-tech) investment to Skagit County has been identified as a high priority for this plan update. This interest recognizes the transforming role that high-tech firms have played in the economy of the Central Puget Sound (Seattle) metro area since 1994. Also recognized is the continuing need to diversify Skagit County's economy away from its traditional reliance on natural resource based industry.*

   A complete high-tech strategy is beyond the scope of this OEDP, but the OEDP represents an important next step for possible program implementation. An outline of elements important for successful cultivation of this sector should be developed and is likely to include:

   - Identification of suitable, campus oriented, quality business and flex-space industrial parks – with land available for sale-lease and ready-to-occupy buildings available for lease to smaller tenants.
   - Workforce including customized training – at the K-12, community college and higher education level (including both satellite/telecommunications and employer-arranged courses offered from Skagit County – including retraining of the currently unemployed workforce to fill requirements of these jobs.
   - Proximity to housing matched to the diversity of a company's workforce – ranging from affordable housing for entry-level workers to premium subdivisions for engineering and managerial professionals.
   - Assurance of adequate infrastructure – for water, sewer, storm water, with particular focus on high quality power and cutting edge telecommunications including fiber-optic cable.
   - Ability to address special needs of individual employers – including assistance for spousal employment, child and health care.
   - Addressing implications to attracting high-tech industries such as pressures on property values, affordable housing, agricultural land, and natural resource industries.
   - Encouragement of local home-grown business startups, retention and expansion.

7. *Development of arts and entertainment suitable to attract spouses of professionals relocating to Skagit County (i.e., medical personnel and high-tech employees).*

A growing interest in an environment of increasing numbers of highly trained professionals is the "trailing spouse syndrome." It is becoming more and more important to provide opportunities and activities for the, many times equally trained, spouse of the newly recruited professionals.

### Criteria for Resource Utilization & Project Selection

Projects for implementation of this OEDP have been suggested for consideration by local jurisdictions, tribal governments, Port districts, Skagit County Public Utility District #1, the Skagit Council of Governments and the Economic Development Association of Skagit County. Criteria identified for project submittal are severalfold:

- Job creation and/or retention.
- Identification of a sponsoring entity.
- Identification of the project location or population to be benefited.
- Preference for projects which benefit not only the sponsoring community, but a larger region covering some portion or the entire county.
- Preference for EDA-funded projects in timber-dependent or economically distressed communities.
- Indication of project priority (urgent, immediate, mid-term, long-term).

Project priority classifications are defined as follows:

- *Urgent* — to correct conditions that are a current threat to public health and safety, or potential loss of an existing employer.
- *Immediate* — for projects expected to be completed within the next two years.
- *Mid-term* — for projects that should be completed within 3-6 years consistent with a local capital facilities plan for growth management.
- *Long-term* — for projects that offer an economic development opportunity but for which implementation is likely to be more than six years away.

## B. IMPLEMENTATION PLAN

A total of 110 economic development project proposals have been received and are included in this 1999 OEDP implementation plan update report. This is up from 39 projects reported in the 1994 OEDP. Project proposals have been received from seven of eight incorporated communities, the Ports of Anacortes and Skagit County, the Swinomish Tribal Community, EDASC, Skagit County PUD #1 and the Skagit Council of Governments.

Project priorities indicated on the implementation plan are as submitted by the project sponsor without further prioritization by the Citizens Advisory Committee (also serving as the OEDP Committee). The OEDP Committee is considering inclusion of all projects in this listing for further consideration by the U.S. Economic Development Administration (EDA), the Washington Community Economic Revitalization Team (WA-CERT) and other appropriate funding entities.

This listing on the following pages provides a compilation of suggested projects received. The OEDP Committee is prepared to work in cooperation with EDA, WA-CERT, local jurisdictions, and other funding entities in providing further information to advance the following recommended implementation plan projects:

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## Figure 48. Skagit County Overall Economic Development Plan (OEDP) Implementation Plan (through Dec. 1999)

| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| Skagit Council of Governments (SCOG): | | | | | |
| Recapitalize Revolving Loan Fund (Priority Project) | Countywide application | Funds to loan industrial business tied to job retention and creation. | Immediate | $500,000 | EDA |
| Environmental Industry Industrial Park | Industrial zoned property adjacent to the county incinerator | Planning and implementation of an environmental industry industrial park. Benefits include both job creation and recycling. | Mid-term | $5,000,000 | Federal/State/Local |
| Business Incubators | To be determined | Incubators in wood products, food processing and environmental industry areas. Benefits include job creation and business development. | Mid-term | $750,000 | EDA/CERB/Local/ Private |
| Rail Spur | Bayview | Extend rail to industrial park. Benefits include job creation and business development. | Mid-term | $1,000,000 | EDA/CERB/Local Match |
| Hamilton Water System | Hamilton | Water system upgrade essential for industrial project | Immediate | $1.5 to $2 million | Federal/State/Local |
| Agriculture CA/Cold Storage | | Controlled atmosphere and cold storage for agriculture products – predominately apples | Immediate | $500,000 to $1 million | Federal/State/Local |
| Agricultural Marketing Plan | Skagit Valley | Skagit valley agricultural marketing plan feasibility study | Immediate | $100,000 | Federal/State/Local |
| Agricultural Processing Incubator | Skagit County | Skagit County agricultural processing incubator planning and feasibility study | Immediate | $1-5 million | Federal/State/Local |
| Community Resource Center | Eastern Skagit County | Community resource center for eastern Skagit County, coordinating activities of such organizations as Skagit County Community Action Agency, Skagit/Island Head Start, County Health Department, Skagit Valley College Distance Learning, Skagit Preschool and Resource Center, Skagit County Child Care Resource and Referral. | Immediate | $1,000,000 | CTED Community Development Block Grant and Local |
| Information Park | Skagit County | Skagit County Information Park Feasibility Study: to determine the feasibility of an Information Park to serve various needs such as a high-technology industrial park, a technology business incubator and learning center, and a telecommuting work center. | Mid-term | $3-10 million | Federal/State/Local |

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| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| Wetlands Cooperative Demonstration and Education | Skagit County | Constructed wetlands cooperative demonstration and education, long-term solutions to non-point pollution. | Mid-term | $50,000-100,000 | Federal/State/Local |
| Industrial and Wetland Inventory | Skagit County | Inventory Skagit County industrial and wetlands areas | Immediate | $20,000-70,000 | Federal/State/Local |
| Community Jobs and Clean Water | Skagit County | Skagit investment in community jobs and clean water | Mid-term | $20,000-70,000 | Federal/State/Local |
| Regional Youth Playfield Complex | Sedro-Woolley | Parks & Recreation regional youth playfield complex at Northern State Facility in Sedro-Woolley UGA | Immediate | $12-18 million | Federal/State/Local |
| Regional Performing Arts and Exhibition Hall | Sedro-Woolley | Second phase of Parks & Recreation regional complex at Northern State Facility in Sedro-Woolley UGA | Mid-term | $12-18 million | |
| Intersection Improvement | SR20/SR9 | Roadway improvements to intersection at SR20 and SR9 (Thrifty intersection). | Immediate | $150,000 | Federal/State/Local |
| Burlington/Bayview UGA Sewer Line and Road Extension | Burlington/Bayview UGA | Extension of sewer line, extension of McFarlin Road to Ovenall Road, install utilities | Immediate | $2 million | Federal/State/Local |
| City of Anacortes: | | | | | |
| Sewer Service to Marches Point Industrial Area/City of Anacortes Urban Growth Area | Fidalgo Island adjacent to city limits | Stimulate employment generation on approximately 400 acres of industrially zoned property that has city water but not city sewer service. | Immediate | $3 million | EDA/CERB/DOE/ property owners |
| Industrial Access Corridor | 17th Street (Port/Sun Healthcare Systems) | Road improvements and 2 traffic signals. | | $600,000 | State/County |
| Industrial Access Corridor | 22nd Street/Q Avenue | Traffic signal. | | $100,000 | State/County |
| Industrial Access Corridor | 30th Street | City industrial park. | | $300,000 | State/County |
| Industrial Frontage Road Upgrade | S. March Point (Port/Douglas) | Frontage road upgrade. | | $900,000 | State/County |
| Industrial Access | SR 20/Thompson Road | Traffic signal. | | $300,000 | State/County |
| Intertie with PUD | | Provide emergency water supply for refineries, etc. | | $2,000,000 | State/County |
| March Point Sewer Phase II | | Transmission lines/pump stations for Similk, Stevenson, Christiansen, Thompson, Reservation Roads | | $1,800,000 | State/County |
| City of Burlington: | | | | | |

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| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| Westside Surface Water Project & Peterson Road Improvements | Peterson Road to Goldenrod & Gages Slough | Install storm drainage trunk system to enable interim controls to be lifted. | Immediate | $2-3 million | Water Quality Account, City of Burlington Storm Drainage Funds |
| Downtown Improvements | Fairhaven Business District | Upgrading the infrastructure, new light poles, replace street and beautify area to encourage business retention in older commercial area. | Mid-term | $850,000 | Street Department Funds, DOT Grant Application |
| Construct Burlington Hill Lookout | Burlington Hill | Construct a public viewing area on the hill as part of Park Plan. | Long-term | $100,000 | IAC Grant, City of Burlington Park Capital Funds |
| Interconnect Traffic Signals | Burlington Boulevard | Time the signals to improve capacity and business circulation. | Mid-term | $100,000 | City Street Department Funds, Mitigation Fees |
| Treatment Plan Expansion | Burlington | Phase I expansion from 1.6 million gallons/day to 3.79 MGD to serve current and future development in the city limits and urban growth area. | Mid-term | $6,000,000 | Connection fees, rates, grants, low interest loans. |
| Avon-Allen Force Main | Bayview Ridge | Part of long term sewer system expansion | Immediate | $1,000,000 | Sewer Fund |
| Wetland Mitigation | Gages Slough | Construct wetland restoration project | Mid-Term | $50,000± | Drainage Utility & Grant Applications |
| Skagit River Bridge | Skagit River | Construct new bridge between Burlington and Mount Vernon | Immediate | $15,000,000 | Federal and Local Grants |
| Construct Improvements to new Skagit River Park | East side of Burlington | Develop 130 acre park along Skagit River for Outdoor Recreation | Immediate, Ongoing | $3,000,000 | Loans, Street Fund, Capital Improvement Funds, Grants |
| Goldenrod Road Bridge Improvement | McCorquedale Road to Stevens Road | Construct bridge over Gages Slough for frontage road for traffic circulation to facilitate job creation on vacant land | Immediate | $1,950,000 | Impact Fees, Local Improvement District, Grant Applications |
| Town of Concrete: | | | | | |
| Central Business District & Utility Corridor Improvements | Downtown Concrete | 1) Re-pave 2.5 miles of existing deteriorating sidewalk.<br>2) Underground wiring.<br>3) Lighting to improve community & business services, promote tourism, instill community pride, improve appearance<br>Pending funding.. | Immediate | $464,800 | Grant/Loan/LID |

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| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| Silo Park | Main Street & Superior Avenue | Development of 10-acre multi-use park facility. Development enhances recreational pursuits, economic benefits to community through increased tourism, and facilitates the stability of Concrete's downtown core and area commercial economy. | Immediate / Critical | $1,500,000 | Grant/Loan/Match |
| Thompson Bridge Repair | Dillard Ave. | Repair bridge and approaches | Immediate | $.8 million | Grant/Loan |
| Wastewater System Improvement | Downtown Concrete | Repair existing transmission system and upgrade wastewater treatment facility | Immediate | $2.6 million | Grant/Loan |
| Town of Hamilton: | | | | | |
| Sand & Gravel Operation | Centennial Annexation 260 acres north of Highway 20 in town limits | Sand and gravel extraction, crushing and hauling. Benefits: jobs, tax revenue, level land for future residential development. | Long-term | $600,000- $800,000 purchase land | Timber Impact Assistance Loan, Local Development Match Fund Grant, State Development Loan |
| Industrial/Business Park | Crown Pacific property (approximately 50 acres vacant) located adjacent to Highway 20 in Hamilton | Construct new sawmill. | Immediate | $2,000,000 | Timber Impact Assistance Loan, Local Development Match Fund Grant, State Development Loan, local funding if available |
| Construct new well and water tank. | Kaaland Property annexed for well site north of SR 20 | Construct a new well, storage tank and pipe system to move the town water supply out of the floodway and accommodate new growth and assist nearby failing water systems. | Immediate | $250,000 | Economic Development Grant, private contributions, new water connections. |
| Recreational Facility to Serve Non-Motorized Trails | Centennial Annexation, Crown Pacific Property | Construction and maintenance of trails for non-motorized uses. Facility that offers rest rooms, picnic areas, corrals, loading ramps, and guide services. Benefits: jobs, establish Hamilton as a recreational destination. | Mid-term | $100,000 | Outdoor Recreation Grant-in-Aid Funding |
| Sewage Treatment Plant | Outside of the floodway | Essential in developing higher density commercial, industrial and residential uses in Hamilton. Benefits: increased potential for all types of economic development, protection of domestic wells and water quality by reducing the potential for contamination from on-site septic systems. | Long-term | $5,000,000 | Public Works Trust Fund, Community Development Block Grant, Centennial Clean Water Fund, Water Pollution Control Loan |

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| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| Town of La Conner: | | | | | |
| Water System Fire Flow | La Conner Hill area | Fire protection for residents and Skagit County Museum. | Urgent | $250,000 | Federal/State/Local Match |
| Sewer Plant Improvements | Chilberg Road, La Conner Sewer Treatment Plant | Upgrade, add oxidation ditch to provide sewer service to facilitate growth and maintain current levels of service. | Under Construction | $1,446,000 | Federal/State/Local Match |
| Morris Street Reconstruction | Morris Street | Reconstruct, widen with turn lanes, provide sidewalks, drainage and parking to improve access, traffic flow for vehicles, pedestrians and handicapped. | Immediate | $1,278,000 | Federal/State/Local Match |
| Stormwater Drainage | La Conner, excluding Skagit County Port Marina area | Provide storm drainage system for town streets in all zones and allow clean water discharge. | Mid-term | $2,700,000 | Federal/State/Local Match |
| Southfield Affordable Housing Infrastructure | Southfield, LaConner | Provide infrastructure for 32 unit affordable housing project | Immediate | $400,000 | CBDG Grant |
| City of Mount Vernon: | | | | | |
| Road/Utility Improvements | Mount Vernon | Provide Roadway access and utility services for the Skagit Multi-modal complex combining the new Amtrak Rail Depot, 200 car park and ride lot, and the Burlington Northern railroad office/maintenance facility. | Immediate | Roadway/Utilities: $1,451,000 Park-n-Ride: $225,000 Rail Depot: $2,000,000 Total: $3,676,000 | Federal/State/Local Match |
| Storm Drainage | Freeway Drive from Stewart Road south to the Skagit River. | Storm drainage for area north of college. Expansion of storm drainage collection system and pump stations will provide for the development of approximately 48 acres of commercial/industrial property. | Urgent | $1,700,000 | Local Improvement District (LID) Storm Water Utility |
| Sewer Line | Blackburn Road | Construct sewer line from Blackburn Road south to Hickox Road to provide for development of approximately 255 Acres of commercial/industrial property. | Mid-term□ | $3,600,000 | Local Funds |

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| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| Construct Overpass | From Riverside Avenue east to the Parker Business Center. | Construct Roosevelt Avenue overpass across Burlington Northern Railroad from Riverside Avenue east to the Parker Business Center. Overpass will provide direct access to 35 acres of commercial/industrial property. | Immediate□ | $3,000,000 | Federal/State/Local |
| Transportation Projects | | | | | |
| | T-94-02B | Kincaid Street – 3rd to I-5 | | $1,989,300 | |
| | T-94-08 | Continental Place LID | | $1,262,600 | |
| | T-94-09 | Riverside Drive Bridge | | $20,969,000 | |
| | T-94-10 | Laventure Road - Blackburn Rd to Fowler St. | | $1,058,000 | |
| | T-94-11 | Laventure Road - Blackburn to I-5 Feasibility Study | | $580,000 | |
| | T-94-12 | Laventure Road - Jacqueline Place to College Way | | $834,400 | |
| | T-94-13 | Division St. widening - Laventure to Waugh Road | | $1,082,300 | |
| | T-94-14 | Fir Street widening-Laventure to Waugh Road | | $1,086,000 | |
| | T-94-15 | Roosevelt Avenue ext. - Riverside to Leigh Way | | $3,324,000 | |
| | T-94-16 | Commercial Street ext. - BNRR to Continental Place | | $2,646,000 | |
| | T-94-17 | Annual Maintenance — Overlay/Reconstruction | | $1,993,000 | |
| | T-94-19 | Blackburn Road – 18th to Little Mountain Road | | $1,438,700 | |
| | T-94-20 | Market Street extension | | $280,000 | |
| | T-94-21 | Blackburn Road – Little Mountain to Eaglemont | | $1,825,000 | |
| | T-94-24 | North 30th Street – Martin Road to Francis Road | | $1,219,000 | |
| | T-94-25 | Freeway Drive – College Way to Stewart Road | | $1,160,000 | |
| | T-94-26 | Laventure Road – Section to Division | | $100,000 | |
| | T-94-27 | Hoag Road railroad crossing | | $35,000 | |
| | T-97-04 | College Way traffic signal - @ Urban Avenue | | $280,000 | |
| | T-97-06 | Main Street | | $1,396,600 | |
| | T-97-07 | Freeway Drive | | $926,400 | |
| | T-97-08 | Continental – Hoag Road south | | $470,000 | |
| | T-97-09 | College Way & Riverside right turn lanes | | $1,005,800 | |
| | T-98-01 | N 30TH from College Way to Martin | | $1,220,000 | |
| | T-98-02 | Blackburn Road – Old 99 Realignment | | $602,000 | |
| | T-98-03 | Multi-Modal Transportation Center & commercial ext. | | $5,145,500 | |

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| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| | T-98-04 | Francis Road reconstruction | | $1,585,000 | |
| | — | Laventure to Anderson – I-5 | | To be determined | |
| | | Total Transportation Projects | | $55,513,600 | |
| Sanitary Sewer Projects | | | | | |
| | S-94-04 | College Way force main – bike trail east of 26th Street | | $700,000 | |
| | S-94-05 | Laventure Road trunk sewer – south of Kulshan | | $39,000 | |
| | S-94-06 | Park Street pump station improvements | | $60,000 | |
| | S-94-08 | I-5 sewer crossing repair | | $325,000 | |
| | S-94-09 | WWTP process dechlorination | | $25,000 | |
| | S-94-10 | College Way trunk sewer upgrade | | $300,000 | |
| | S-97-01 | East College Way interceptor | | $591,000 | |
| | S-97-02 | Flow monitoring manholes | | $70,000 | |
| | S-97-05 | WWTP disinfection system upgrade | | $725,000 | |
| | S-97-07 | Waste activated sludge equalization tank | | $140,000 | |
| | S-97-08 | Aeration basin modification | | $60,000 | |
| | S-97-09 | Belt filter press acquisition | | $35,000 | |
| | S-97-10 | Biosolids storage facility roof | | $100,000 | |
| | S-97-11 | South srvc-old Hwy 99 sewer repair | | $206,000 | |
| | S-97-12 | South srvc-Hwy 99/Cedardale Road | | $2,015,000 | |
| | S-97-13 | South srvc-Maddox Creek trunk | | $579,000 | |
| | S-97-14 | South srvc-Anderson Road east | | $578,000 | |
| | S-97-15 | South srvc-Blodgett Road east | | $896,000 | |
| | S-97-16 | South srvc-Hickox Road | | $594,000 | |
| | S-97-24 | Portable pump station generator | | $60,000 | |
| | S-97-26 | WWTP land acquisition | | $300,000 | |
| | S-97-27 | WWTP selector cell | | $200,000 | |
| | S-97-28 | Kulshan Creek sewer repair | | $59,000 | |
| | S-97-29 | Baker Street sewer repair | | $68,000 | |
| | S-97-30 | Brick Hill overflow structure | | $106,000 | |
| | S-97-31 | Lawrence to Highland sewer repair | | $32,000 | |
| | S-97-33 | North 8TH Street | | $206,000 | |
| | S-97-34 | 9TH & Montgomery St sewer repair | | $25,000 | |
| | S-97-35 | West Mount Vernon sewer extension | | $1,750,000 | |
| | | Total Sanitary Sewer Projects | | $10,844,000 | |

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| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| Fiber-optics Infrastructure | | | | To be determined | |
| Top OEDP Projects (alphabetical order) | | -College Way/Riverside/Freeway Drive Commercial Enhancement Plan<br>-Downtown Organization, Public Parking and River Development<br>-Flood Control and Protection<br>-Mount Vernon Transportation Improvements<br>-South Mount Vernon Infrastructure & Development<br>-Surface/Wastewater Management<br>-Technology Infrastructure & Access | | | |
| City of Sedro-Woolley: | | | | | |
| Skagit Manufacturing Infrastructure□ | Sedro-Woolley | Infrastructure surrounding the Skagit Manufacturing property in Sedro-Woolley. Will provide access and stimulate re-use of 38± acres of industrial property. | Immediate | $2-5 million | EDA/CERB/PWTF/ CDBG/Local and/or Private Match |
| Sedro-Woolley SR-20 Improvements□ | Collins Road to SR-9 North | Widen to 5 lanes; add traffic signals to better serve commercial and light industrial properties. | Mid-term | 7,500,000 | EDA/Other/Federal/ State/Local Match |
| CBD Street Improvements□ | Central Business District | Road improvements including sidewalks | Mid-term | $300,000 | EDA/CERB/State and Local match |
| Upgrade Sewer Treatment Plan□ | Alexander and 4th Street | Upgrade capacity | Immediate | $5,400,000 | Connection fees, collection fees. PWTF FHA grant, municipal bonds |
| State Street Sewer Lines□ | State Street between Rita and Metcalf | Upgrade capacity in CBD zone | Immediate | $2,000,000 | Connection and collection fees |
| Highway 20/Moore Street□ | Borseth to Metcalf | Upgrade capacity in Industrial and Commercial Zones | Immediate | $2,500,000 | Connection and collection fees, CERB |
| Highway 9 (North) Sewer Improvements | Highway 20 (Moore Street) to Evans Drive | Upgrade Sewer capacity in Commercial Zone | Immediate | $1,000,000 | PWTF, connection and collection fees, Federal/State and Local match |
| Drainage Master Plan | Sedro-Woolley | Develop drainage plan for City UGA, Including commercial and industrial zones. | Immediate | $200,000 | Federal/State/Local and fees |
| Sewer Comprehensive Plan Update | Sedro-Woolley | Update Sewer Comprehensive Plan, including commercial and industrial zones | Immediate | $200,000 | Federal/State/Local and fees |



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| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| Thompson Lane Sewer Improvement | Thompson Lane, Borseth to end | Upgrade sewer capacity in CBD zone | Immediate | $35,000 | PWTF, CDBG, Federal/State/Local and Connection/Collection Fees |
| Curtis Street Sewer Line | Curtis Street, between State Street and NW Hardwood | Upgrade sewer capacity lines to industrial/commercial | Immediate | $120,000 | EDA/CERB/PWTF/ CDBC/ Federal/State/Local Match/ Connection/Collection Fees |
| CBD Subarea Improvements | Between Eastern and Ferry Streets from SR20 to Metcalf Street | Downtown recreational/aesthetic improvements to enhance commercial opportunities | Immediate | $476,000 | EDA/CERB Federal/State/Local Fees/Private Funds |
| Northern State/North Cascades | Adjacent to Fruitdale and Helmick Roads, north of Hwy 20 | Upgrade capacity of the infrastructure (i.e., streets, sewer, storm drainage, and water). | Immediate | $1,000,000 | Federal/State/Local Funds and local funds |
| Port of Anacortes: | | | | | |
| South Basin Development | Port of Anacortes | 20 acres industrial waterfront land development project requires basic infrastructure to induce retention/expansion of 75-150 jobs. | Immediate | $3,000,000 | Port, CERB, EDA Private |
| South Basin Boat Yard | Port of Anacortes | 5-acre boat yard complex designed for retention/expansion of marine businesses, employment and training facility for 50 to 75 employees and vocational students. | Immediate | $1,500,000 | Port, CERB, EDA, Private |
| Depot Property Development | Port of Anacortes | 6-acre commercial site development requiring basic infrastructure. Road, power, sewer, buildings site preparation. Employment of 25-75. | Mid-term | $1,100,000 | Port, Private, EDA |
| Airport Industrial Park | Port of Anacortes | 10-acre commercial aviation development site. Site preparation will accommodate 5 ready companies with 19 employees plus expansion and other long-term demand. | Mid-term | $2,200,000 | Port, FAA, EDA, Private |
| Warehouse #4 Dock Rehabilitation | Port of Anacortes Pier I | Stimulate employment generation through expansion of trade and/or shipyard expansion opportunities. | Mid-term | $1,400,000 | Port, CERB, EDA, Private |
| Rail right-of-way | Marches Point Rd. | To develop rail spur which will provide service for marine terminal bulk cargo customers. | Immediate | $200,000 | Federal, Port, Private |

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| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| Port Trans-Loading facility and Infrastructure | Marches Point Rd. | Develop bulk cargo storage facility to allow job retention and creation in the marine terminal. | Immediate | $1,000,000 | CERB, Port, Private |
| Shipyard expansion | Port of Anacortes | Gain a Conditional Use Permit for building a 50 foot high structure to allow a port tenant to diversify it's business | Urgent | $600,000 | Federal, Port, Private |
| West Basin | Port of Anacortes | B Dock South permitting and engineering | Immediate | $75,000 | Port Funds |
| West Basin | Port of Anacortes | B Dock South construction | Immediate | $1,300,000 | Port Funds |
| West Basin | Port of Anacortes | ADA Ramp | Immediate | $100,000 | Port Funds |
| West Basin | Port of Anacortes | B Dock North planning, permitting and engineering | Immediate | $150,000 | Port Funds |
| Dakota Creek | Port of Anacortes | Dry dock relocation permitting. | Immediate | $200,000 | Port Funds |
| Harbor Dredging | Port of Anacortes | Dredging, disposal and mitigation of harbor area west of Pier I. This project would result in deep water availability for the shipyard's use as well as expand our berthing capacity. | Mid-term | $400,000 | Port Funds, EDA, CERB |
| South Basin | Port of Anacortes | South Basin public esplanade and roadway: planning and construction. (This would accommodate enhanced public beach access and prepare industrial property to provide opportunities for marine related business to expand family wage job opportunities). | Immediate | $1,320,000 | Port Funds, EDA, CERB |
| South Basin | Port of Anacortes | Environmental clean up of South Basin uplands and sediments of certain identified hazardous substances. | Immediate | $50,000 | Port Funds, EDA, CERB |
| Ship Harbor | Port of Anacortes | Interpretive program and trail system at the natural area, as defined at Ship Harbor. | Mid-term | $500,000 | Port Funds, EDA, CERB |
| Port of Skagit County: | | | | | |
| Port Drive Extension | Riverbend Industrial Park, Burlington | Extend Port Drive as part of Phase 2 and 3 of the 42.5-acre Riverbend Industrial Park Building Site Plan. Planned for 1996-97. | Immediate | $500,000 | EDA/CERB/PWTF/Port LID |

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| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| Stormwater/Drainage | Riverbend Industrial Park | Design and construct stormwater drainage system serving commercial-industrial properties bordering Pease Road, Riverside Drive and Whitmarsh Road. | Immediate | $351,000 | EDA/CERB/PWTF/ ULID |
| Upgrade/Extension of Rail Siding | Riverbend Industrial Park | Extend rail siding south approximately 1,000 feet to serve new lots created adjacent to B&N main line. | Long-term | $300,000 | EDA/CERB/Port |
| Bayview Business Industrial Park - SW Quadrant Infrastructure Development | Bayview Business Industrial Park | Extend access road and utilities into SW Quadrant | Long Term | $2,000,000 | EDA/CERB/Port |
| Swinomish Tribal Community: | | | | | |
| Road Improvements | Swinomish Reservation/ Highway 20 | Elimination of at grade crossings with improvements to March Point Road, Padilla Heights Road and a new access road at grade below the SR-20 overpass. Would serve a new casino facility plus future potential development including marina and complementary retail. | Immediate | $610,000 | Preplanning has been completed in cooperation with WSDOT, Federal Lands Highway Office, Skagit County Public Works, Skagit Sub-Regional Planning Organization, BIA and others. Potential ISTEA funding with Tribal match. |
| Swinomish Marina and Economic Development District | Swinomish Reservation/ Highway 20 | The Swinomish Tribe is proposing to develop its Reservation economic base to provide Reservation employment and long term revenue to support essential Tribal government services. The project site, containing the existing gaming center, includes a saltwater marina, supporting commercial upland development, and on-site wetland mitigation area. The marina is designed to accommodate up to 1,200 boatslips. | Immediate | $4,000,000 | Private funds, potential Federal economic development matching funds. |
| Skagit County: | | | | | |
| Cook Road Reconstruction and Widening | Old Hwy 99 N. to Sedro-Woolley city limits | This project would benefit the timber dependent up river communities as well as the general public by providing an adequate direct highway link between Sedro-Woolley and I-5, bypassing the increasingly congested Burlington area. | Mid-term | Construction Phase $5,000,000 | EDA/STP/Local/CERB TEA-21 |

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| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| Casino Drive Reconstruction | South March's Point Road to new arterial | This project is being planned in conjunction with the Swinomish Tribe's project to build a new arterial below the SR-20 Swinomish Slough Bridge and to provide a grade separated intersection at Padilla Heights Road/S. March's Point Road and SR-20. Casino Drive will become a part of the connector loop under the Highway which will provide safe access to the existing Casino as well as to a new marina, a new hotel, and other economic development activities planned for the area. This project will reconstruct Casino Drive to the same standards to which the new roadway section is being built. | Mid-term | $500,000 | REV, CERB, TIB, STP, Local |
| Peterson Road Reconstruction | EZ Road to Higgins Airport Way | This section of Peterson Road, located within the Bayview Ridge unincorporated UGA, is the only section between I-5 and the Bayview Regional Airport that is substandard. This project is designed to reconstruct this section of roadway to urban standards. The Bayview Industrial Park and other commercial/industrially zoned lands abut the western half of the project. Committed financial participants for the project already include an industrial property owner, the Port of Skagit County, Skagit County Public Works, and the Burlington Fire Department. | Immediate | $1,265,000 | TIB, REV, CERB, STP, Private, Local Agencies |
| Skagit County Agricultural Industrial Park | Bayview Ridge UGA or other suitable location | Plan for and implement an agricultural industrial park to provide an affordable location for essential agricultural operations, processing facilities, and support services that do not require location on prime agricultural lands. Benefits include shared infrastructure and services and reduced pressure to develop prime agricultural lands for non-soil-dependent uses. | Immediate | $3 million to $10 million, depending on size and location of park and associated land costs | 0.08% rural county sales tax; USDA, RDA, EDA, CERB, private investors |
| PUD #1: | | | | | |
| Raise Judy Reservoir Impoundment | Judy Reservoir, east of Clear Lake | This project will increase the storage capacity of the Judy Reservoir raw water impoundment from 1 billion to 1.5 billion gallons. | Immediate-Under Construction | $4,500,000 | Local |

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| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| Bay View Ridge Storage Reservoir | North of Josh Wilson Road on Bay View Ridge | This project will provide over 3 million gallons of standby and fires storage for the PUD's residential and commercial/industrial customers in the Burlington/county UGA, Bay View Rural Village and adjacent rural areas. | Immediate-Under Construction | $2,000,000 | Local |
| Fidalgo Heights Reservoir | Fidalgo Island, south of SR 20 | This project will provide standby and fire storage to PUD customers on south Fidalgo Island, replacing a smaller aging reservoir. | Immediate-Under Construction | $600,000 | Local |
| Marblemount Water System | Marblemount | This project will optimize the water system proposed for Skagit County's Pressintin Park to also provide cost-effective public water service to the community of Marblemount | Immediate | $500,000 | USDA/CERB/Local |
| Skagit River Pumping Station | Along South Skagit Highway near Sedro-Woolley | This project will provide additional source water to the existing Judy Reservoir Impoundment and Water Treatment Plant from the Skagit River at times when sufficient water is not available from the PUD's existing stream diversions in the Cultus Mountains. | Immediate | $2,500,000 | Local |
| Judy Reservoir Water Treatment Plant Expansion | Judy Reservoir, east of Clear Lake | This project will increase the capacity of the existing Water Treatment Plant at Judy Reservoir, optimizing existing in-plant capacity and providing water to meet the demands of urban and rural growth in western Skagit County. | Mid-term | $2,500,000 | Local |
| East Division Street Storage Reservoir #2 | Division at Digby, Mount Vernon | This project will provide additional standby and fire storage to the lower hill area in Mount Vernon. | Mid-term | $3,000,000 | Local |
| Conway Storage Reservoir | Conway area | This project will provide additional standby and fire storage to the Conway area. | Mid-term | $600,000 | Local |
| Judy Reservoir Water Treatment Plant Upgrade | Judy Reservoir, east of Clear Lake | This project will allow the PUD to meet Phase II of the Safe Drinking Water Act Disinfection By-Products Rule requirements | Long-term | $5,000,000 | EPA/Local |
| Transmission Line, Sedro-Woolley to Burlington | Between R/R and SR 20, from Sedro-Woolley to Burlington | This project will provide high-pressure water service to Burlington and areas north and west, accommodating associated growth/commercial requirements and minimizing operational cost of water service to higher elevations. | Long-term | $3,000,000 | Local |
| Skagit River Bridge Crossing | Riverside Bridge across the Skagit River | Replace the waterline on the existing bridge with a waterline on the new bridge, plus associated improvements at/near approaches | Immediate | $800,000 | Federal/State/Local Grants |

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| Name of Project | Location | Description/Benefits | Priority | Estimated Cost | Potential Funding Sources |
|---|---|---|---|---|---|
| Mount Vernon Transmission Line | From Judy Reservoir to Mount Vernon | This project will provide increased water transmission line capacity from Judy Reservoir to Mount Vernon and adjacent areas, plus provide capacity to serve high Pressure emergency service to the City of Anacortes and its customers. | Long-term | $8,000,000 | Local |
| WSU Research and Extension Unit: | | | | | |
| Research Station Land Acquisition | Mount Vernon | Acquire additional land for upgrade and expansion of present research facilities | Immediate | $1,500,000 | State/Local |
| Research Station Expansion and Upgrade | Mount Vernon | Construction and upgrade of research facilities | Mid-term | $7,000,000 | State/Local |

Source: E.D. Hovee & Company. Based on preliminary information provided by local government and other public agency providers, updated as of February 2000.

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# APPENDIX A. LIST OF REFERENCES

City of Anacortes, *Comprehensive Land Use Plan,* 1993.

*City of Burlington Community Summit, Participants' Report,* April 23, 1991.

*City of Mount Vernon Community Summit, Participants' Report,* June 4, 1992.

*Concrete Community Summit, Participants' Report,* September 15, 1992.

E.D. Hovee & Company *Skagit County Urban Growth Area Analysis Update: Population, Employment & UGA land Allocations by Jurisdiction,* March 1997.

E.D. Hovee & Company *Skagit County Urban Growth Area Analysis: Population, Employment & UGA Land Allocations by Jurisdiction,* July 1996.

E.D. Hovee & Company, *East Skagit County Economic Development Evaluation,* December 7, 1992.

E.D. Hovee & Company, *East Skagit County Economic Development Evaluation, Second Phase Report: Industrial Site Inventory,* March 31, 1993.

E.D. Hovee & Company, *Skagit County Manufacturing Feasibility Study,* prepared for City of Sedro-Woolley & EDASC, June 1993.

Economic and Engineering Services Inc., *Skagit County Coordinated Water System Plan,* July 1993.

Economic Development Association of Skagit County *Annual Reports* for 1996, 1997 and 1998.

Economic Development Association of Skagit County Member Services Guide, 1999.

Economic Development Association of Skagit County, *Skagit County Community Profile,* 1993.

Economic Development Department of Puget Power, *City of Anacortes Economic Development Summit, Participant's Report,* February 8, 1989.

Evergreen Community Development Association, *Mt. Baker -Snoqualmie National Forest Region Diversification Strategy,* prepared for State of Washington Department of Trade and Economic Development, November 8, 1990.

Gary W. Smith, Extension Economist, WSU Cooperative Extension, *A Profile of the Skagit County Economy: Growth, Structure & Cyclical Change, 1965-1984,* August 1987.

HeraldNet – Local News "Court Limits Growth Act in Skagit Case," by Hal Spencer, Associated Press, June 26, 1998.

Office of Financial Management, *1993 Population Trends for Washington State,* September 1993.

Office of Financial Management, *Washington State County Population Projections 1990-2010, 2012,* January 31, 1992.

*Overall Economic Development Plan (OEDP) for Skagit County: 1995 Update,* December 1995.

*Overall Economic Development Plan for Skagit County, Final Draft,* July 8, 1994.

Pacific Development Concepts, *Skagit County Housing Needs Assessment (Draft), for Skagit County Department of Planning & Community Development,* March 1993.

Pacific Fishery Management Council, *Review of 1991 Ocean Salmon Fisheries,* February 1992.

Phase II: Skagit WIN (Wetland & Industry Negotiations), March 25, 1996.

Phase III: Skagit WIN – *Draft Conceptual Wetland Mitigation Plan for the Port of Skagit County,* Skagit County, Washington, May 31, 1997.

Plants Sites & Parks Magazine *Pacific Regional Review*, February/March 1999.

Port of Anacortes, *1992 Annual Report.*

Puget Sound Electric Utilities Task Force, *Inter-Utility Task Force Report on Growth Management: Findings and Recommendations,* May 1992.

Puget Sound Power & Light Company, Inc., *GMA Draft Electrical Facilities Plan,* November 6, 1992.

Puget Sound Regional Council *Puget Sound Trends – 1998 Population and Housing Trends, Central Puget Sound Region*, January 1999.

*Sedro-Woolley Community Summit, Participants' Report,* June 6, 1990.

Skagit Council of Governments, *Annual OEDP Report 1987/88.*

Skagit Council of Governments, *Overall Economic Development Plan,* 1984-85.

*Skagit County Comprehensive Plan*, June 1, 1997.

Skagit County Department of Planning & Community Development, *CAL Draft Policies,* June 21, 1993.

Skagit County Department of Planning & Community Development, *Draft Environmental Impact Statement for Land Use Designation Element Skagit County Comprehensive Plan,* January 13, 1994.

Skagit County Department of Planning & Community Development, *Skagit County Countywide Regional Comprehensive Plan Policies,* July 1992.

Skagit County Office of the Assessor, *Industrial and Commercial Land Inventory.*

Skagit/Island Regional Transportation Plan, April 1996.

South Eastern Arizona Governments Organization, *1993 Overall Economic Development Plan Arizona State Planning District VI.*

The Hunter Group, *Review of Consolidation Studies and Options for Upper General and Skagit Valley Hospitals,* May 10, 1993.

The Skagit WIN (Wetlands & Industry Negotiations) – *A Strategic Plan To Protect Wetlands and Create Jobs in Skagit County*, Prepared for the Economic Development Association of Skagit County, May 1995.

U.S. Census Bureau, *1980 and 1990 U.S. Censuses.*

U.S. Department of Agriculture, *Soil Survey of Skagit County Area, Washington,* September 1989.

U.S. Environmental Protection Agency, *Superfund Sites – National Priorities List (NPL) Sites in Washington*, February 16, 1999.

U.S. Environmental Protection Agency, *Superfund Sites in the Pacific Northwest EPA Region 10,* January 18, 1994.

U.S. Environmental Protection Agency, *Superfund: Progress at National Priority List Sites Washington Update 1992*, December 1992.

Washington State Department of Fish and Wildlife *Steelhead Harvest Summary*, 1995-1996.

Washington State Department of Natural Resources *Our Changing Nature – Natural Resource Trends in Washington State*, 1998.

Washington State Department of Natural Resources *Washington Timber Harvest – 1997, Draft Copy*, December 8, 1998.

Washington State Department of Natural Resources *Washington Timber Harvest – 1996*, November 1998.

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Washington State Department of Natural Resources *Washington Timber Harvest – 1990*, December 1991.

Washington State Employment Security – *Agricultural Workforce In Washington State*, 1997.

Washington State Employment Security – *Skagit/Island/San Juan Counties Wage & Salary Survey*, 1996.

Washington State Employment Security Department, *1993 Long-Term Economic and Labor Force Trends for Washington*, March 1994.

Washington State Employment Security Department, *Commissioner's Newsletter.*

Washington State Employment Security Department, *Employment and Payrolls in Washington State by County and Industry.*

Washington State Employment Security Department, *Estimated Federal Harvest and Lumber and Wood Products Employment by County*, June 19, 1990.

Washington State Employment Security Department, *Skagit County Profile*, March 1993.

Washington State Employment Security Department, *Skagit County Profile*, June 1997.

Washington State Office of Financial Management *April 1 Population of Cities, Towns, and Counties*, 1998.

Washington State University *1996 Skagit County Ag Stats.*



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# APPENDIX B. RETAIL TRADE ANALYSIS 17938

At the request of the Citizens Advisory Committee (CAC), a detailed analysis and forecast of retail sales potentials for Skagit County was prepared for the 1994 and 1995 OEDP documents. This appendix provides the results of an updated 1999 sales analysis, and is used as a basis for forecasting retail related commercial land demand and employment.

Four alternative sources of relatively current tax data can be used for this analysis:

Sales & Marketing Management (SMM) — retail sales information, which is provided on an annual basis for every county in the United States.

Taxable Retail Sales — based on sales subject to state of Washington retail sales tax. A major deficiency of this data source is that grocery and pharmacy items are not subject to retail sales tax and therefore are not included within the estimated sales figures.

State of Washington Gross Business Sales — covering all retail items, but only on a statewide rather than county specific basis.

U.S. Census of Retail Trade — published every five years. Data for the 1997 census was not available for review as part of this update.

For purposes of this analysis, Sales & Marketing Management (SMM) is the primary source of retail sales data used. This is for several reasons:

- SMM data is available for 1997, while the most recent available Census of Retail Trade is for 1992 and therefore does not include effects of some major recent retail investment in Skagit County.
- SMM data is readily available for comparison across all counties in the U.S.
- SMM data is available on a county as well as statewide basis.
- SMM estimates of sales for items not subject to retail sales tax.
- SMM estimates of sales throughout Washington State correspond closely to Department of Revenue data in 1994 and 1997. In addition, SMM estimates for Skagit County correspond well with DOR data and have remained stable as a proportion of statewide sales.

In 1997, Skagit County had an estimated $1.13 billion in total retail sales according to SMM. This is a 4% increase over SMM sales estimates indicated for 1994. During the same period, the State of Washington SMM sales increased 10% to nearly $53.5 billion.

**Figure 49. Retail Sales Comparisons by Published Source**

| | Sales Estimates for Retail Stores | |
|---|---|---|
| | Skagit County | Washington |
| A. SMM (1994) | $1,091,096,000 | $48,468,374,000 |
| B. SMM (1997) | $1,134,055,000 | $53,396,838,000 |
| C. Census of Retail Trade (1992) | $825,906,000 | $40,909,824,000 |
| D. State DOR Gross Sales (1994) | N/A | $45,222,847,070 |
| E. State DOR Gross Sales (1997) | N/A | $68,666,683,789 |
| F. State DOR Taxable Sales (1994) | $638,380,297 | $30,256,882,319 |
| G. State DOR Taxable Sales (1997) | $739,700,198 | $35,396,554,452 |

As of 1997, major components of retailing countywide (by store type) are auto dealers (at $347 million) and food/grocery (at $184 million). Other major retail categories with more than $100 million each in sales are building materials/hardware and miscellaneous/specialty retail stores.

**Figure 50. 1997 Estimated Retail Sales Comparisons**

| Store Type | Skagit County | Washington |
|---|---|---|
| Building Materials/Hardware | $130,563,000 | $4,552,677,000 |
| General Merchandise | $83,926,000 | $7,134,615,000 |
| Food | $184,447,000 | $9,464,166,000 |
| Auto Dealers | $347,424,000 | $12,062,782,000 |
| Gas Stations | $20,745,000 | $713,838,000 |
| Apparel/Accessories | $54,780,000 | $2,941,462,000 |
| Furniture/Furnishings/Equipment | $54,347,000 | $2,990,580,000 |
| Eating/Drinking Places | $95,882,000 | $4,700,473,000 |
| Drug | $22,800,000 | $1,341,134,000 |
| Miscellaneous/Specialty | $139,142,000 | $7,495,111,000 |
| All Retail Sales | $1,134,055,000 | $53,396,838,000 |

Source: Sales & Marketing Management, 1998 with sale estimates for apparel, building/materials/hardware, service stations, and miscellaneous (specialty) based on their shares of remaining SMM retail using taxable sales information from the Washington State Department of Revenue.

By comparing retail sales to effective buying income (EBI) in Skagit County with similar *capture rates* statewide, it is possible to estimate *net retail sales leakage.* Leakage occurs as the result of local residents traveling outside Skagit County to shop. Net leakage means that the sales out-flow exceeds purchases by visitors to Skagit County.

As of 1997, Skagit County had an estimated $23.3 million in net retail sales leakage – a $3 million improvement over the $26.3 million leakage identified in the 1995 OEDP update. As in 1995, calculated sales leakage was concentrated exclusively in general merchandise (including department stores and discount retailers). Leakage in furniture and appliances, reported in 1994, is now gone.

For all other retail store categories, Skagit County experienced a higher volume of retail sales than would generally be expected based on the purchasing power of local residents alone. These are retail categories for which Skagit County may be receiving net benefit from visitor spending

— either as tourists or as residents of nearby Island and San Juan Counties who view Skagit as their primary shopping area.

**Figure 51. Skagit County 1997 Retail Sales Leakage Estimates**

| Store Type | Retail Sales as % of EBI: Skagit County | State of Washington | Net Leakage | Net Retail Sales Leakage Estimate |
|---|---|---|---|---|
| Building Materials/Hardware | 8.2% | 4.3% | -3.9% | $0 |
| General Merchandise | 5.3% | 6.8% | 1.5% | $23,300,000 |
| Food | 11.6% | 9.0% | -2.7% | $0 |
| Auto Dealers | 21.9% | 11.4% | -10.5% | $0 |
| Gas Stations | 1.3% | 0.7% | -0.6% | $0 |
| Apparel/Accessories | 3.5% | 2.8% | -0.7% | $0 |
| Furniture/Furnishings/Equipment | 3.4% | 2.8% | -0.6% | $0 |
| Eating/Drinking Places | 6.0% | 4.4% | -1.6% | $0 |
| Drug | 1.4% | 1.3% | -0.1% | $0 |
| Miscellaneous/Specialty | 8.8% | 7.1% | -1.7% | $0 |
| All Retail Sales | 71.4% | 50.5% | | $23,300,000 |

Source: E.D. Hovee & Company, using DOR and SMM data for 1997.

Future retail sales potentials are based on the combination of: (a) recapturing existing leakage in general merchandise; and (b) increased local population and income growth. Total estimated added sales potential (in 1997 dollars) through the year 2015 is $472 million. This translates into land demand of 282 acres using typical measures of expected retail sales per square foot and building site coverage ratios.

**Figure 52. Skagit County Retail Sales Forecast (to 2015)**

| Store Type | Current Leakage | Sales Supported By Pop Growth (to 2015) | Added Total Retail Sales Potential by 2015 | Typical Sales per Square Foot | Retail Square Footage Supported | Floor Area Ratio | Land Demand (in acres) |
|---|---|---|---|---|---|---|---|
| Building Materials/Hardware | $0 | $51,600,000 | $51,600,000 | $100 | 516,000 | 20.0% | 59.23 |
| General Merchandise | $23,300,000 | $42,400,000 | $65,700,000 | $120 | 548,000 | 20.0% | 62.90 |
| Food | $0 | $72,900,000 | $72,900,000 | $275 | 265,000 | 20.0% | 30.42 |
| Auto Dealers/ Gas Stations | $0 | $145,500,000 | $145,500,000 | $350 | 416,000 | 20.0% | 47.75 |
| Apparel/Accessories | $0 | $21,700,000 | $21,700,000 | $150 | 145,000 | 20.0% | 16.64 |
| Furniture/Furnishings/Equip | $0 | $21,500,000 | $21,500,000 | $200 | 108,000 | 20.0% | 12.40 |
| Eating/Drinking Places | $0 | $37,900,000 | $37,900,000 | $175 | 217,000 | 20.0% | 24.91 |
| Drug | $0 | $9,000,000 | $9,000,000 | $175 | 51,000 | 20.0% | 5.85 |
| Miscellaneous Retail Stores | $0 | $55,000,000 | $55,000,000 | $200 | 275,000 | 20.0% | 31.57 |
| All Retail Sales | $26,300,000 | $457,500,000 | $480,800,000 | $189 | 2,541,000 | 20.0% | 291.67 |

Source: E.D. Hovee & Company based on SMM/DOR data. Updated as of March 1999.

# END NOTES 17938

[11] A 25% market factor is also consistent with recommendations of the State of Washington Department of Community, Trade, & Economic Development.

[2] Excerpted from the Introductions to Overall Economic Development Program Guidelines for Economic Development Districts, U.S. Department of Commerce, May 1992.

[3] Revised Codes of Washington (RCW) 37.70A.020

[4] Source of prior OEDP needs assessment is the *Overall Economic Development Plan* prepared by the Skagit Council of Governments for 1984-85.

[5] CAC members have noted that relocation of food processors to eastern Washington is due, in part, to less expensive land and labor and lower level of regulation.

[6] *Pea Processor May Leave Western Washington*, Capital Press, January 14, 2000.

[7] *Agricultural Land Protection: A Survey of Skagit County Voters*, May 28, 1996, conducted by Elway Research, Inc., co-sponsored by Economic Development Association of Skagit County (EDASC) and Skagitonians to Preserve Farmland (SPF).

[8] Source of information is US Forest Service, *The 1994 Economic Impacts of Fishing, Hunting and Wildlife-Related Recreation on National Forest Lands*, April 1996.

[9] Source of information is the Washington Department of Wildlife and the Department's *Final Environmental Impact Statement for Grandy Creek Trout Hatchery*, January 10, 1994.

[10] Much of the historical data for this analysis is drawn from an *East Skagit County Profile* and a *Skagit Manufacturing Site Report Conducted in 1993*. This report has been prepared as a resource or assessment document for the economic element of Skagit County's Growth Management Analysis and was conducted on behalf of the Skagit Council of Governments, Economic Development Association of Skagit County, the Port of Skagit County, and the Citizen's Advisory Committee. Population and demographic trends have been compiled from data available through the State of Washington Office of Financial Management (OFM).

[11] The following are broad definitions of the six major *occupational classes* used in the Skagit County OEDP report:

- *Managerial* occupations consist of individuals who work as executives, administrators, managers, or special professionals at their place of employment.
- *Administrative Support* occupations consist of individuals who work as sales persons, technicians, or administrative support personnel.
- *Service* occupations consist of individuals who work as private household, security personnel, food & beverage preparation, medical personnel, or other personal service positions.
- *Agricultural* occupations consist of individuals who work as farmers, foresters, or fisherman.
- *Craft & Repair* occupations consist of individuals who work as precision production personnel, crafters, or repair personnel.
- *Operator & Fabricator* occupations consist of individuals who work as laborers, assemblers, apprentices (helpers), inspectors, or any other similar type of work.

[12] Source is the *Mt. Baker-Snoqualmie National Forest Region Diversification Strategy* prepared for the state of Washington Department of Trade and Economic Development, November 1990.

[13] The Tulip Festival alone operates significant economic benefit estimated at $34 million annually in tourism expenditure. This is based on the Tulip Festival's estimate of approximately 850,000 visitors spending an average of $40 per day in Skagit County (for day visitors alone).

The Festival is working with the state Tourism Division to establish an economic model to track tourism spending in greater detail. Per contact with Audrey Smith of the Tulip Festival, January 2000.

[14] *Boeing Job Cuts Here May Increase*, Seattle Times, January 20, 1999.

[15] The Port of Skagit County's Bayview Business & Industrial Park provided an example of the impacts of environmental constraints. A portion of the property planned for a rail-served industry was challenged due to identification of wetlands. This caused a firm interested in the property, Ocean Fiber, which could have provided up to 100 jobs, to locate outside Skagit County.

[16] Material for this discussion has been drawn from a variety of sources including: E.D. Hovee & Company (formerly Economic Development Services), Port of Skagit County *Target Industry Program,* 1988; Washington Department of Trade & Economic Development, *Diversification Strategies for Timber Dependent Communities of Washington State* (1990); contacts with area industrial brokers; and appraisal data from the MAI firm Palmer, Groth & Pietka in Seattle.

[17] This SWOT assessment has been derived from the results of a *brainstorming session* with the CAC held on December 7, 1993.

[18] *Demographics Magazine* book *The New Rating Guide to Life In America's Small Cities* as reported in the Skagit Valley Herald article: *Mount Vernon Named Best Small City in US,* September 26, 1997.

[19] The long-term statewide forecast provided by the Office of Financial Management and the Employment Security Department is for non-agricultural wage and salary jobs. Growth rates utilized in the long-term forecast are reported for selected industries. These growth rates were applied by E.D. Hovee & Company to 1995 statewide covered employment levels to determine a covered employment forecast for the year 2015. It is assumed that agriculture will grow at the same rate as other goods-producing industries.

[20] According to OFM population projections, Skagit County's share of statewide population is forecast to increase from 1.7% in 1997 to 1.9% in 2015.

[21] The statewide covered employment forecast is based on a non-agricultural employment forecast recently updated by Washington State Employment Security Department (ESD) and Office of Financial Management (OFM).

[22] Natural resource employment is included in this analysis because the majority of such activities closely relate to industrial uses. Public/institutional employment is included because these activities tend be developed on commercial and industrial lands. Based on input received from local jurisdiction planners, the land typically is rezoned institutional from a commercial/industrial designation once a public/institutional entity has purchased the land. The allocation of a portion of public-institutional use to industrial/commercial land represents the major change in land allocation from the prior OEDP, with the 1995 OEDP public-institutional uses were not allocated to any particular land use designation.

[23] BST Associates was retained to conduct an employment geocoding analysis. The only information available is for rural self-employment. According to BST, an estimated 11% of rural self-employment occurs on industrial and commercial lands.

[24] Per discussion with county planning staff.

[25] With this updated analysis, densities for urban areas are maintained at ratios consistent with the prior 1995 OEDP analysis.

[26] The employment densities derived from the rural land development analysis based on actual employment/land use data resulted in an estimate of 1.4 employees per acre for commercial. Using this density estimate would have resulted in the need for over 810 acres of rural commercial and industrial land versus the 475 acres indicated in Table 6. However, this density may be unduly low as it reflects employment spread across a land parcel even in situations where employers are using only a portion of a rural site.

[27] Continued patterns of rural development at densities well below urban standards should be expected because of factors including: a) dedication of large portions of site area for septic drain fields not otherwise developable; and b) more land extensive nature of many rural industries including need for outdoor storage.

[28] Market factor information was available for Clark, Kitsap, Lewis, Skagit, Snohomish, and Whatcom Counties.

[29] Source is *US Environmental Protection Agency Superfund: National Priorities List*, updated February 16, 1999.

[30] The *Skagit County Coordinated Water System Plan Regional Supplement,* July 1993, reports fire flow as the rate needed for the sole purpose of fighting fires. The fire flow volume shall be in addition to the requirements of the water system for domestic demand, and a 20 psi residual pressure should by maintained throughout the system under combined maximum demand flow conditions. A current *Skagit County Coordinated Water Plan* is being drafted and is expected to be completed by Fall 1999.

[31] *Skagit/Island Regional Transportation Plan*, April 1996, *Skagit Sub-Regional Transportation Plan*, pages 4-5.

[32] *Deception Pass Traffic Focus of Feb. 21 Forum,* Anacortes American, February 17, 1999.

[33] *Salmon Hit Endangered List Today,* Seattle Times, March 16, 1999; National Marine Fisheries Service Internet Website: http://www.nwr.noaa.gov.

[34] These revisions will be tempered by adjustments to population forecasts issued by the state Office of Financial Management (OFM). The Skagit County OFM projection has been upgraded from a 1992 forecast of 122,183 (for year 2014) to an updated November 1995 preliminary medium scenario projection of 137,714 (for year 2015). This revision was previously reflected in the 1995 OEDP update.



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# Attachment M

BK0094PG4712

# Attachment M
# Comprehensive Plan Map Portfolio

## Oversize Attachment
## Under Separate Cover

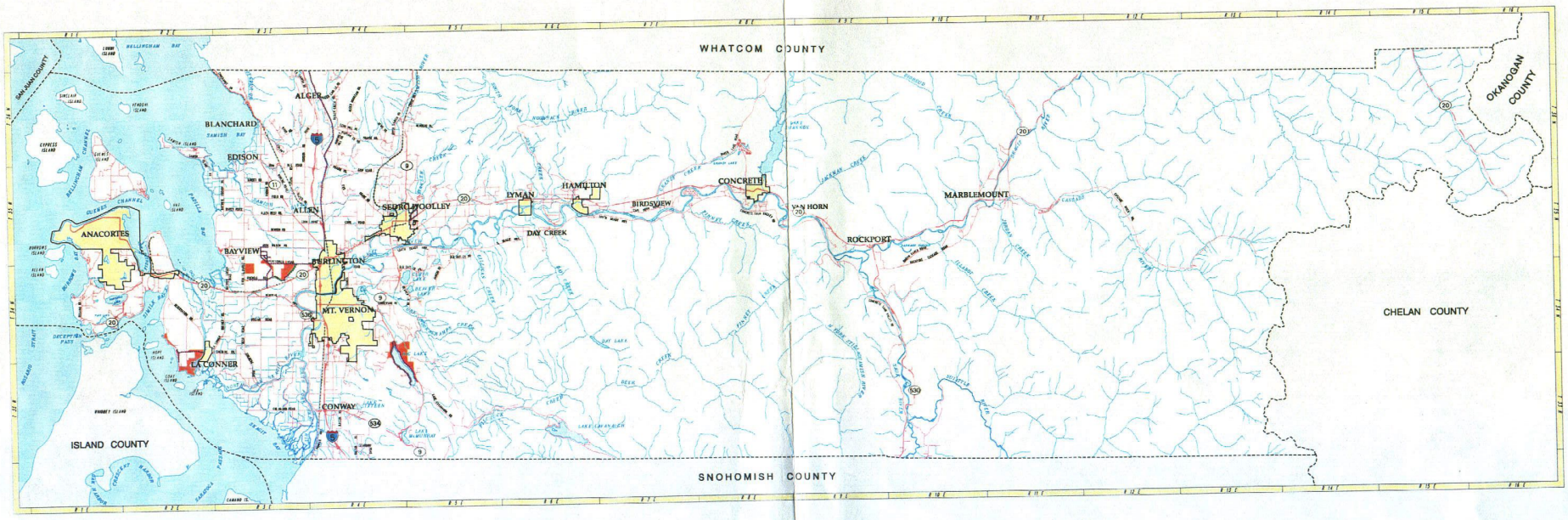
## Available at the Skagit County
## Planning & Permit Center
## 200 West Washington Street
## Mount Vernon, WA 98273

BK0094PG4713

17938

# SKAGIT COUNTY

## Public Sewer Service Areas With Primary Transmission Facilities




Skagit County Mapping GIS Geographic Information System

Legend

- Sewer District
- Sewer Service Area Boundary
- Sewer Transmission Lines

This map is reduced in scale and is intended for illustrative purposes only. Larger scale maps are available for review. For more precise information regarding the specific location of features depicted on the map, contact the Skagit County Planning and Permit Center.

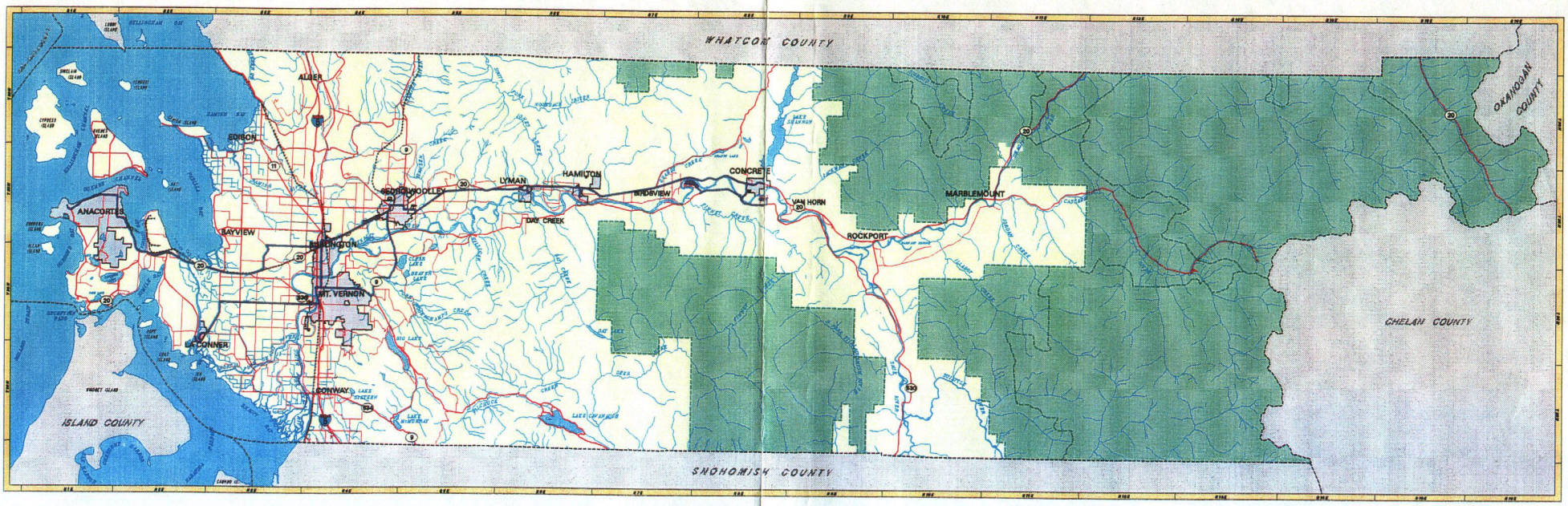
*July 24, 2000*

MAP 24

BK0094PG4757

17938

# SKAGIT COUNTY
## SKAT Transit Service Areas




Skagit County Mapping GIS Geographic Information System

**Legend**

County Transit Routes

This map is reduced in scale and is intended for illustrative purposes only. Larger scale maps are available for review. For more precise information regarding the specific location of features depicted on the map, contact the Skagit County Planning and Permit Center.

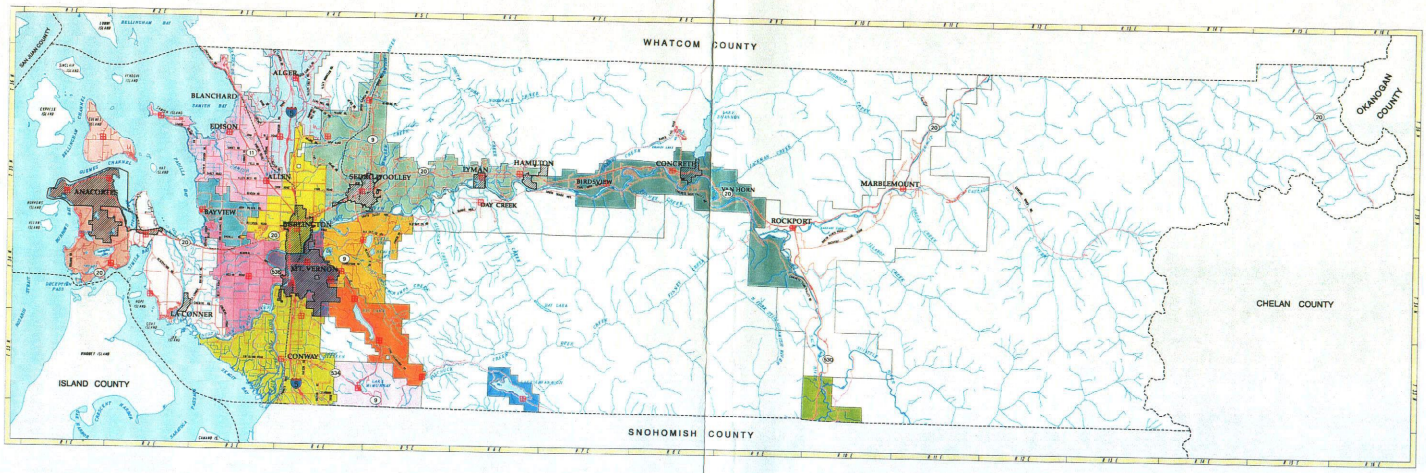
*June 1, 1997*

MAP 23

BK0094PG4756

17938

# SKAGIT COUNTY
# FIRE DISTRICTS




Skagit County Mapping GIS Geographic Information System

District 1 · District 2 · District 3 · District 4 · District 5 · District 6 · District 7 · District 8 · District 9 · District 10 · District 11 · District 12 · District 13 · District 14 · District 15 · District 16 · District 17 · District 18 · District 24 · Incorporated Areas

Fire Station Locations

This map is reduced in scale and is intended for illustrative purposes only. Larger scale maps are available for review. For more precise information regarding the specific location of features depicted on the map, contact the Skagit County Planning and Permit Center.

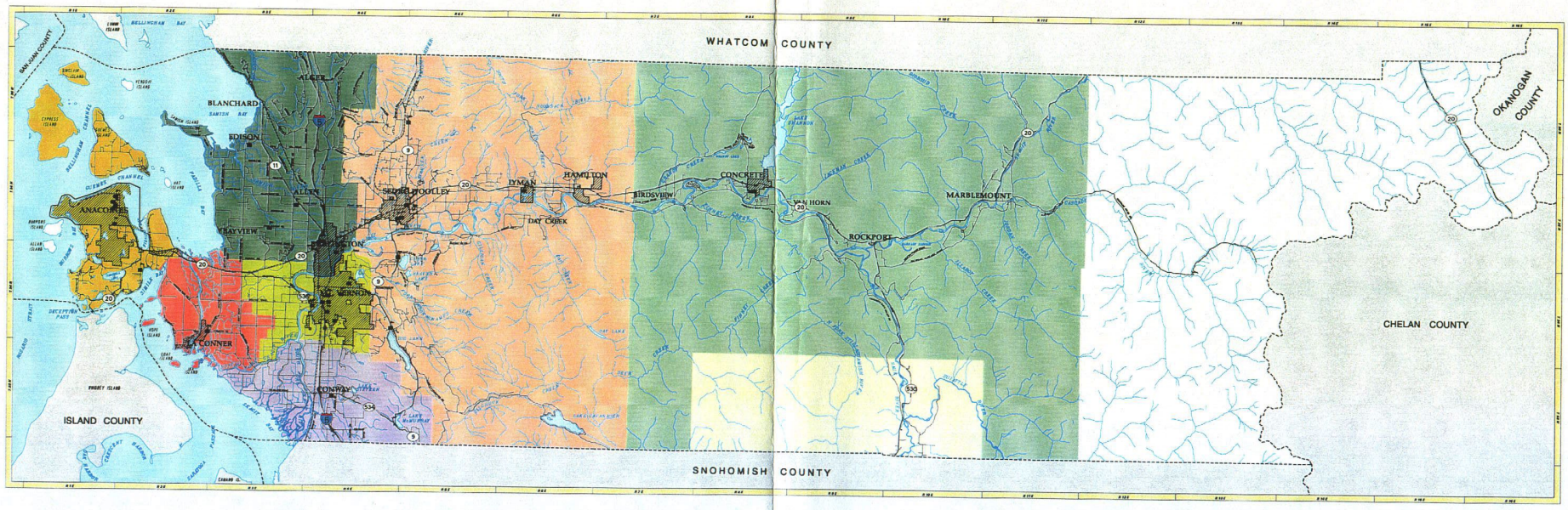
July 24, 2000

MAP 22

BK0094PG4755

17938

# SKAGIT COUNTY
# SCHOOL DISTRICTS




Skagit County Mapping GIS Geographic Information System

District 103
District 100
District 311
District 317
District 320
District 101
District 11
District 400
School Locations

This map is reduced in scale and is intended for illustrative purposes only. Larger scale maps are available for review. For more precise information regarding the specific location of features depicted on the map, contact the Skagit County Planning and Permit Center.

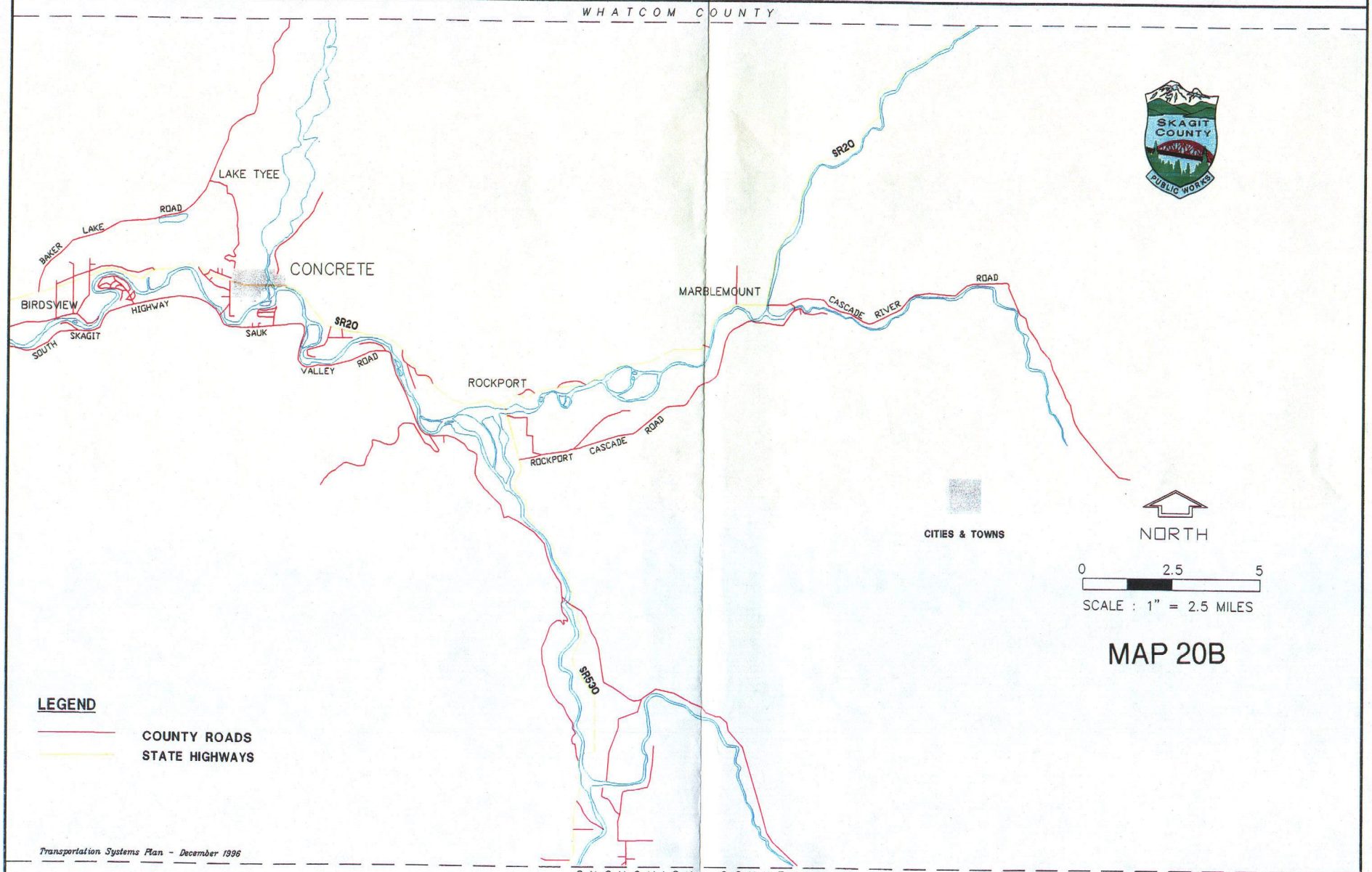
*July 24, 2000*

MAP 21

BK0094PG4754

# SKAGIT COUNTY - ROAD INVENTORY

17938




JOINS MAP 1A

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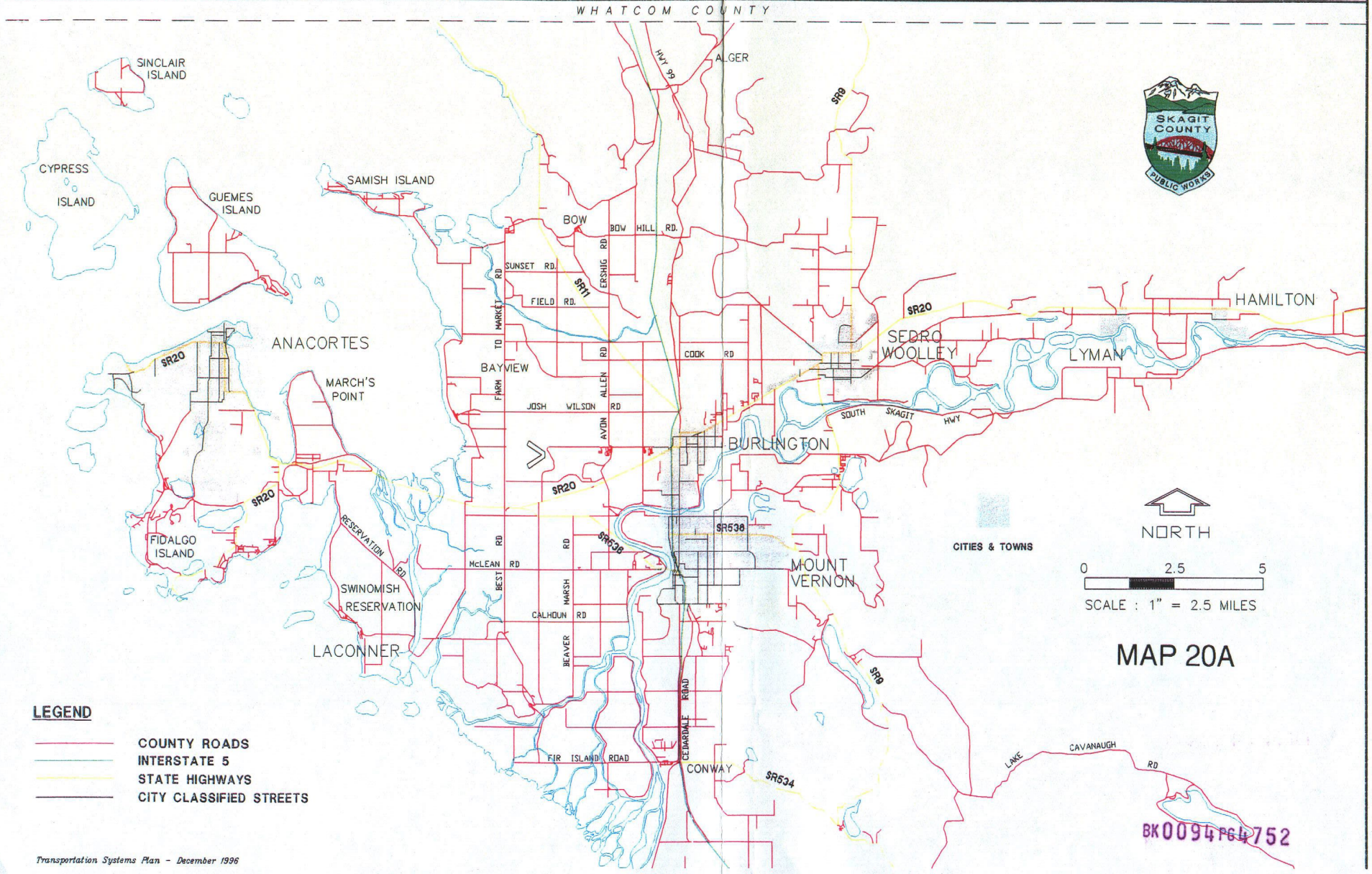
# SKAGIT COUNTY - ROAD INVENTORY

17938




*Transportation Systems Plan - December 1996*

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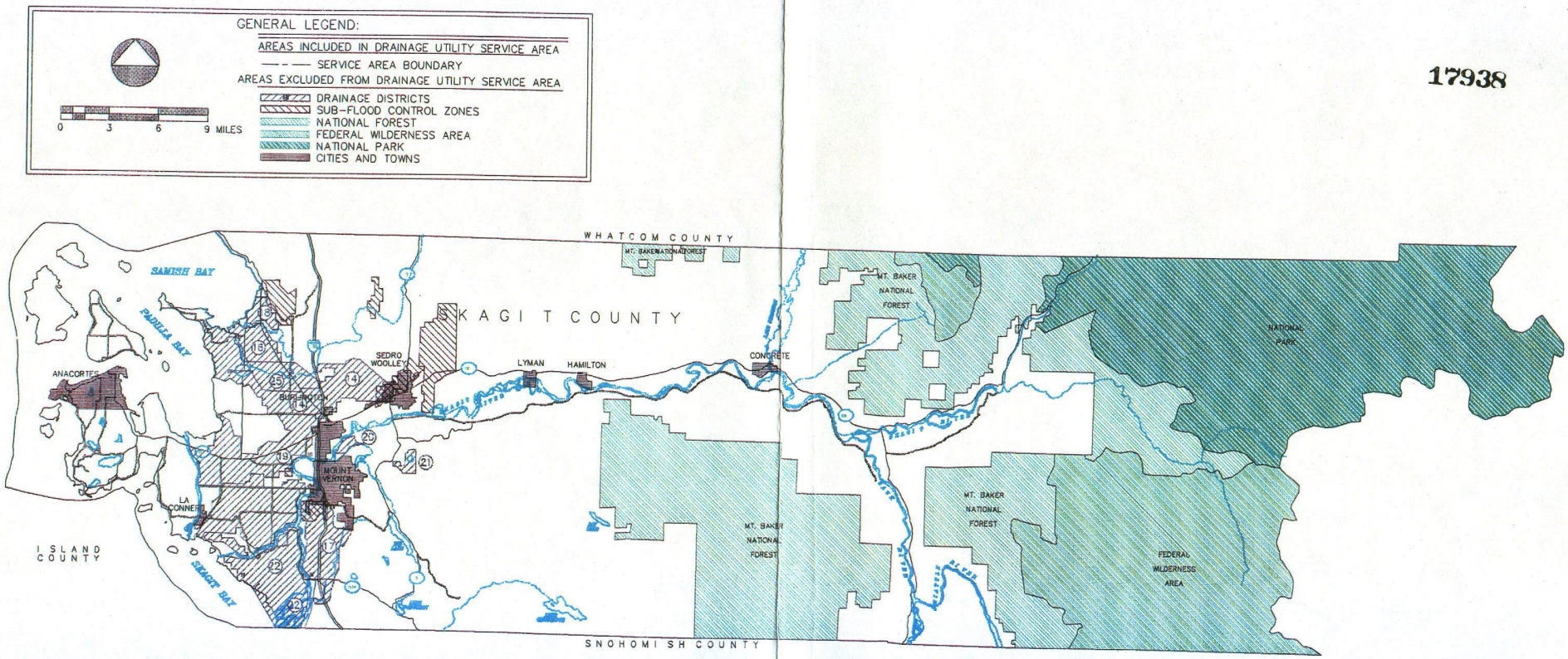
17938




MAP 19

SKAGIT COUNTY DRAINAGE UTILITY SERVICE AREA

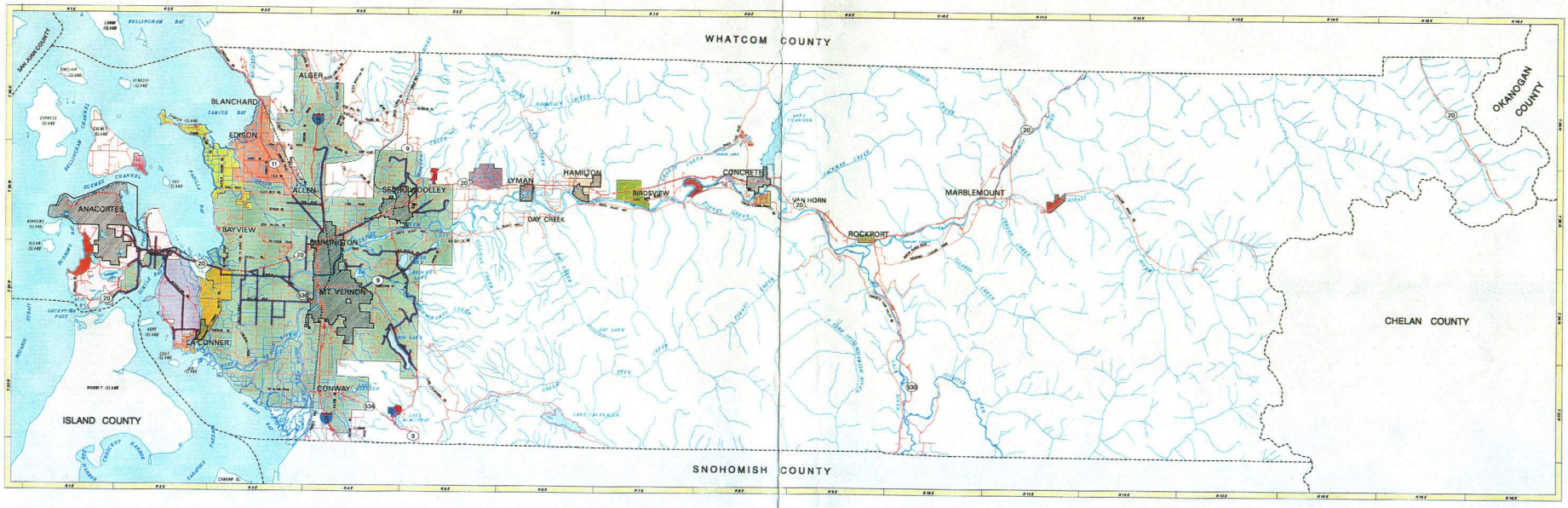
FIGURE 3-1

MONTGOMERY WATSON

BK0094 PG4751

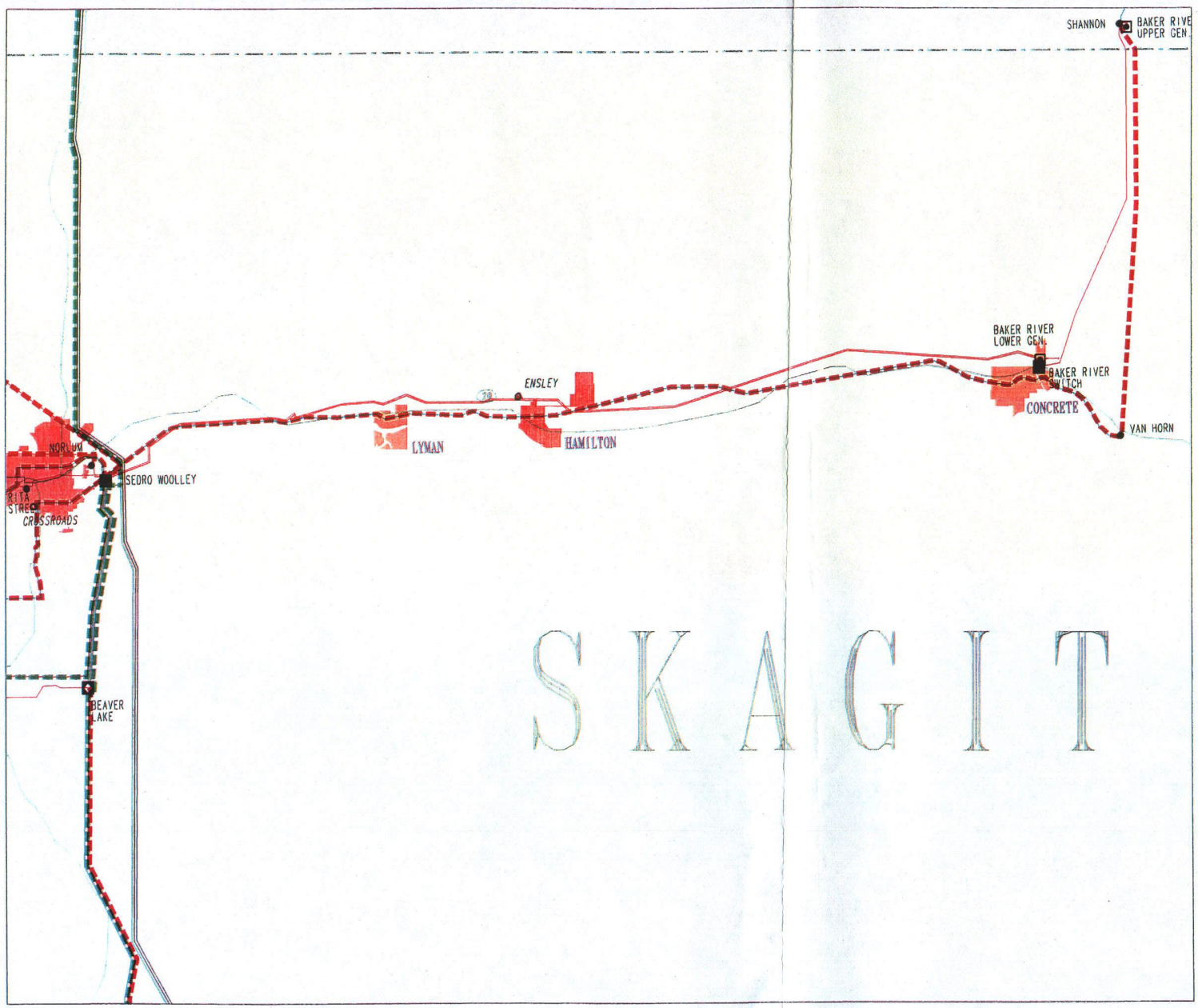
# SKAGIT COUNTY

## Water Service Areas With Primary Transmission Lines




MAP 18

BK0094PG4750




**17938**

# ELECTRICAL TRANSMISSION SYSTEM

## PROPOSED FACILITIES

## SKAGIT COUNTY UPPER

LEGEND

EXISTING TRANSMISSION LINES — PROPOSED

- BELOW 115KV
- 115KV
- 230KV
- 500KV

STATIONS

PUGET CSTMR OTHER — PUGET

- GENERATION
- TRANS SWITCH
- TRANSMISSION
- DISTRIBUTION

CSTMR: Facility owned/operated by Puget Power customer.
OTHER: Facility owned/operated by utility other than Puget Power.

Notes:

This map schematically depicts facilities owned and operated by Puget Power, its customers and select other utilities. Actual facility locations may not have been field checked and may differ from those depicted. This map may not depict all facilities belonging to other utilities.

Proposed facilities shown on this map schematically depict general locations and possible alignments based on Electrical System demand forecasts and are subject to change as forecasts are updated.

## MAP 17B

For further information contact: Rita Perstac at (206)462-3016
Puget Sound Power & Light Co., P.O. Box 97034 OBC-14S
Bellevue, WA 98009-9734

PUGET POWER Land Planning GIS
December 1996

Not to scale

Prepared by Andrew Swayne

skagit-6p2 361218.212228

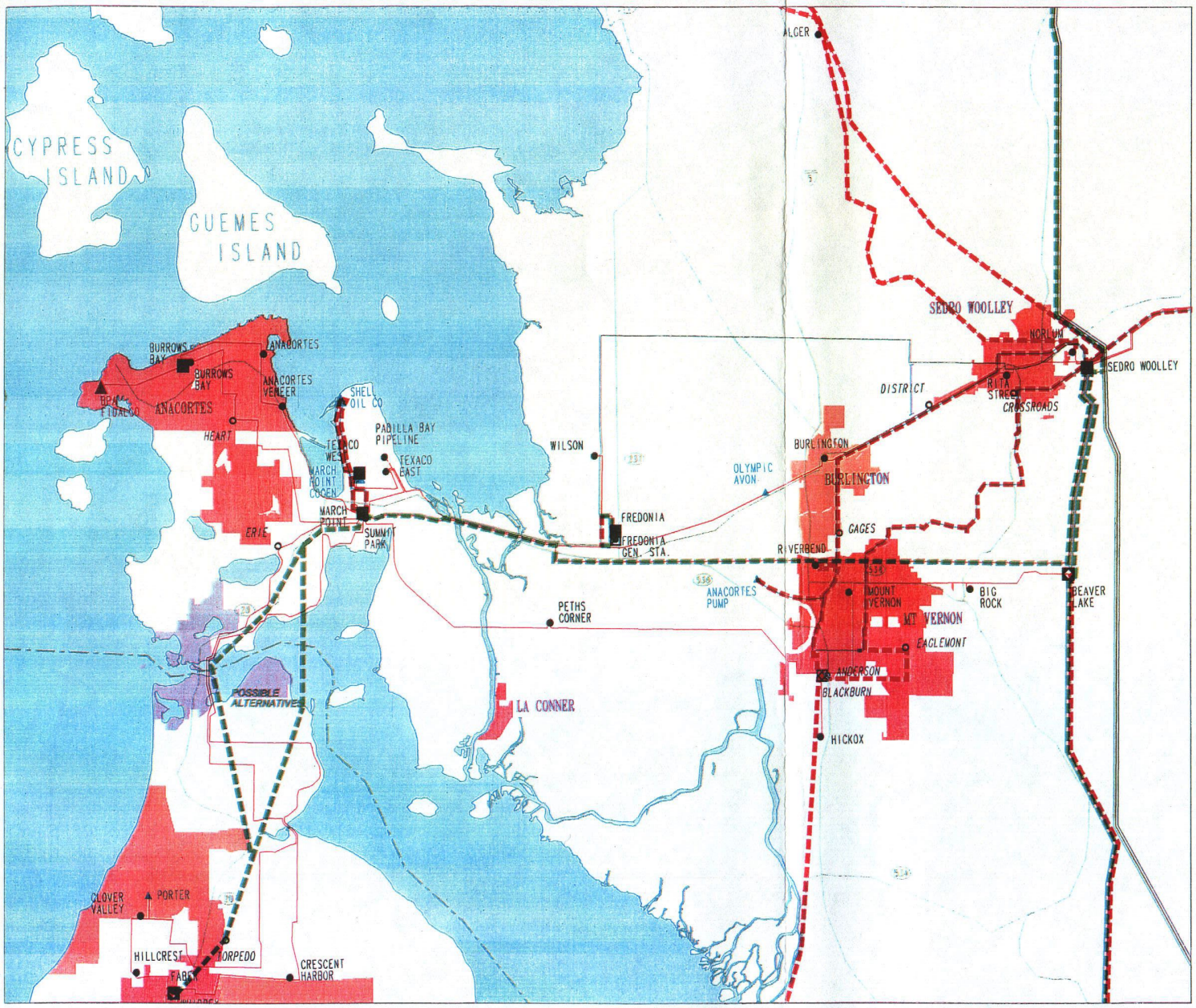
BK0094PG4749

17938

# ELECTRICAL TRANSMISSION SYSTEM

## PROPOSED FACILITIES

## SKAGIT COUNTY WEST




LEGEND

EXISTING TRANSMISSION LINES — PROPOSED

- BELOW 115KV
- 115KV
- 230KV
- 500KV

STATIONS

PUGET CSTMR OTHER — PUGET

- GENERATION
- TRANS SWITCH
- TRANSMISSION
- DISTRIBUTION

CSTMR: Facility owned/operated by Puget Power customer.
OTHER: Facility owned/operated by utility other than Puget Power.

Notes:

This map schematically depicts facilities owned and operated by Puget Power, its customers and select other utilities. Actual facility locations may not have been field checked and may differ from those depicted. This map may not depict all facilities belonging to other utilities.

Proposed facilities shown on this map schematically depict general locations and possible alignments based on Electrical System demand forecasts and are subject to change as forecasts are updated.

## MAP 17A


For further information contact: Rita Perstac at (206)462-3016
Puget Sound Power & Light Co., P.O. Box 97034 OBC-14S
Bellevue, WA 98009-9734

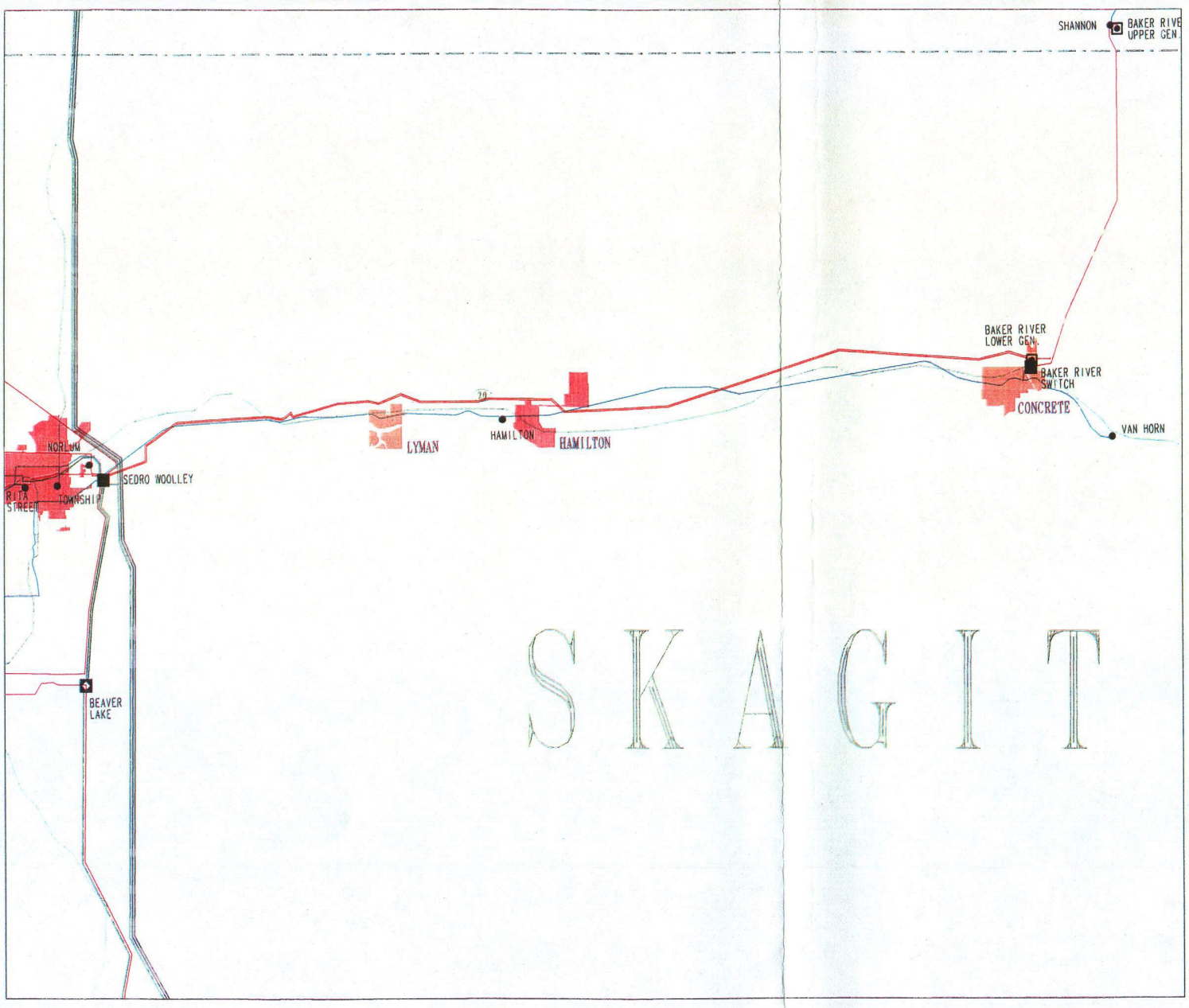

PUGET POWER Land Planning GIS
December 1996

Not to scale

Prepared by Andrew Swayne

BK0094PG4748

skagit-5p2 961218.211734




17938

# ELECTRICAL TRANSMISSION SYSTEM

## EXISTING FACILITIES

## SKAGIT COUNTY UPPER

LEGEND

EXISTING TRANSMISSION LINES

- BELOW 115KV
- 115KV
- 230KV
- 500KV

STATIONS

PUGET CSTMR OTHER

- GENERATION
- TRANS SWITCH
- TRANSMISSION
- DISTRIBUTION

CSTMR: Facility owned/operated by Puget Power customer.
OTHER: Facility owned/operated by utility other than Puget Power

Notes:
This map schematically depicts facilities owned and operated by Puget Power, its customers and select other utilities. Actual facility locations may not have been field checked and may differ from those depicted. This map may not depict all facilities belonging to other utilities.

## MAP 16B

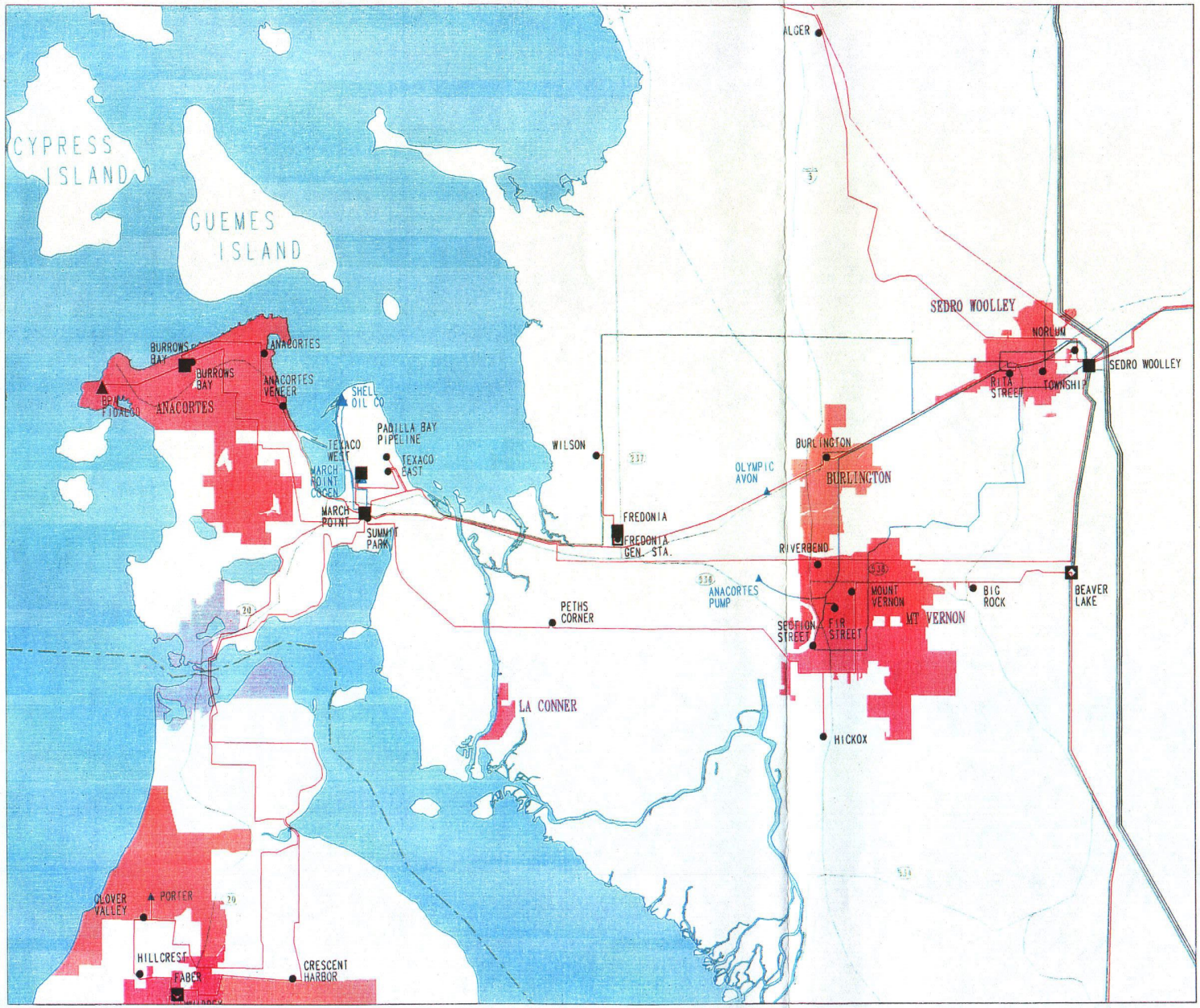
For further information contact: Rita Perstac at (206)462-3016
Puget Sound Power & Light Co., P.O. Box 97034 OBC-14S
Bellevue, WA 98009-9734

PUGET POWER Land Planning GIS
December 1996

Not to scale

Prepared by Andrew Sopyla
skagit-3e2 961218.212134

BK0094PG4747




17938

# ELECTRICAL TRANSMISSION SYSTEM

## EXISTING FACILITIES

## SKAGIT COUNTY WEST

LEGEND

EXISTING TRANSMISSION LINES

- BELOW 115KV
- 115KV
- 230KV
- 500KV

STATIONS

PUGET CSTMR OTHER

- GENERATION
- TRANS SWITCH
- TRANSMISSION
- DISTRIBUTION

CSTMR: Facility owned/operated by Puget Power customer.

OTHER: Facility owned/operated by utility other than Puget Power.

Notes:

This map schematically depicts facilities owned and operated by Puget Power, its customers and select other utilities. Actual facility locations may not have been field checked and may differ from those depicted. This map may not depict all facilities belonging to other utilities.

# MAP 16A

For further information contact: Rita Perstac at (206)462-3016
Puget Sound Power & Light Co., P.O. Box 97034 OBC-14S
Bellevue, WA 98009-9734

PUGET POWER Land Planning GIS
December 1996

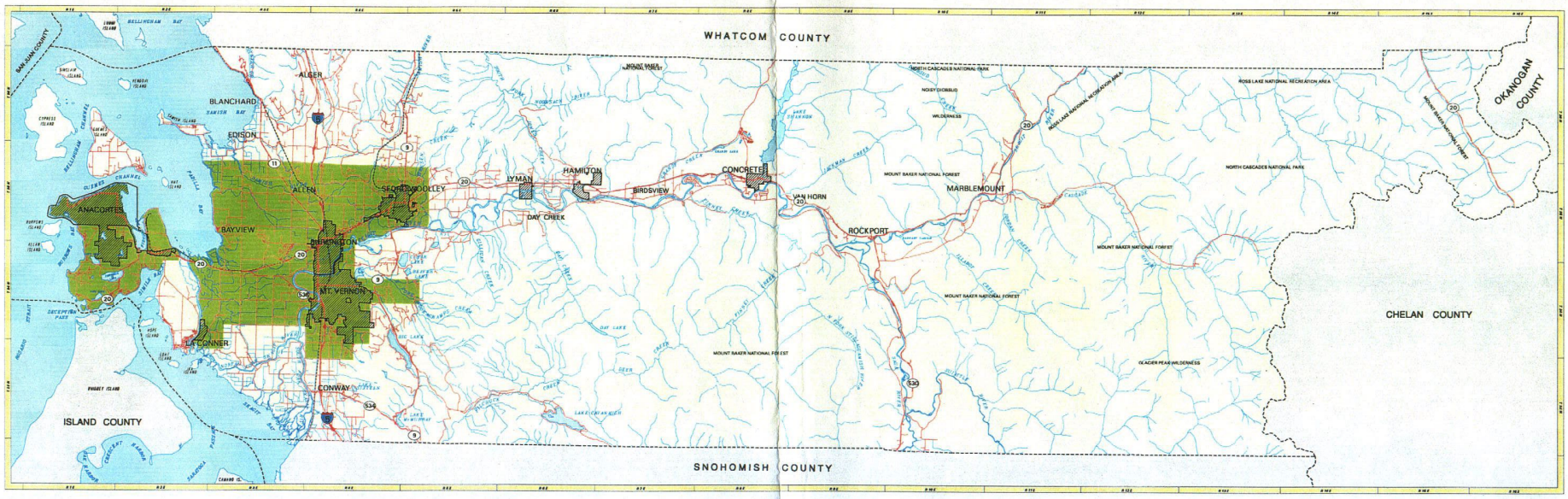
Not to scale

BK0094PG4746

Prepared by Andrew Swayne

skagit-2e2 961218.211637

# SKAGIT COUNTY
# NATURAL GAS FRANCHISE AREAS




Skagit County Mapping GIS Geographic Information System

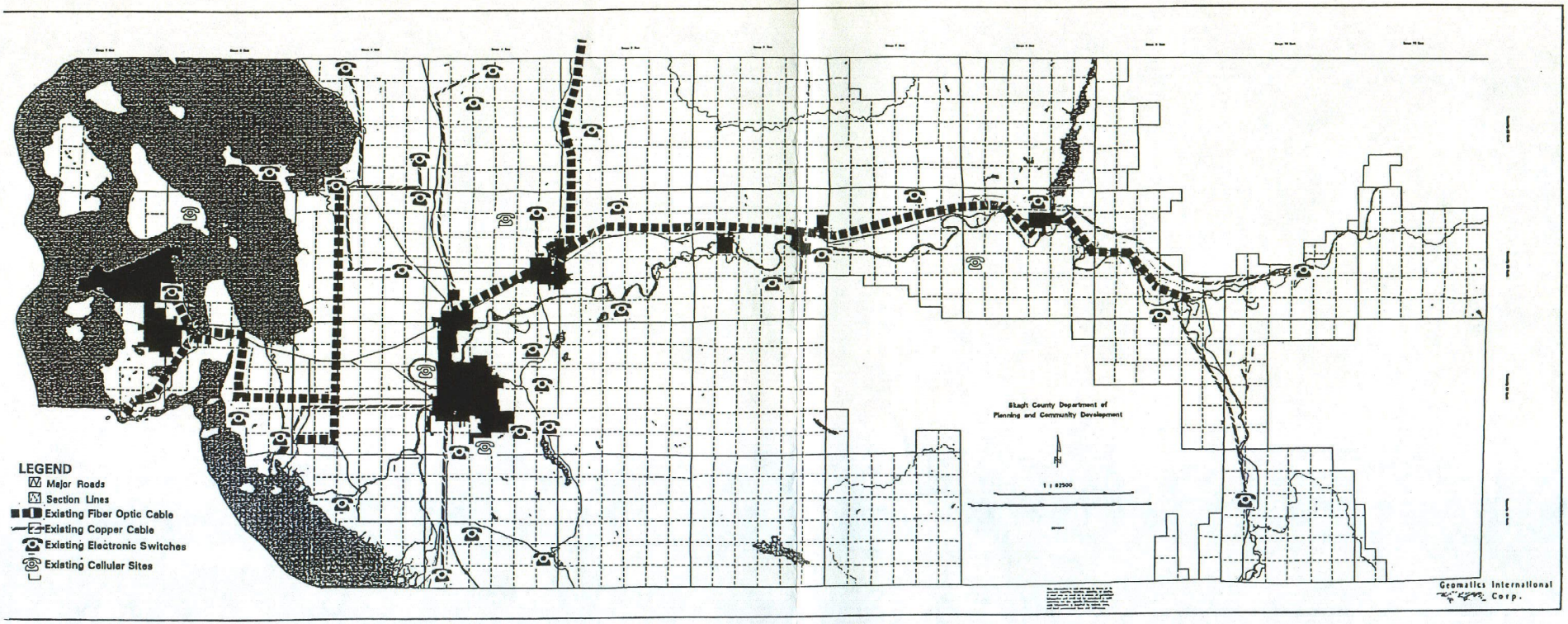
Natural Gas Franchise Areas

*July 24, 2000*

MAP 15

BK0094PG4745

# Skagit County - Telecommunications

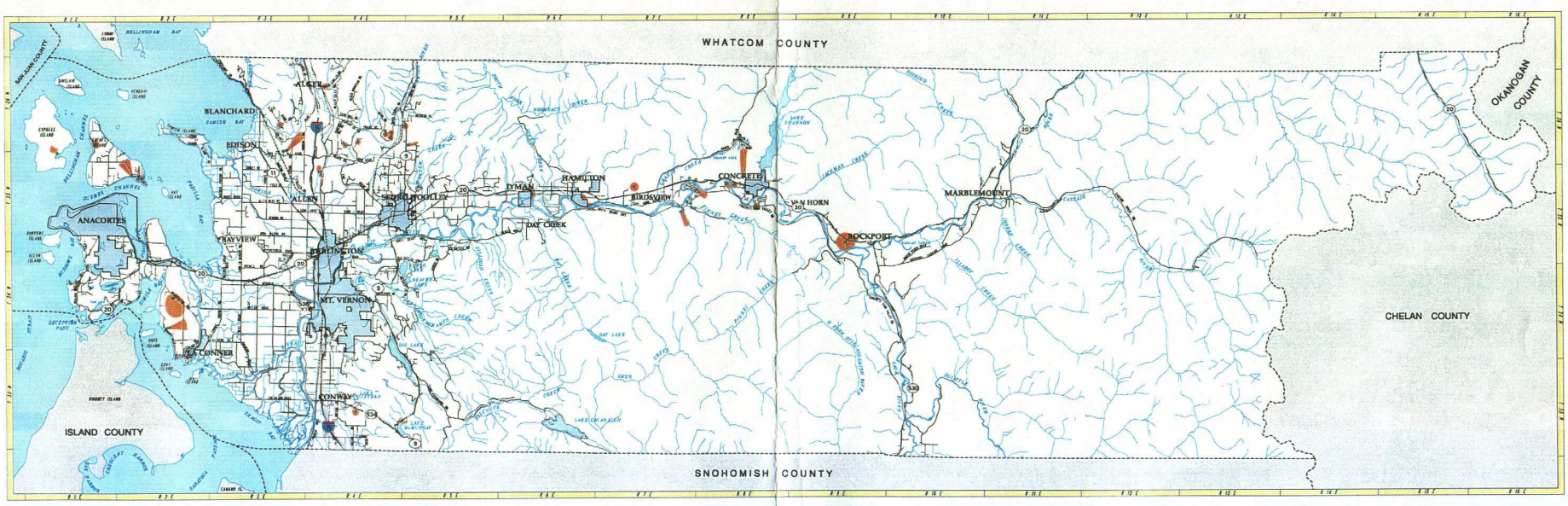



MAP 14

BK0094PG4744

17938

# SKAGIT COUNTY
# WELLHEAD PROTECTION AREAS




Skagit County Mapping GIS Geographic Information System

**Wellhead Protection Areas**

Wellhead Buffer Area ◆ Well Location

This map is reduced in scale and is intended for illustrative purposes only. Larger scale maps are available for review. For more precise information regarding the specific location of features depicted on the map, contact the Skagit County Planning and Permit Center.

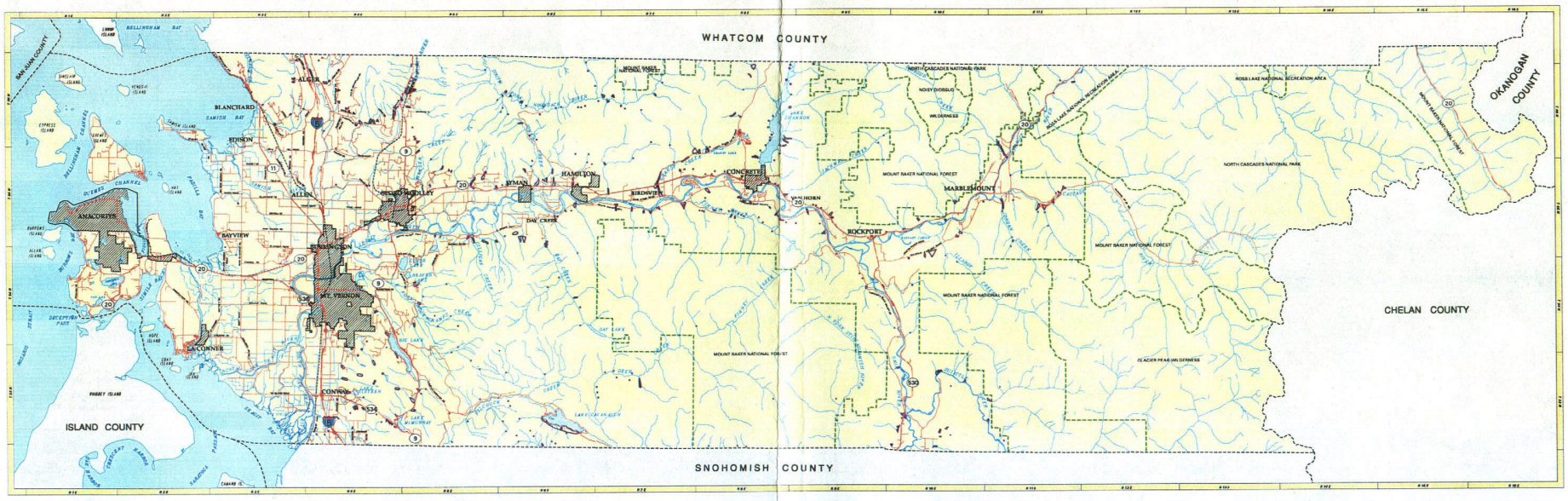
*July 24, 2000*

MAP 13

BK0094PG4743

17938

# SKAGIT COUNTY
## Alluvial Fans




Skagit County Mapping GIS Geographic Information System

**LEGEND**

Alluvial Fan Areas

This map is reduced in scale and is intended for illustrative purposes only. Larger scale maps are available for review. For more precise information regarding the specific location of features depicted on the map, contact the Skagit County Planning and Permit Center.

*July 24, 2000*

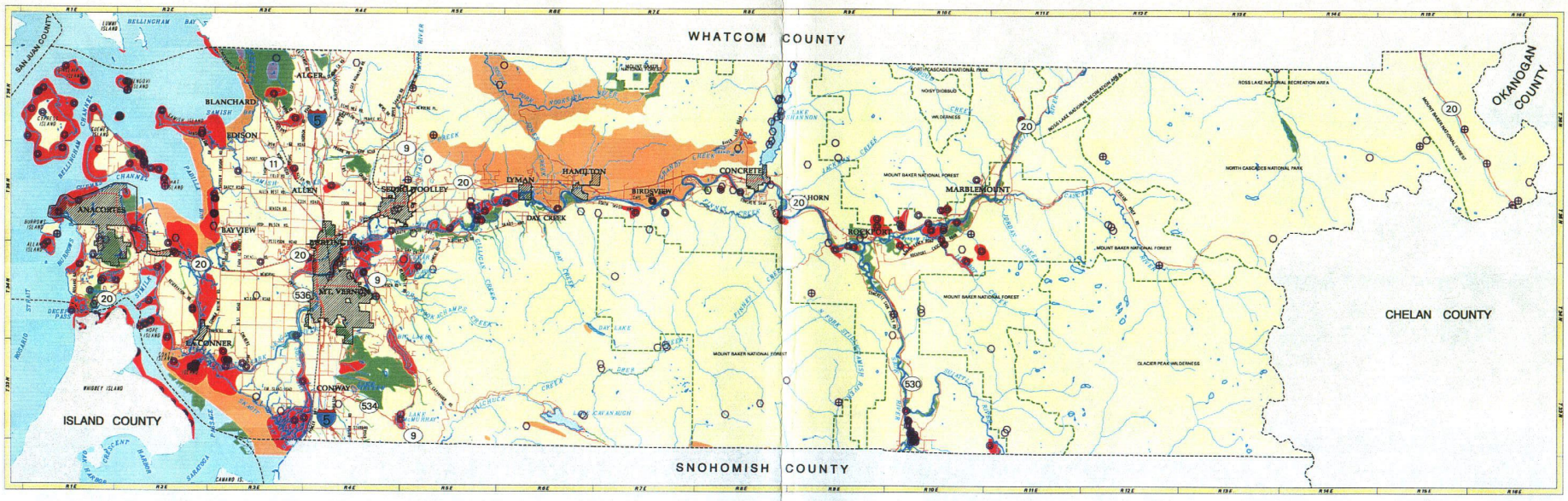
MAP 12

BK0094PG4742

17938

# WASHINGTON STATE DEPT. OF FISH AND WILDLIFE

# PRIORITY HABITATS and SPECIES




Skagit County Mapping GIS Geographic Information System

## PRIORITY SPECIES AND HABITAT SITES

- Endangered Priority Species
- Threatened Priority Species
- Sensitive Priority Species
- Candidate Priority Species
- Other Priority Species
- Priority Habitat
- ⊕ Endangered Priority Species
- ⊙ Threatened Priority Species
- ⊖ Sensitive Priority Species
- ○ Candidate Priority Species
- ○ Other Priority Species

N W E S

This map is reduced in scale and is intended for illustrative purposes only. Larger scale maps are available for review. For more precise information regarding the specific location of features depicted on the map, contact the Skagit County Planning and Permit Center.

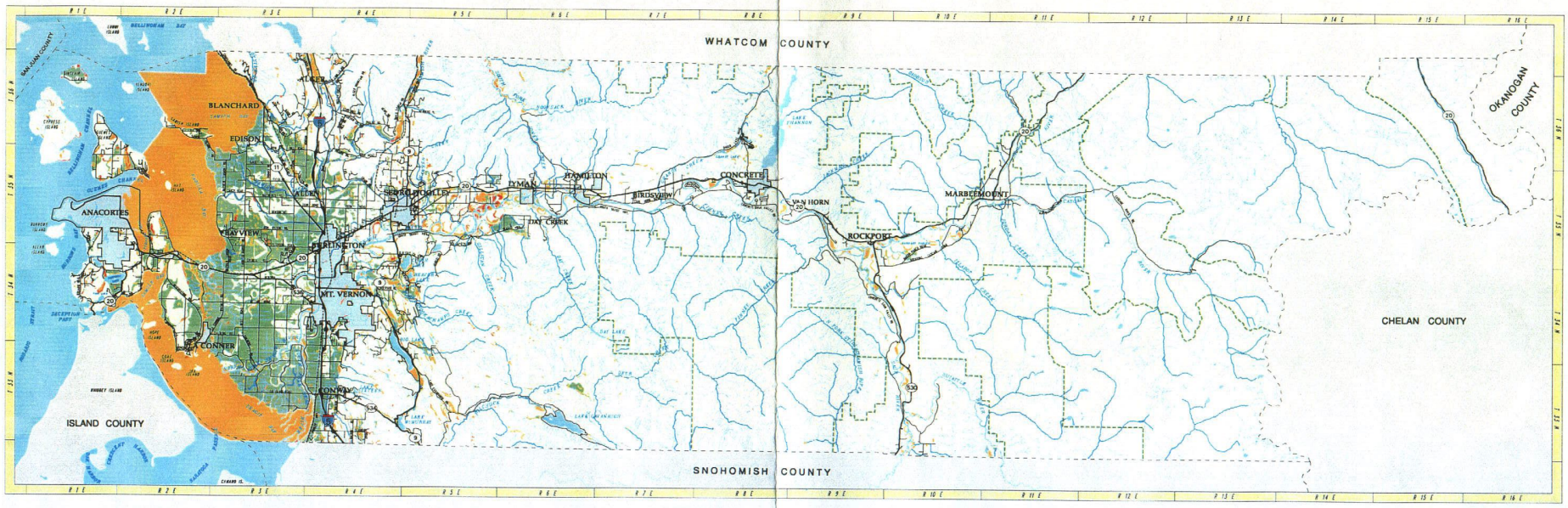
*July 24, 2000*

MAP 11

BK0094PG4741

# SKAGIT COUNTY

## Generalized NWI Wetlands, Hydric Soils and Stream Inventory




Skagit County Mapping GIS Geographic Information System

**LEGEND**

- Hydric Soils
- National Wetland Inventory
- Air Photo Interpretation of Wetland Boundaries
- Incorporated Areas
- D.N.R Stream Inventory

This map is reduced in scale and is intended for illustrative purposes only. Larger scale maps are available for review. For more precise information regarding the specific location of features depicted on the map, contact the Skagit County Planning and Permit Center.

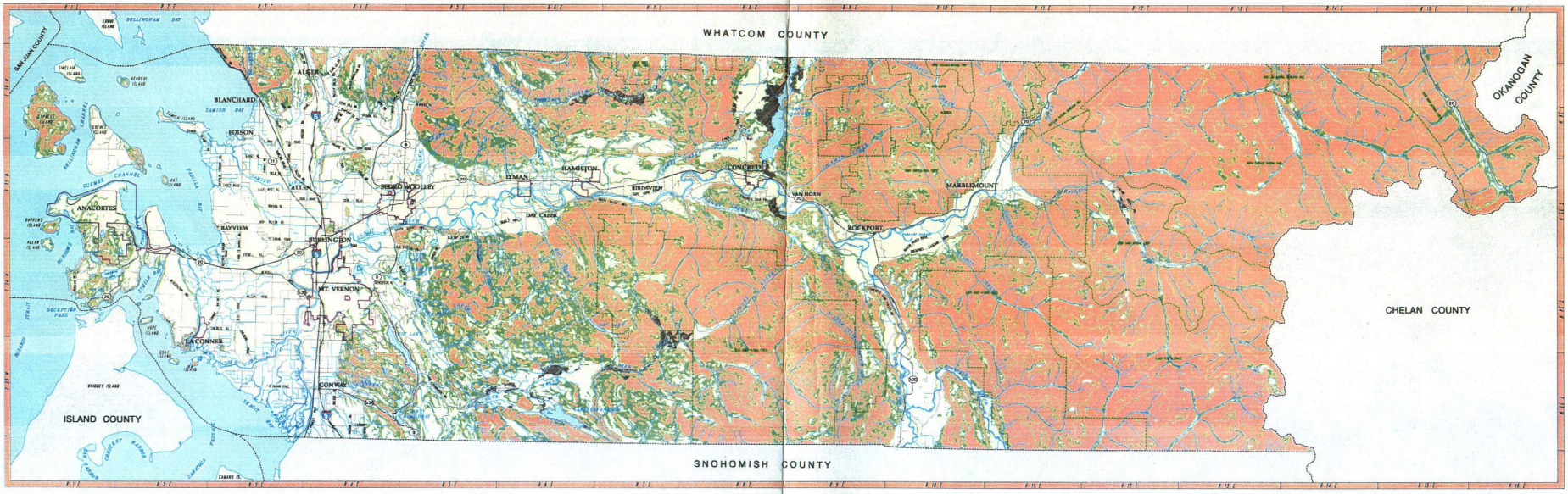
*July 24, 2000*

MAP 10

BK0094PG4740

17938

# SKAGIT COUNTY
## Potential Landslide and Erosion Areas




Skagit County Geographic Information Systems GIS

0% to 15% Slope | 15+% to 30% Slope | 30+% Slope | Erosion Hazard Soils

This map is reduced in scale and is intended for illustrative purposes only. Larger scale maps are available for review. For more precise information regarding the specific location of features depicted on the map, contact the Skagit County Planning and Permit Center.

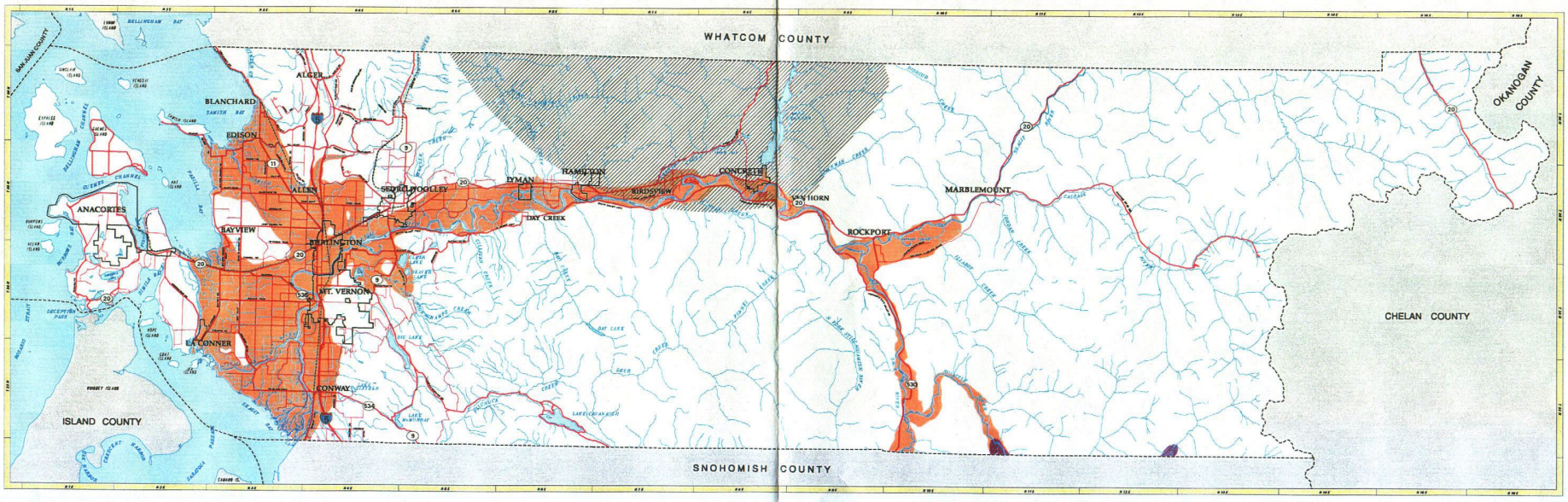
July 24, 2000

MAP 9

BK0094PG4739

# SKAGIT COUNTY

## Volcano and Geologic Hazards

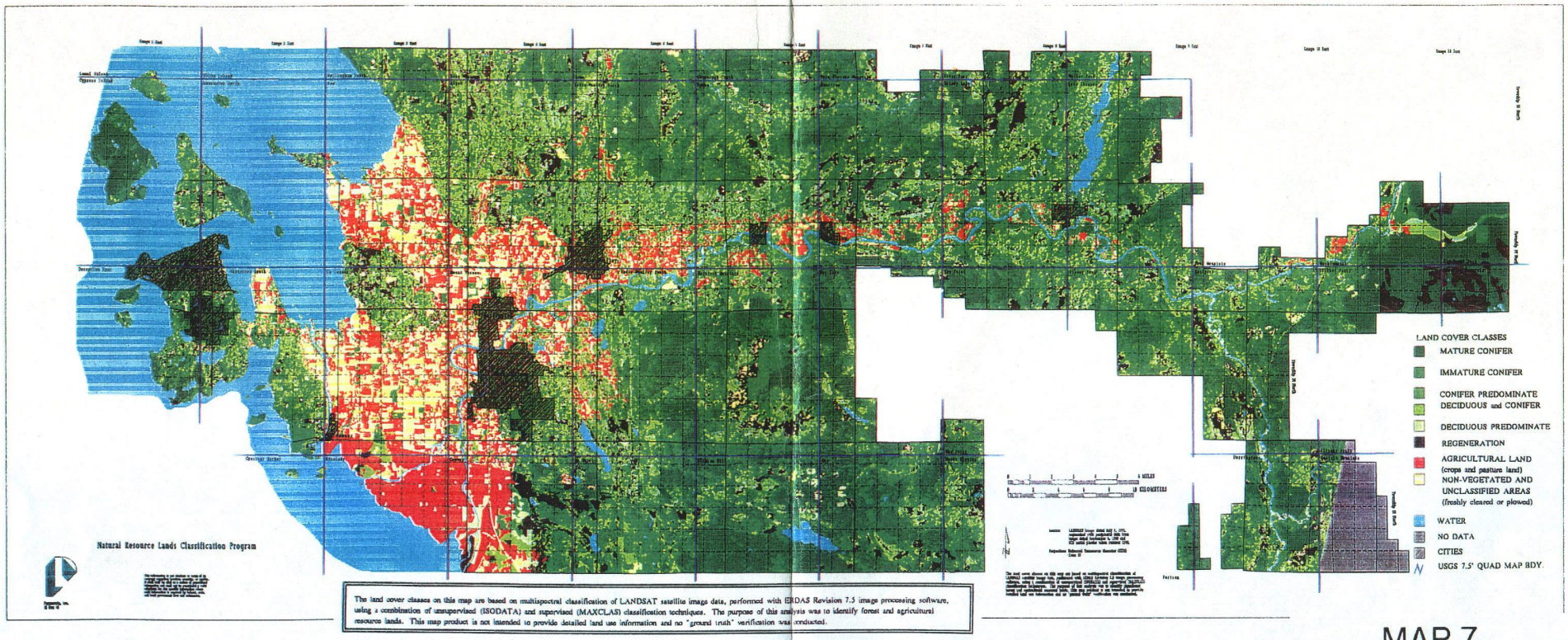



MAP 8

BK0094PG4738

17938

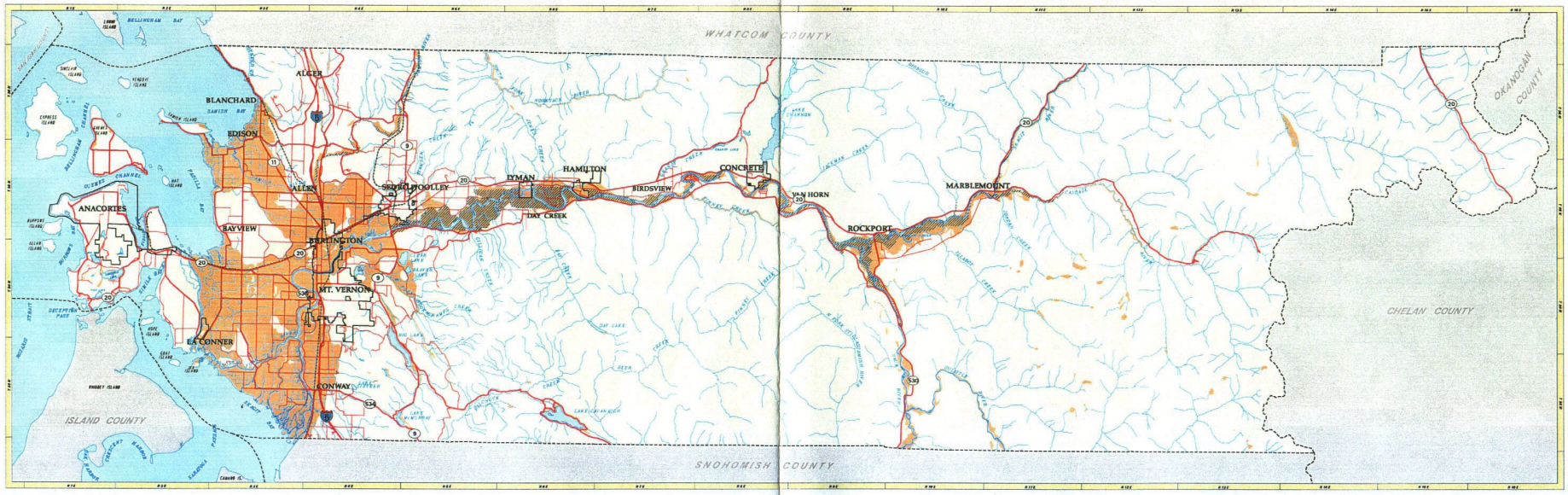
# SKAGIT COUNTY -- LAND COVER




MAP 7

BK0094PG4737

# SKAGIT COUNTY
## Floodplain and Floodway




Skagit County Mapping GIS Geographic Information System

FEMA Mapped Flood Plain

100 Year Q3 Flood Plain

Q3 Floodway

This map is reduced in scale and is intended for illustrative purposes only. Larger scale maps are available for review. For more precise information regarding the specific location of features depicted on the map, contact the Skagit County Planning and Permit Center.

*July 24, 2000*

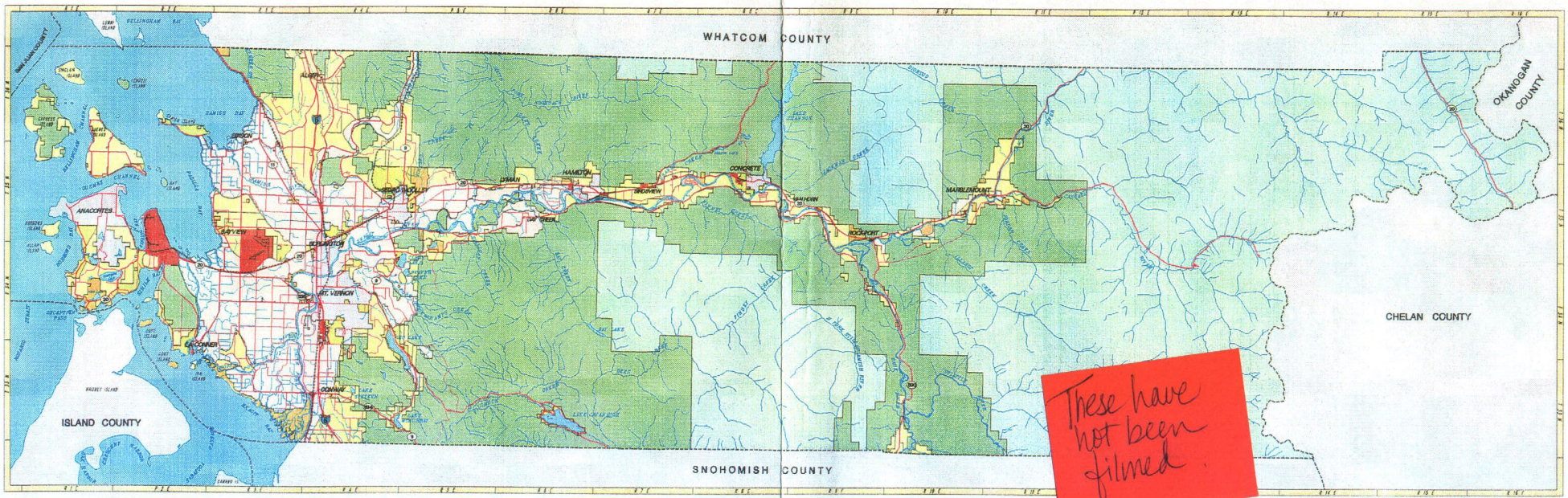
MAP 6

BK0094PG4736

Continued

17938

# SKAGIT COUNTY
# GENERALIZED LAND USE




These have not been filmed.

Skagit County Mapping GIS Geographic Information System

**LEGEND**

- Agriculture
- Forestry
- Rural
- Residential
- Industrial/Commercial
- Public
- Federal Lands
- Incorporated Areas

This map is reduced in scale and is intended for illustrative purposes only. Larger scale maps are available for review. For more precise information regarding the specific location of features depicted on the map, contact the Skagit County Planning and Permit Center.

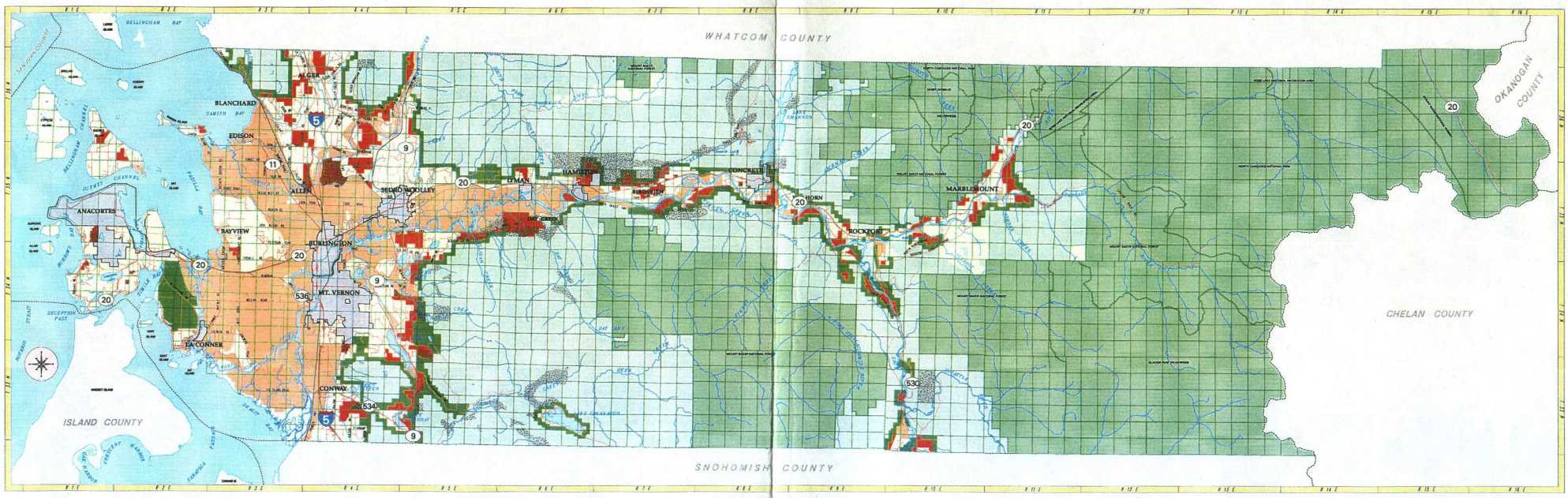
*1990*

**Map 5**

BK0094PG4735

17938

# SKAGIT COUNTY
# NATURAL RESOURCE LANDS




Skagit County Planning GIS Geographic Information System

**NATURAL RESOURCE LAND**

- [RRc-NRL] Rural Resource - NRL
- [Ag-NRL] Agriculture - NRL
- [SF-NRL] Secondary Forest - NRL
- [IF-NRL] Industrial Forest - NRL
- [MRO] Mineral Resource Overlay

**OTHER**

- Incorporated Areas
- Federal Lands
- Other Lands

This map is reduced in scale and is intended for illustrative purposes only. Larger scale maps are available for review. For more precise information regarding the specific location of features depicted on the map, contact the Skagit County Planning and Permit Center.

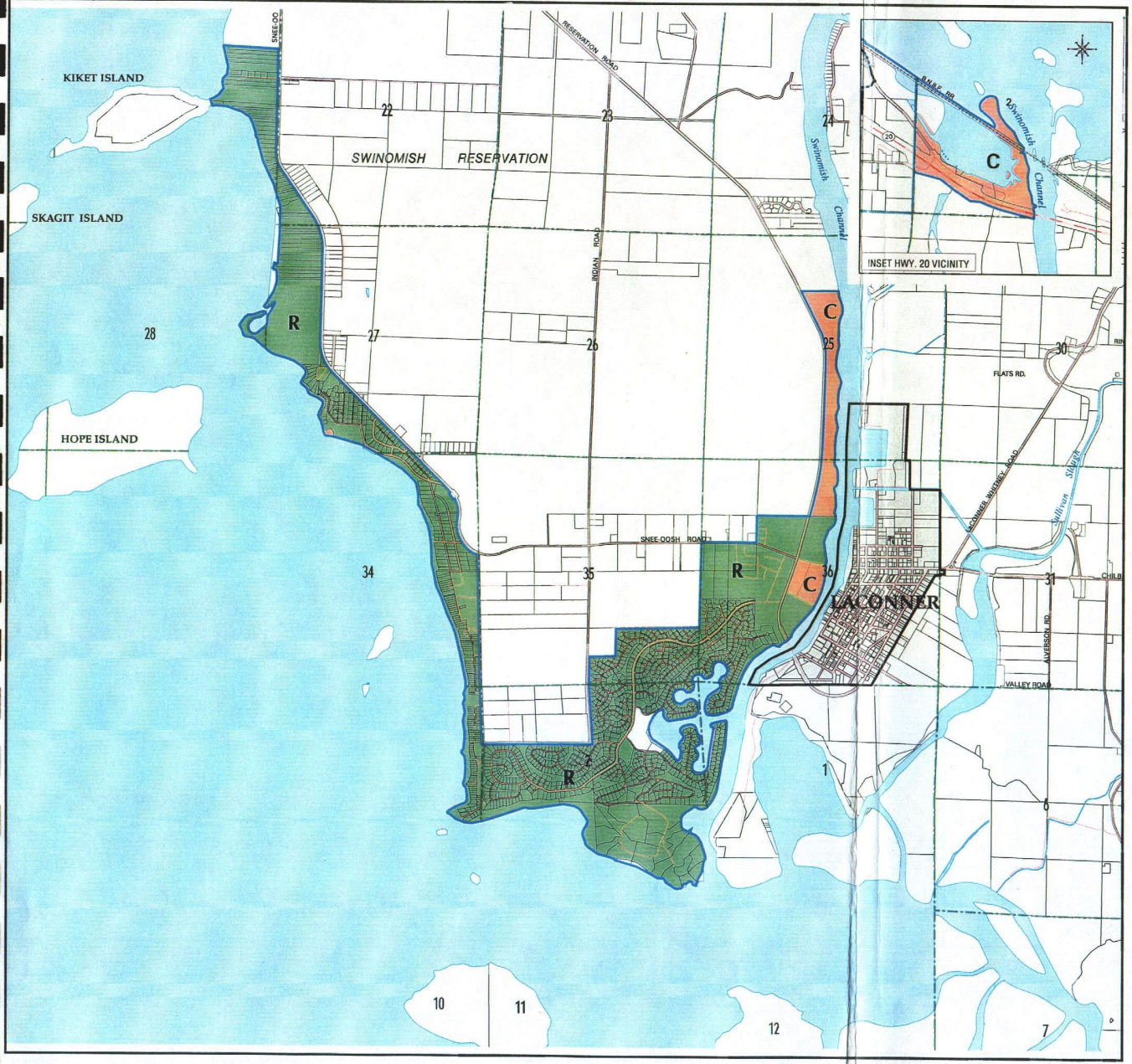
JULY 24, 2000

0 mi. — 5 mi.

Scale in Miles

MAP 4

BK0094PG4734







# LEGEND 17938

- Urban Growth Area
- Commercial
- Residential

The Skagit County Assessor tax lots depicted on this map represent parcel information as of June 26, 2000. For current up to date parcel information the maps available in the Skagit County Assessor office should be consulted.

July 24, 2000

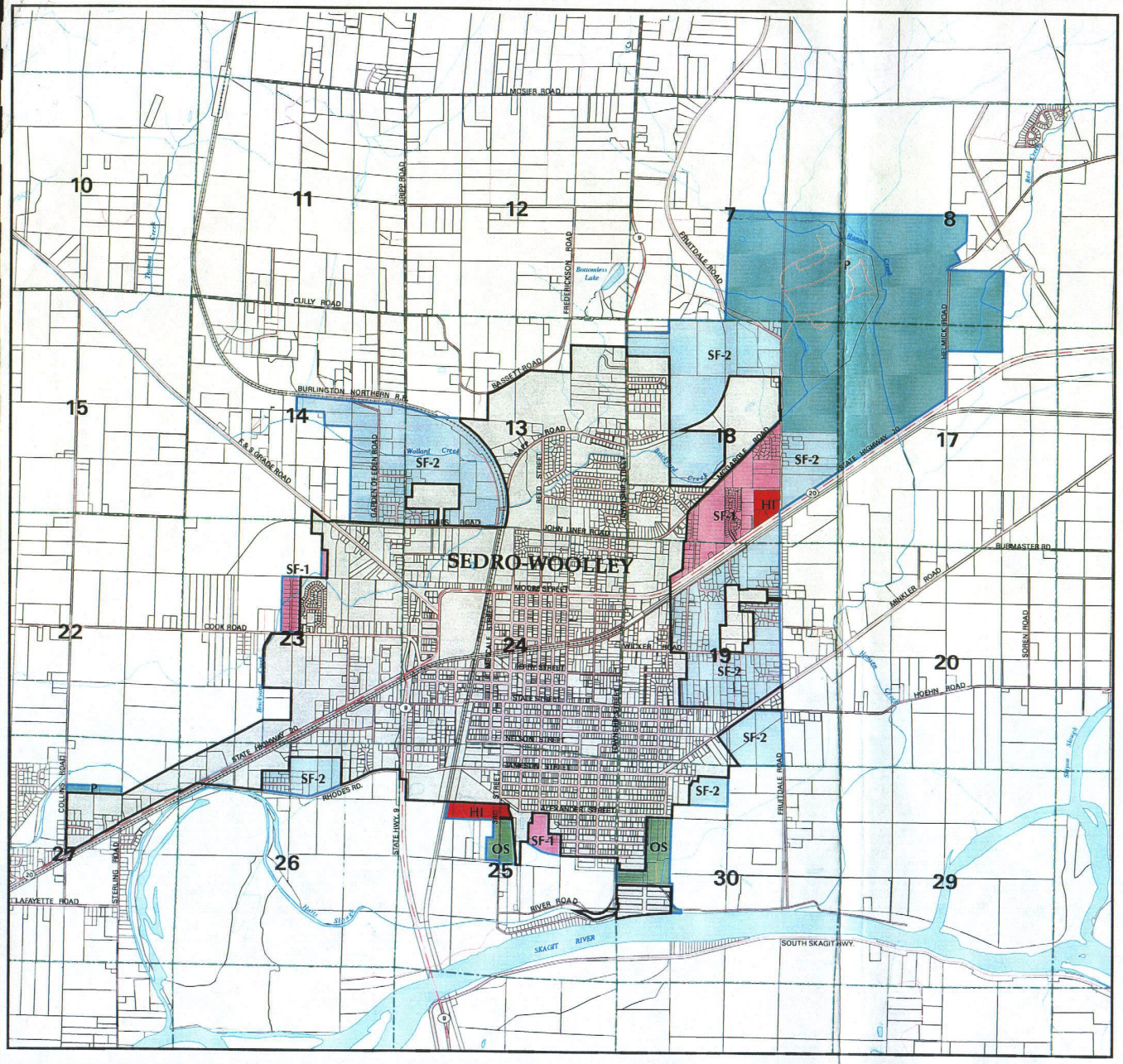
0 1/8 mile 1/4 mile

Scale in Miles

Skagit County Mapping GIS Geographic Information System

MAP 3g

## SWINOMISH RESERVATION URBAN GROWTH AREA




# LEGEND

17938

- Urban Growth Area
- HI (Heavy/Industrial)
- OS (Open Space/Agriculture)
- SF-1 *
- SF-2 *
- Public
- Incorporated Areas

* Residential densities are at a minimum 4 dwelling units per acre and a maximum lot size of 1/4 acre (10,890 sq. ft.)

The Skagit County Assessor tax lots depicted on this map represent parcel information as of June 26, 2000. For current up to date parcel information the maps available in the Skagit County Assessor office should be consulted.

July 24, 2000

N NW NE W E SW SE S

0 1/8 mile 1/4 mile

Scale in Miles

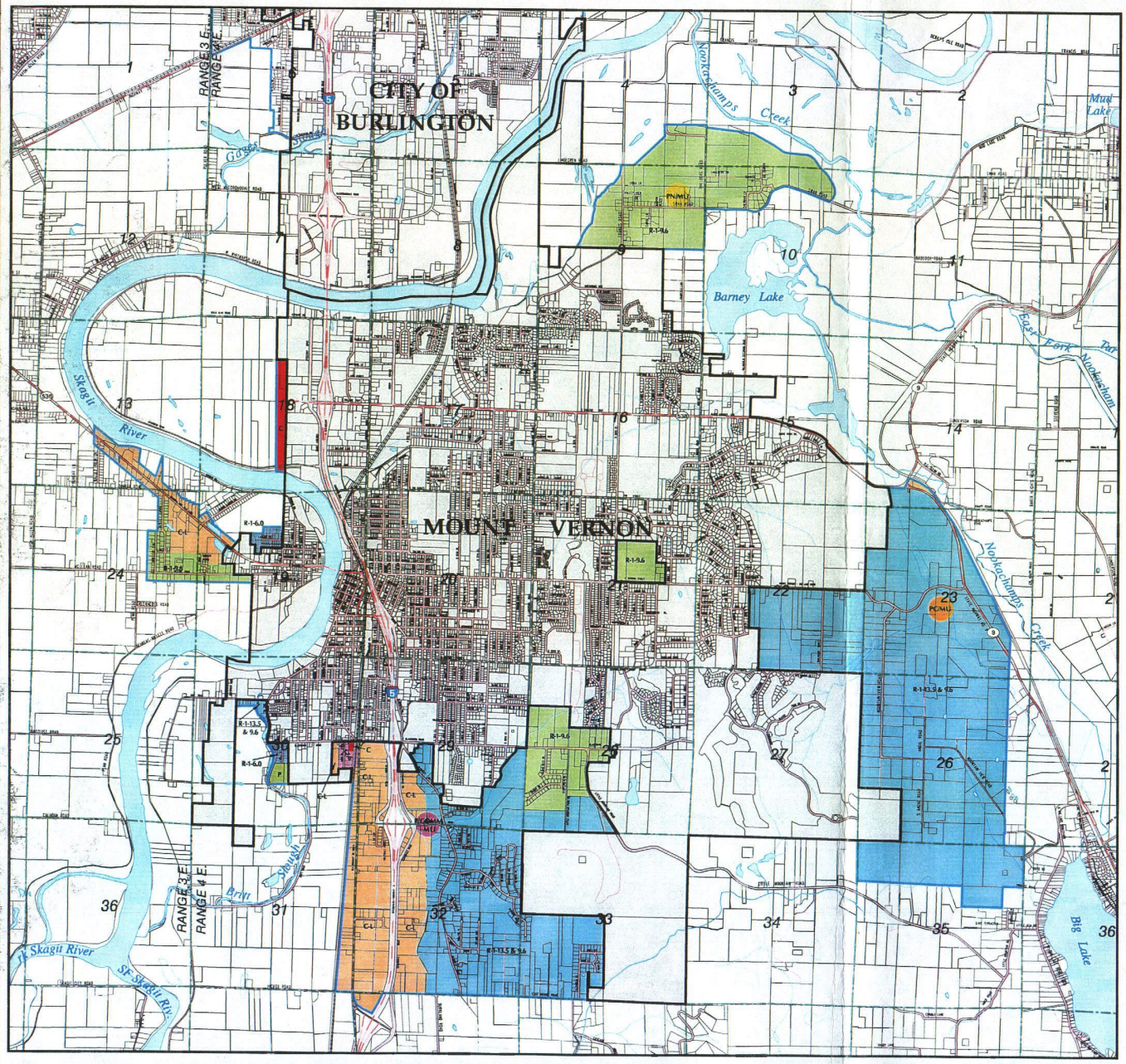
Skagit County Mapping GIS Geographic Information System

MAP 3f

# CITY OF SEDRO-WOOLLEY

# URBAN GROWTH AREA

BK0094PG4732




# LEGEND 17938

- Urban Growth Area
- Commerical / Light Industrial
- Commerical
- Public
- R-1-6.0 *
- R-1-7.6 *
- R-1-9.6 *
- R-1-13.5 & 9.6 *
- Incorporated Areas
- Planned Commercial Mixed-Use
- Planned Community Mixed-Use
- Planned Neighborhood Mixed-Use

* Residential densities are at a minimum 4 dwelling units per acre and a maximum lot size of 1/4 acre (10,890 sq. ft.)

The Skagit County Assessor tax lots depicted on this map represent parcel information as of June 26, 2000. For current up to date parcel information the maps available in the Skagit County Assessor office should be consulted.

July 24, 2000

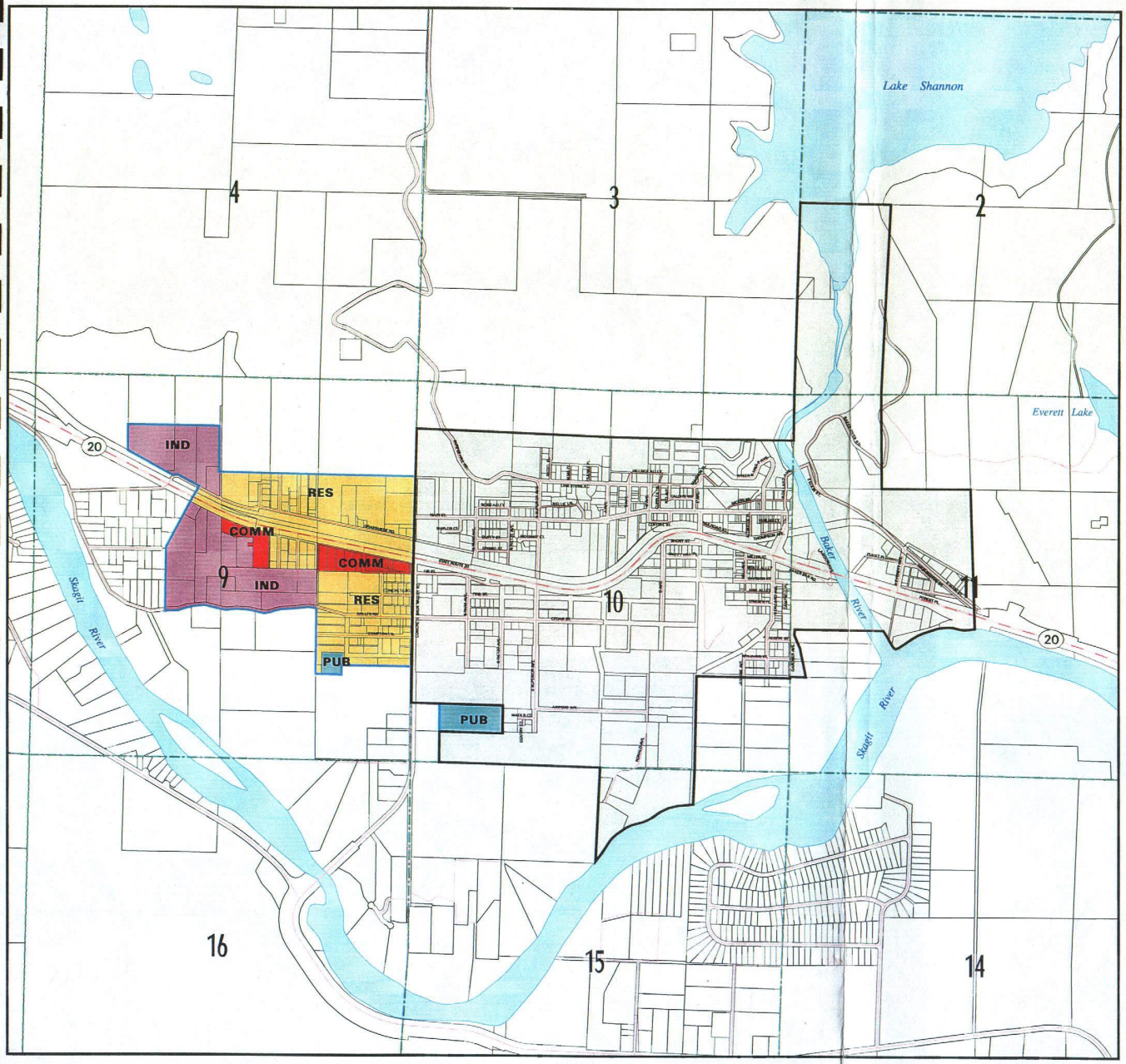
0 1/2 Mile 1 Mile
Scale In Miles

Skagit County Mapping GIS Geographic Information System

MAP 3e

# CITY OF MOUNT VERNON URBAN GROWTH AREA

BK0094PG4731




# LEGEND

17938

- Urban Growth Area
- RES (Residential)
- PUB (Public)
- COM (Commercial)
- IND (Industrial)
- Incorporated Areas

The Skagit County Assessor tax lots depicted on this map represent parcel information as of June 26, 2000. For current up to date parcel information the maps available in the Skagit County Assessor office should be consulted.

July 24, 2000

N NW NE W E SW SE S

0 1/4 mile 1/2 mile

Scale in Miles

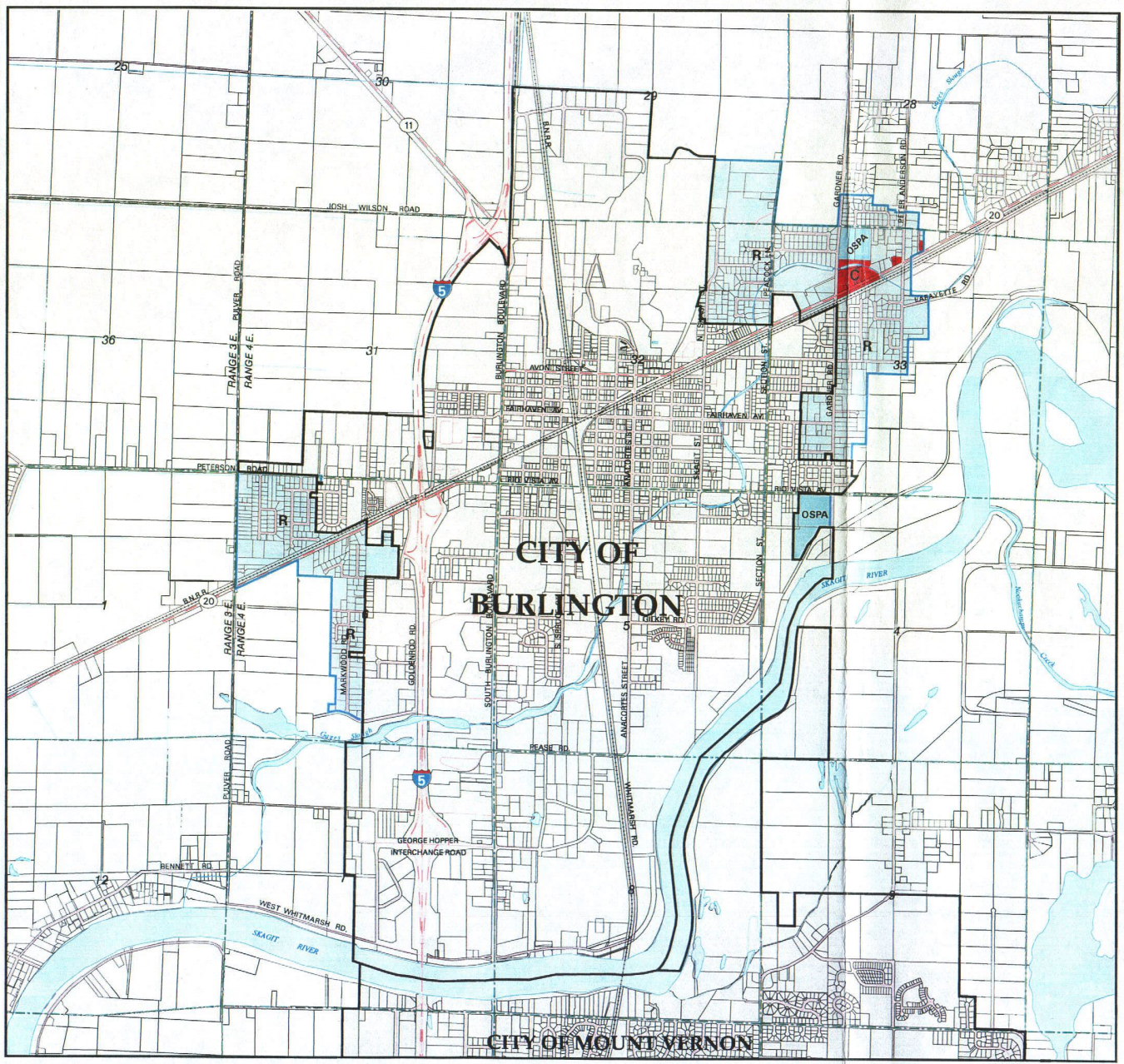
Skagit County Mapping GIS Geographic Information System

MAP 3d

# TOWN OF CONCRETE

# URBAN GROWTH AREA

BK0094PG4730




# LEGEND

17938

- Urban Growth Area
- Residential *
- C (Commerical District)
- OSPA (Open Space, Parks and Agriculture)
- Incorporated Areas

* Residential densities are at a minimum 4 dwelling units per acre and a maximum lot size of 1/4 acre (10,890 sq. ft.)

The Skagit County Assessor tax lots depicted on this map represent parcel information as of June 26, 2000. For current up to date parcel information the maps available in the Skagit County Assessor office should be consulted.

July 24, 2000

N NW NE W E SW SE S

0 mi. 1/4 mi. 1/2 mi.

Scale in Miles

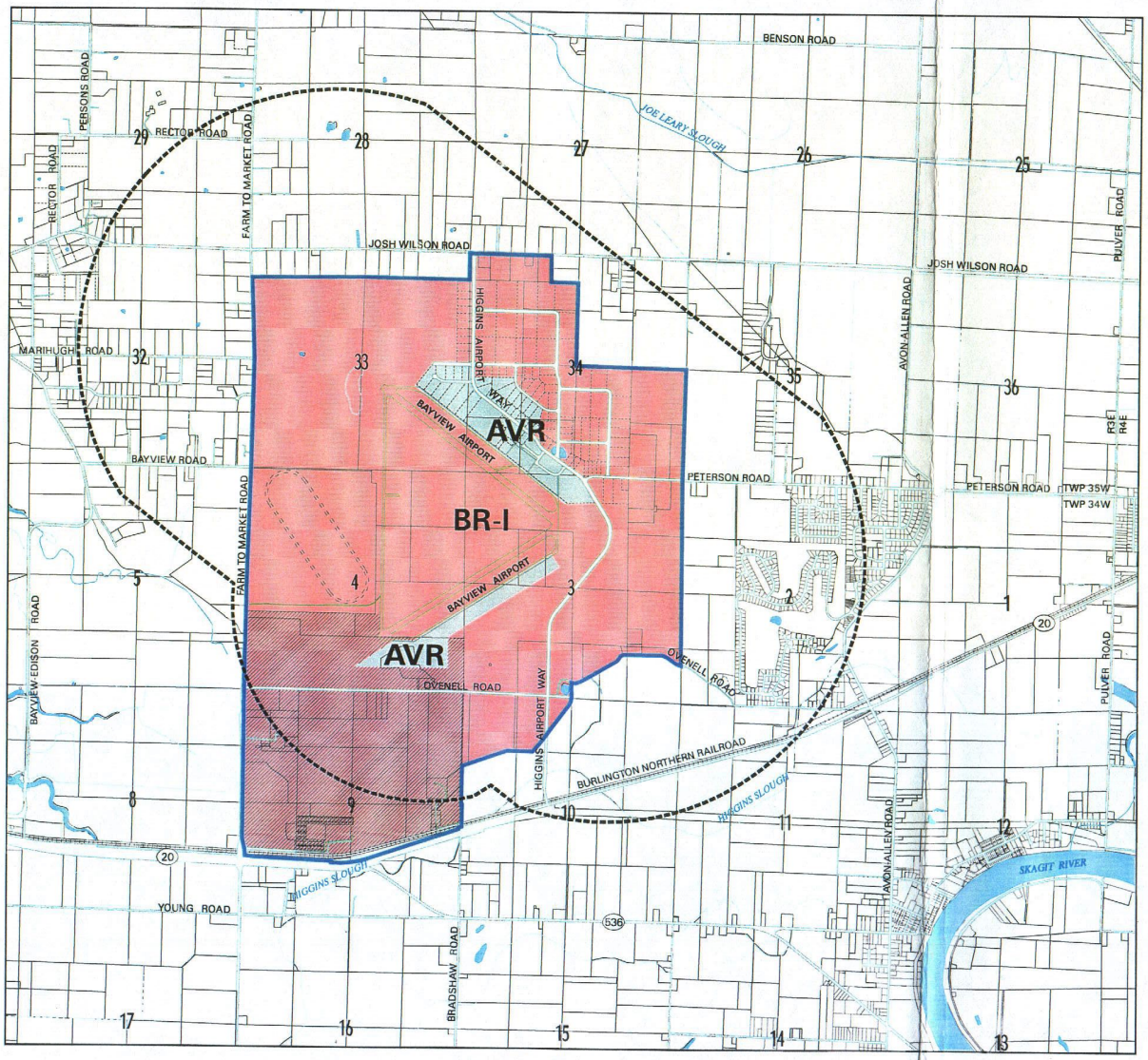
Skagit County Mapping GIS Geographic Information System

MAP 3c

# CITY OF BURLINGTON

# URBAN GROWTH AREA

BK0094PG4729




# LEGEND

17938

- Urban Growth Area
- Airport Environs Zone
- Area Eligible For Heavy Industrial Special Uses
- Bayview Ridge Industrial (BR-I)
- Aviation Related (AVR)

The Skagit County Assessor tax lots depicted on this map represent parcel information as of June 26, 2000. For current up to date parcel information the maps available in the Skagit County Assessor office should be consulted.

July 24, 2000

N NW NE W E SW SE S

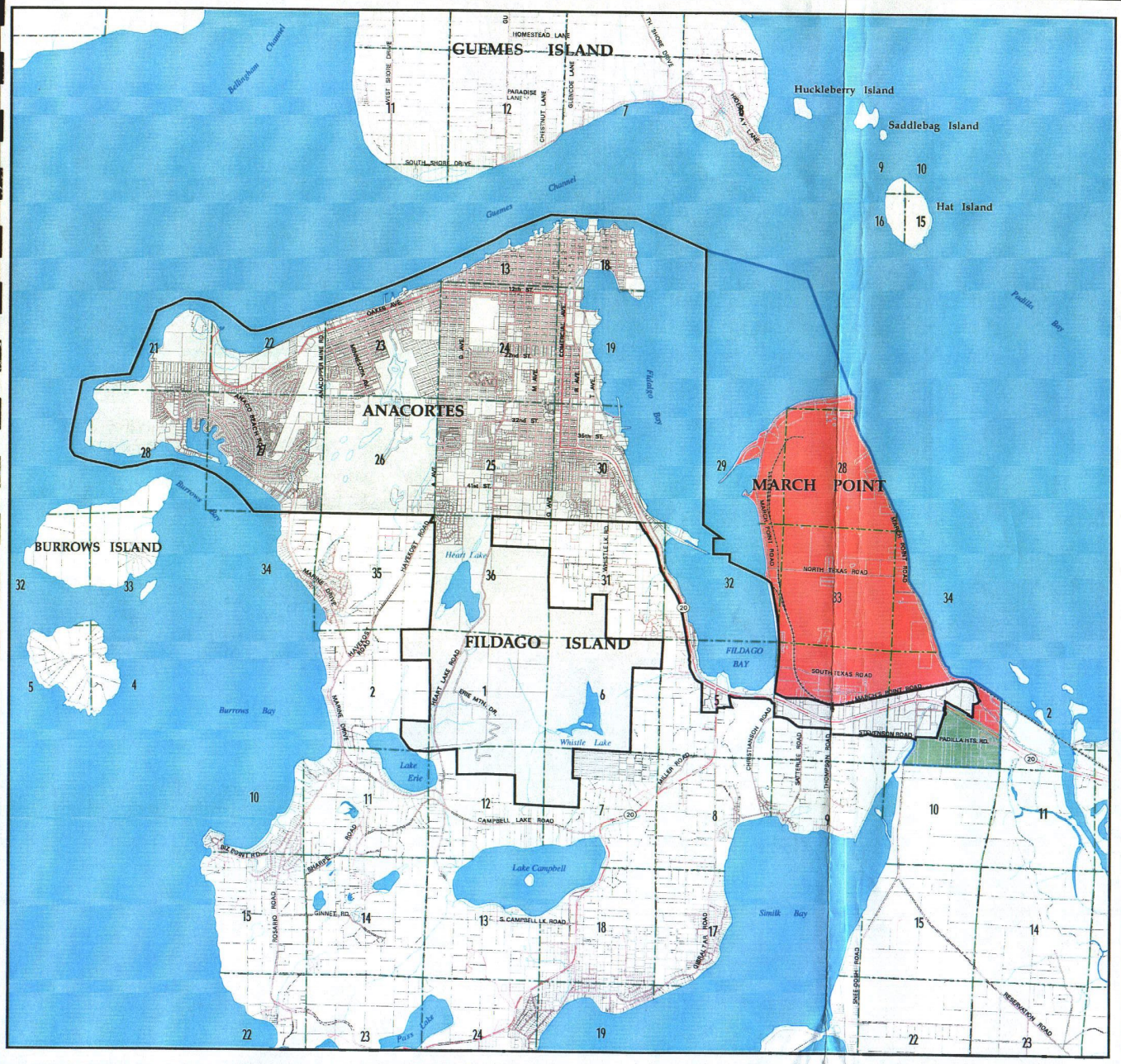
0 mi. 1/2 mi. 1 mi.

Skagit County Mapping GIS Geographic Information System

MAP 3b

# BAYVIEW RIDGE URBAN GROWTH AREA

BK0094PG4728




# LEGEND 17938

- Urban Growth Area
- HM
- LM1
- Incorporated Area

The Skagit County Assessor tax lots depicted on this map represent parcel information as of June 26, 2000. For current up to date parcel information the maps available in the Skagit County Assessor office should be consulted.

July 24, 2000

0 1/2 mi 1 mi

Scale in Miles

N NW NE W E SW SE S

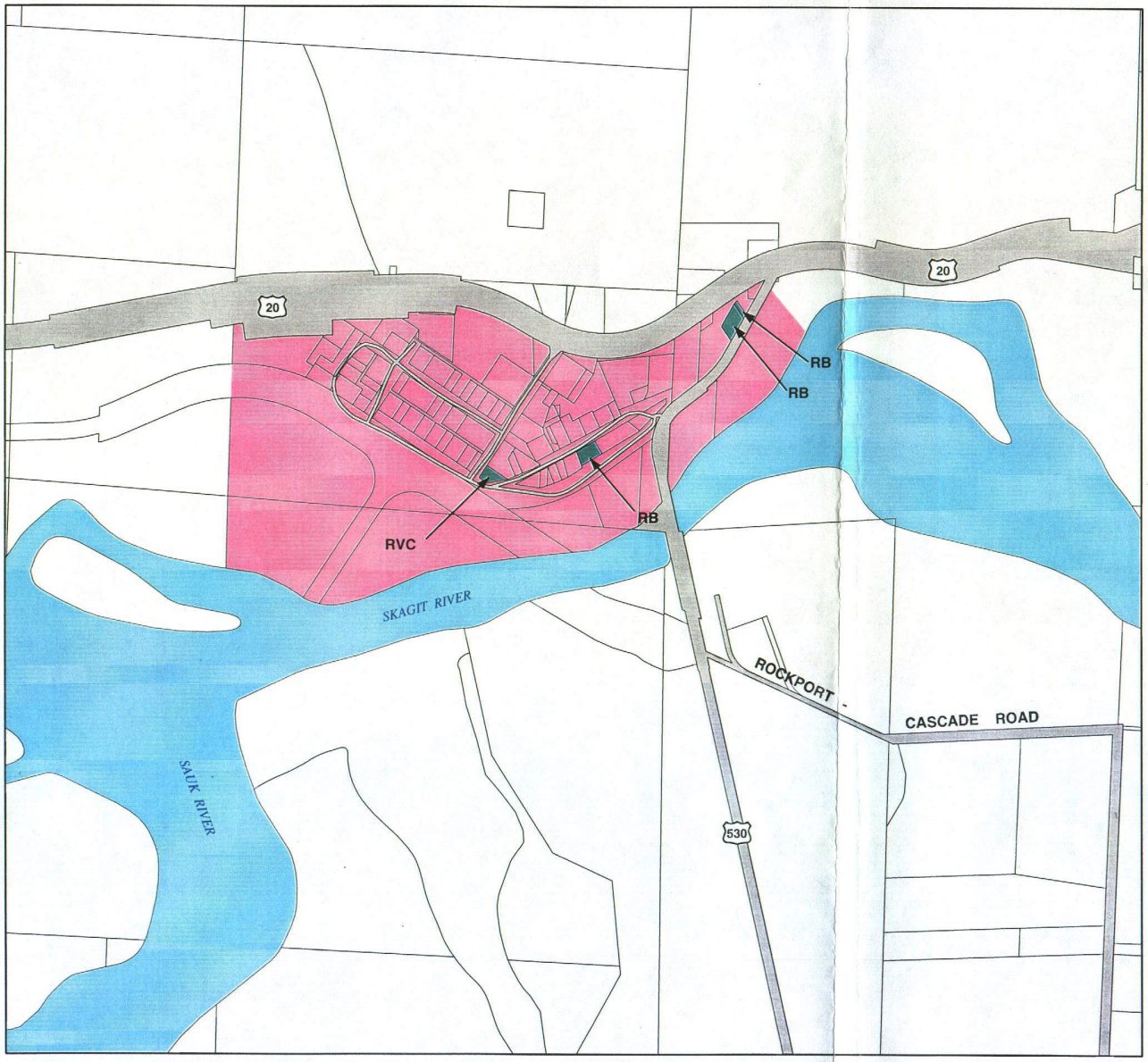
Skagit County Mapping GIS Geographic Information System

MAP 3a

# CITY OF ANACORTES

# URBAN GROWTH AREA

BK0094PG4727




## LEGEND

17938

[RV] Rural Village Residential

Commercial / Industrial

| | |
|---|---|
| [RB] | Rural Business |
| [RC] | Rural Center |
| [RVC] | Rural Village Commercial |
| [RFS] | Rural Freeway Service |
| [NRI] | Natural Resource Industrial |
| [SRT] | Small-Scale Recreation & Tourism |
| [CSB] | Cottage Industry / Small-Scale Business |
| [RMI] | Rural Marine Industrial |
| [MID] | Major Industrial Developments (No properties currently designated) |
| [MPR] | Master Planned Resorts (No properties currently designated) |

July 24, 2000

GIS
Skagit County

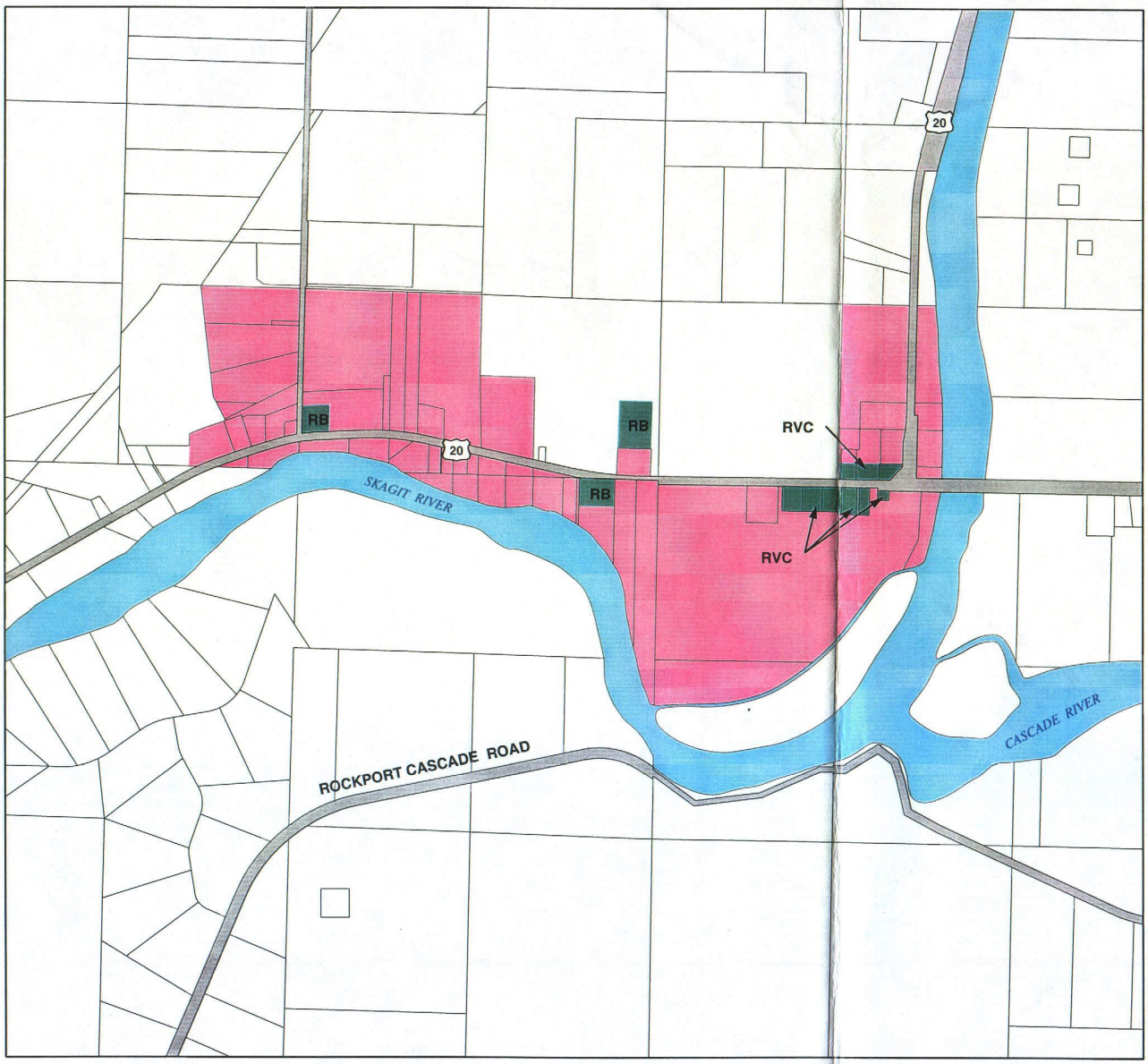
N
W E
S

0 0.1 0.2 0.4 Miles

# Rockport Rural Village

MAP 2j

BK0094PG4726




## LEGEND 17938

[RV] Rural Village Residential

Commercial / Industrial

| | |
|---|---|
| [RB] | Rural Business |
| [RC] | Rural Center |
| [RVC] | Rural Village Commercial |
| [RFS] | Rural Freeway Service |
| [NRI] | Natural Resource Industrial |
| [SRT] | Small-Scale Recreation & Tourism |
| [CSB] | Cottage Industry / Small-Scale Business |
| [RMI] | Rural Marine Industrial |
| [MID] | Major Industrial Developments (No properties currently designated) |
| [MPR] | Master Planned Resorts (No properties currently designated) |

July 24, 2000

GIS Skagit County

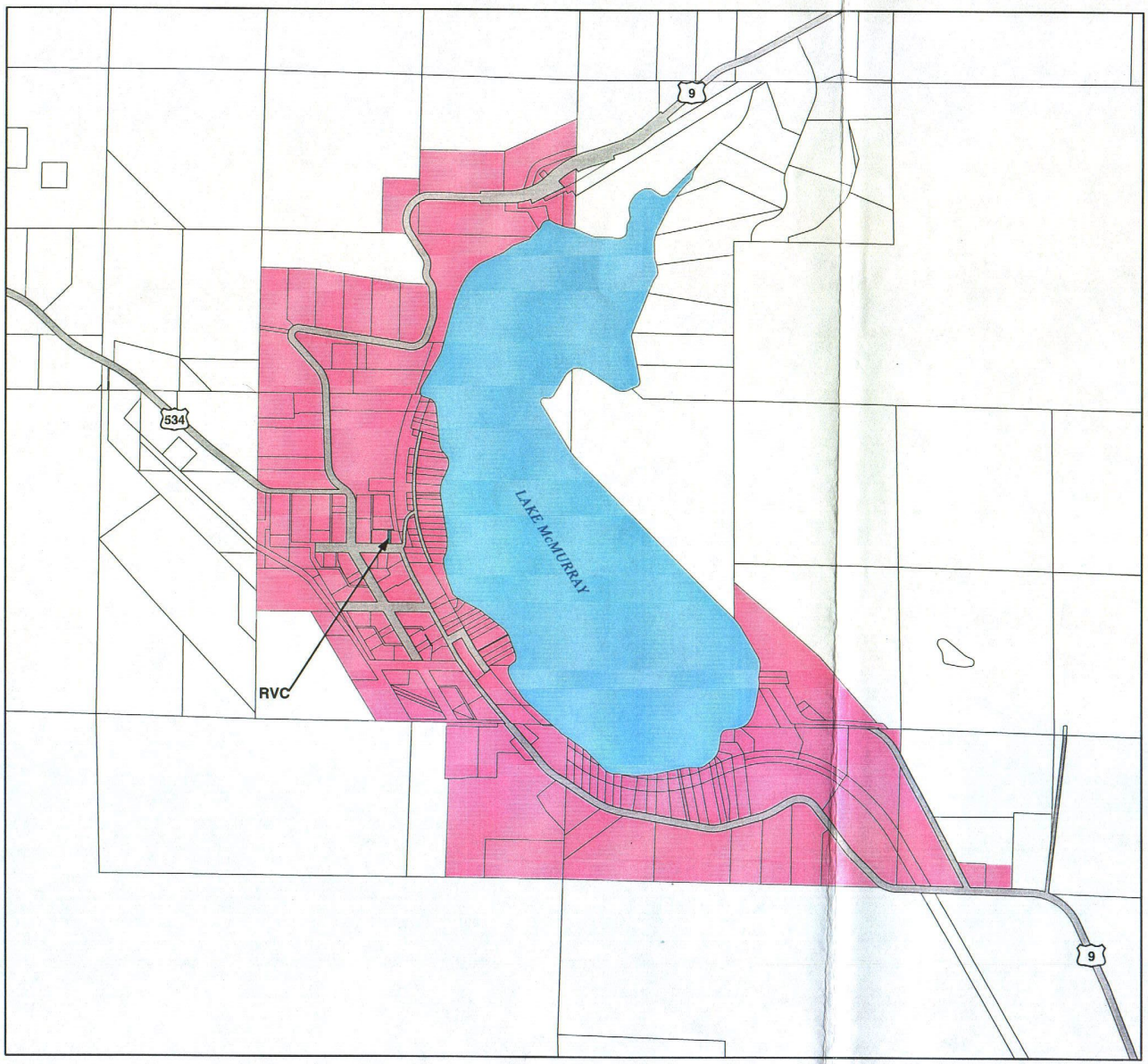
N W E S

0 0.1 0.2 0.4 Miles

# Marblemount Rural Village

MAP 2i

BK0094PG4725




## LEGEND 17938

[RV] Rural Village Residential

Commercial / Industrial

| | |
|---|---|
| [RB] | Rural Business |
| [RC] | Rural Center |
| [RVC] | Rural Village Commercial |
| [RFS] | Rural Freeway Service |
| [NRI] | Natural Resource Industrial |
| [SRT] | Small-Scale Recreation & Tourism |
| [CSB] | Cottage Industry / Small-Scale Business |
| [RMI] | Rural Marine Industrial |
| [MID] | Major Industrial Developments (No properties currently designated) |
| [MPR] | Master Planned Resorts (No properties currently designated) |

July 24, 2000

GIS
Skagit County

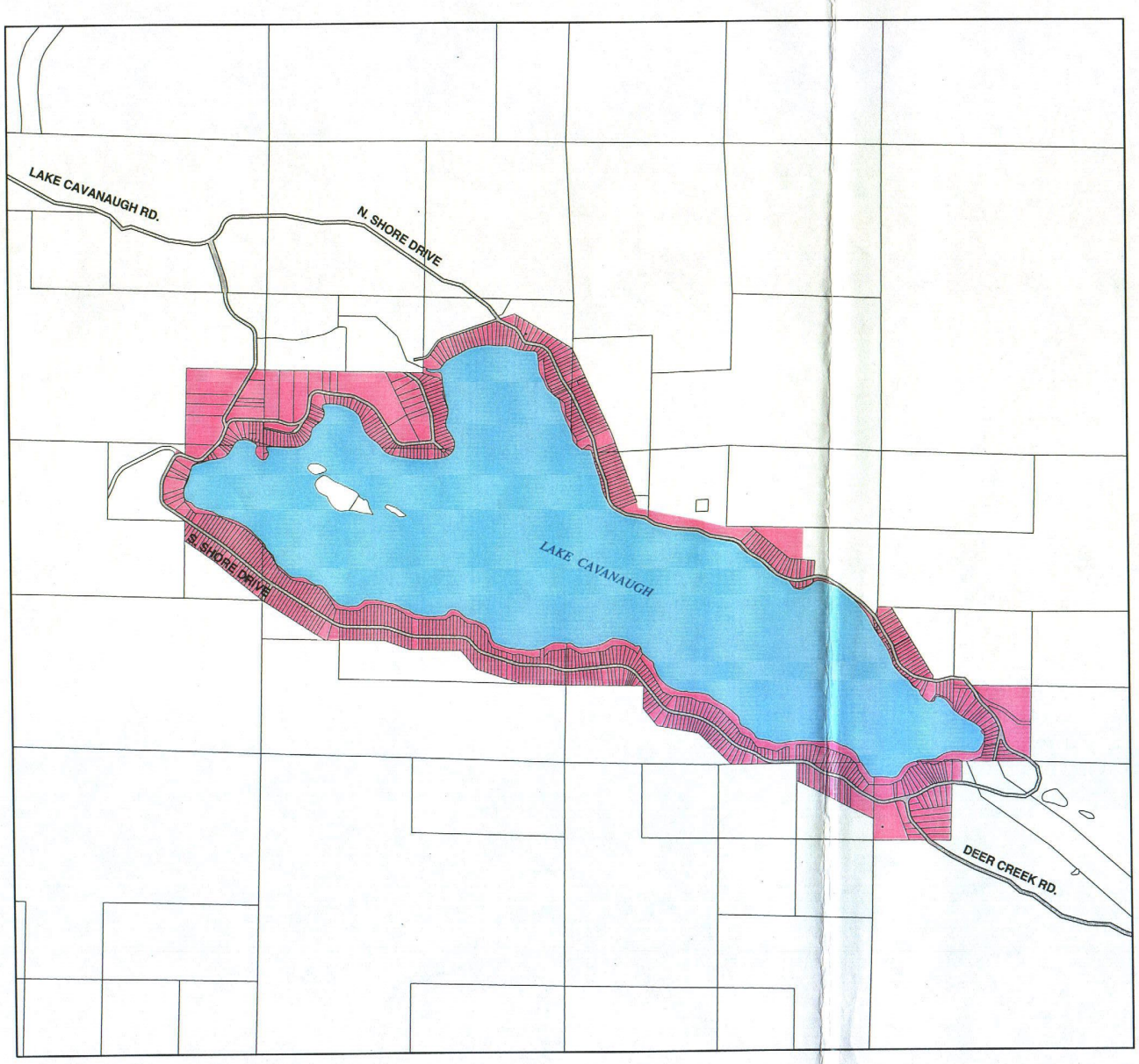
N
W E
S

0 0.125 0.25 0.5 Miles

# Lake McMurray Rural Village

MAP 2h

BK0094PG4724




## LEGEND

17938

[RV] Rural Village Residential

Commercial / Industrial

| | |
|---|---|
| [RB] | Rural Business |
| [RC] | Rural Center |
| [RVC] | Rural Village Commercial |
| [RFS] | Rural Freeway Service |
| [NRI] | Natural Resource Industrial |
| [SRT] | Small-Scale Recreation & Tourism |
| [CSB] | Cottage Industry / Small-Scale Business |
| [RMI] | Rural Marine Industrial |
| [MID] | Major Industrial Developments (No properties currently designated) |
| [MPR] | Master Planned Resorts (No properties currently designated) |

**July 24, 2000**

GIS
Skagit County

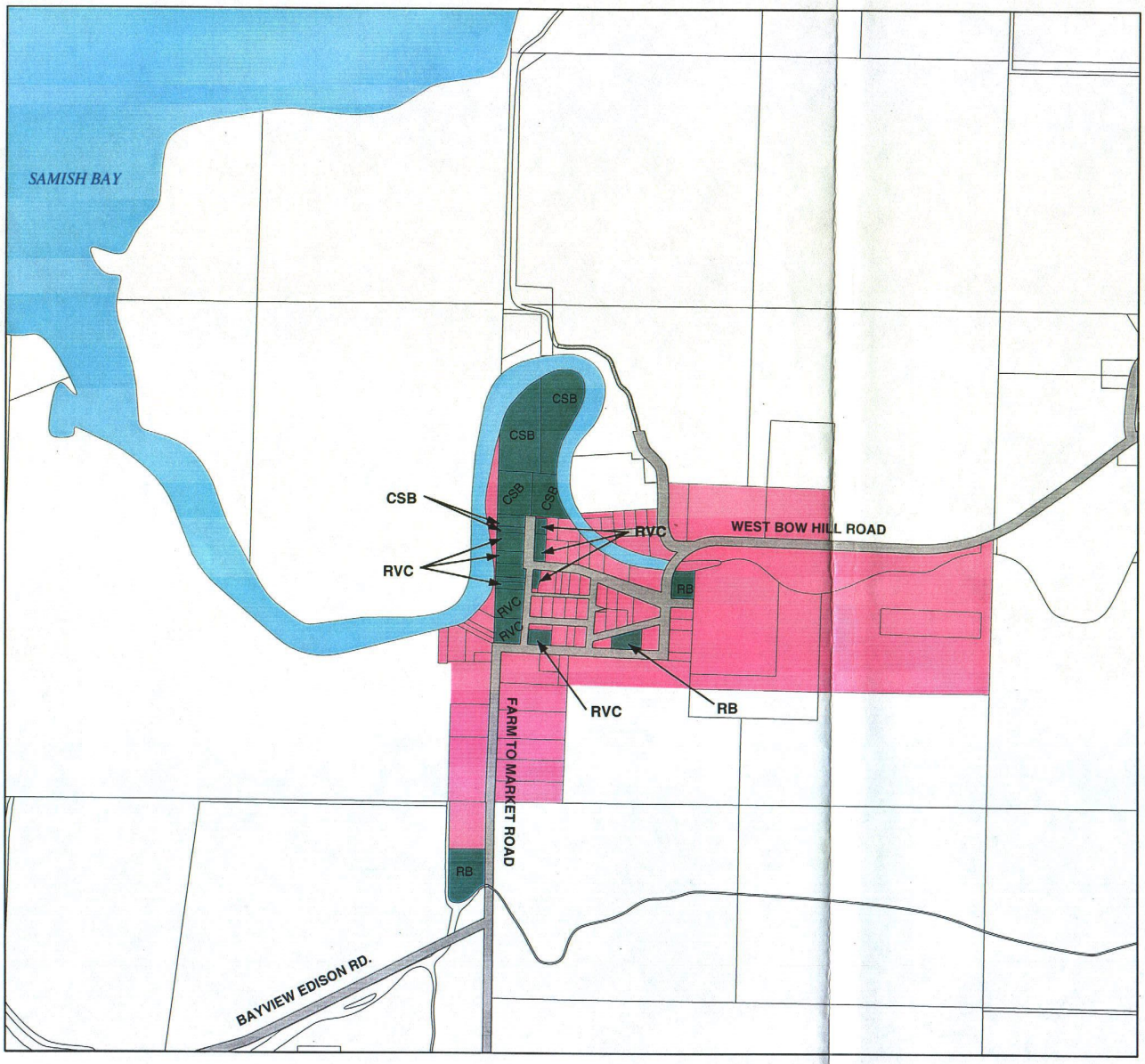
N
W E
S

0 0.25 0.5 1 Miles

# Lake Cavanaugh Rural Village

BK0094PG4723

MAP 2g




## LEGEND

17938

[RV] Rural Village Residential

Commercial / Industrial

| | |
|---|---|
| [RB] | Rural Business |
| [RC] | Rural Center |
| [RVC] | Rural Village Commercial |
| [RFS] | Rural Freeway Service |
| [NRI] | Natural Resource Industrial |
| [SRT] | Small-Scale Recreation & Tourism |
| [CSB] | Cottage Industry / Small-Scale Business |
| [RMI] | Rural Marine Industrial |
| [MID] | Major Industrial Developments (No properties currently designated) |
| [MPR] | Master Planned Resorts (No properties currently designated) |

July 24, 2000

GIS
Skagit County

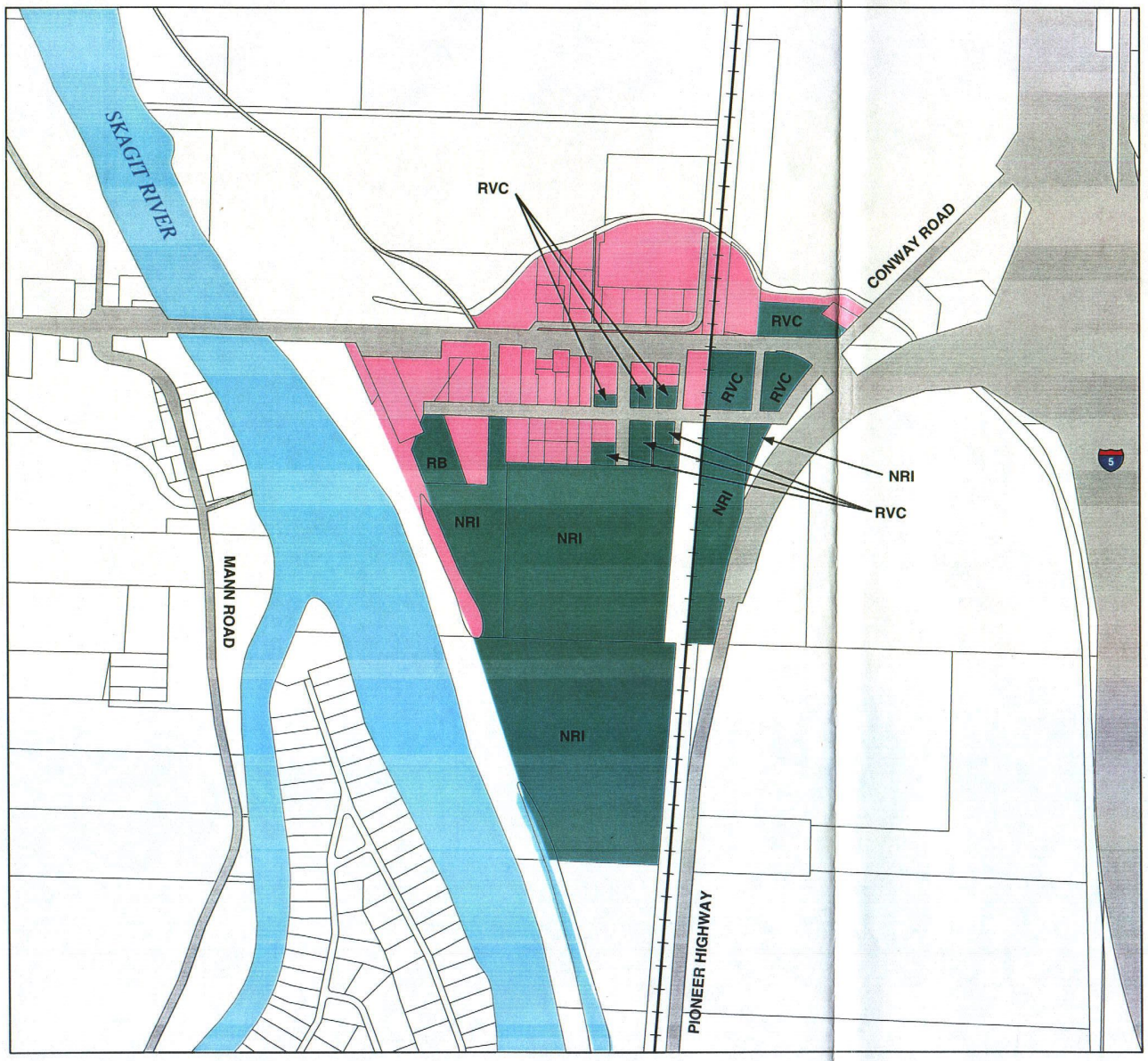
N
W E
S

0 0.05 0.1 0.2 Miles

# Edison Rural Village

BK0094PG4722

MAP 2f




## LEGEND

17938

[RV] Rural Village Residential

Commercial / Industrial

| | |
|---|---|
| [RB] | Rural Business |
| [RC] | Rural Center |
| [RVC] | Rural Village Commercial |
| [RFS] | Rural Freeway Service |
| [NRI] | Natural Resource Industrial |
| [SRT] | Small-Scale Recreation & Tourism |
| [CSB] | Cottage Industry / Small-Scale Business |
| [RMI] | Rural Marine Industrial |
| [MID] | Major Industrial Developments (No properties currently designated) |
| [MPR] | Master Planned Resorts (No properties currently designated) |

July 24, 2000

GIS
Skagit County

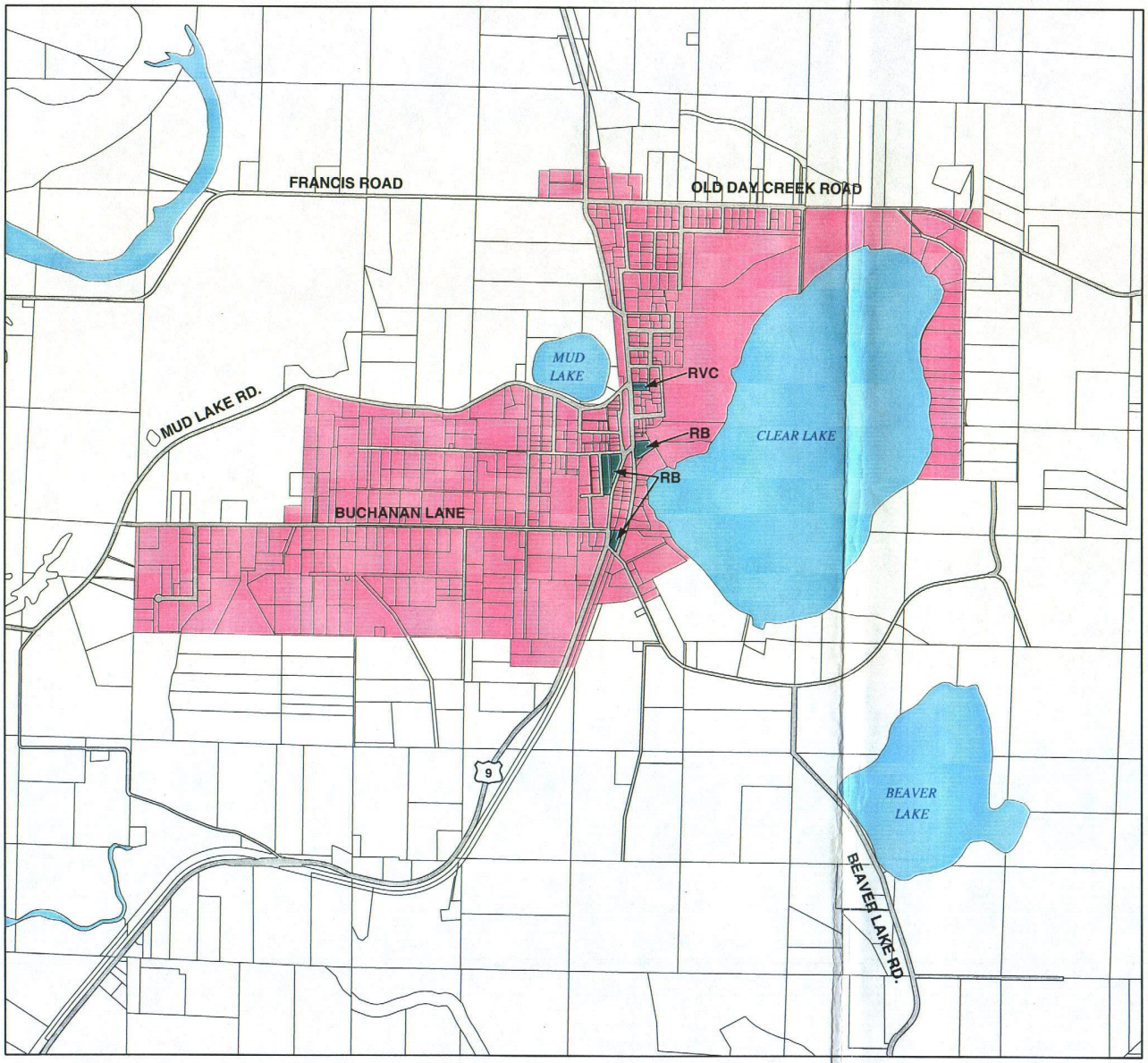
N
W E
S

0 250 500 1,000 Feet

# Conway Rural Village

MAP 2e

BK0094PG4721




## LEGEND 17938

[RV] Rural Village Residential

Commercial / Industrial

| | |
|---|---|
| [RB] | Rural Business |
| [RC] | Rural Center |
| [RVC] | Rural Village Commercial |
| [RFS] | Rural Freeway Service |
| [NRI] | Natural Resource Industrial |
| [SRT] | Small-Scale Recreation & Tourism |
| [CSB] | Cottage Industry / Small-Scale Business |
| [RMI] | Rural Marine Industrial |
| [MID] | Major Industrial Developments (No properties currently designated) |
| [MPR] | Master Planned Resorts (No properties currently designated) |

July 24, 2000

GIS
Skagit County

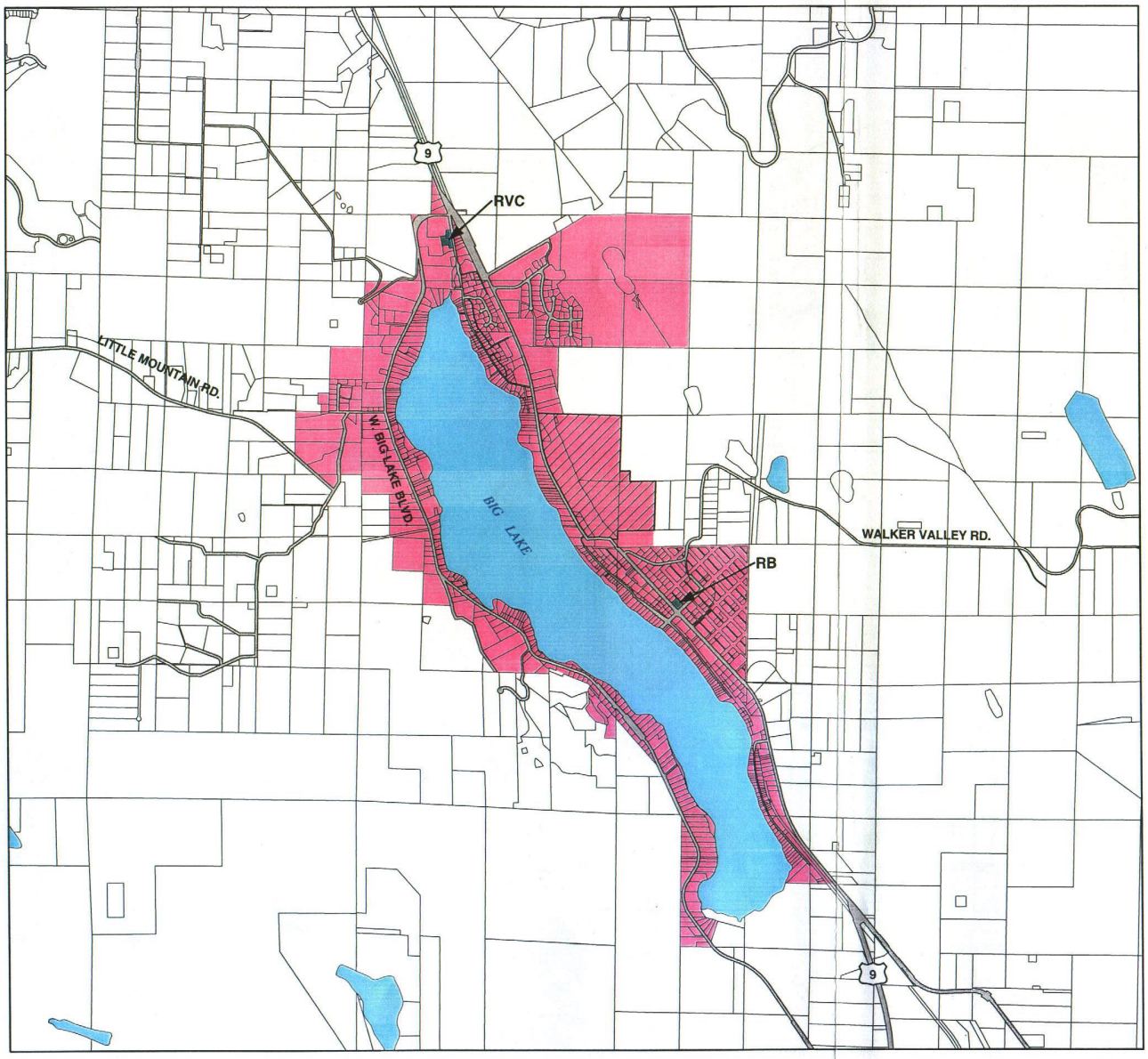
N
W E
S

0 0.125 0.25 0.5 Miles

# Clear Lake Rural Village

MAP 2d

BK0094 PG4720




## LEGEND 17938

- [RV] Rural Village Residential
- [RV] Rural Village Residential (Land divisions only by CaRD)
- Commercial / Industrial
  - [RB] Rural Business
  - [RC] Rural Center
  - [RVC] Rural Village Commercial
  - [RFS] Rural Freeway Service
  - [NRI] Natural Resource Industrial
  - [SRT] Small-Scale Recreation & Tourism
  - [CSB] Cottage Industry / Small-Scale Business
  - [RMI] Rural Marine Industrial
  - [MID] Major Industrial Developments (No properties currently designated)
  - [MPR] Master Planned Resorts (No properties currently designated)

**July 24, 2000**

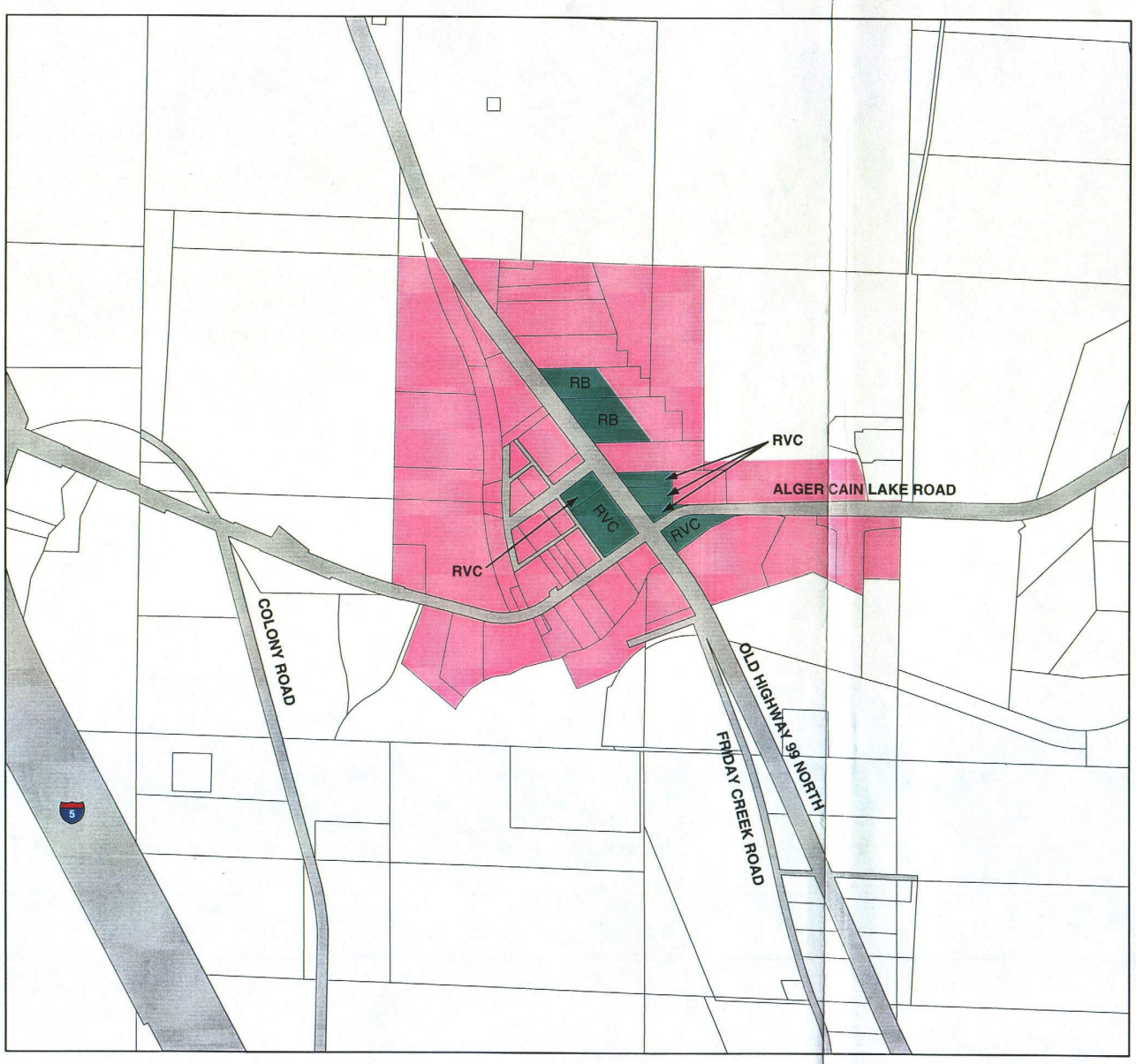
GIS
Skagit County

N
W E
S

0 0.25 0.5 1 Miles

# Big Lake Rural Village

BK0094PG4719 MAP 2c




## LEGEND

17938

[RV] Rural Village Residential

Commercial / Industrial

| | |
|---|---|
| [RB] | Rural Business |
| [RC] | Rural Center |
| [RVC] | Rural Village Commercial |
| [RFS] | Rural Freeway Service |
| [NRI] | Natural Resource Industrial |
| [SRT] | Small-Scale Recreation & Tourism |
| [CSB] | Cottage Industry / Small-Scale Business |
| [RMI] | Rural Marine Industrial |
| [MID] | Major Industrial Developments (No properties currently designated) |
| [MPR] | Master Planned Resorts (No properties currently designated) |

July 24, 2000

GIS
Skagit County

N
W E
S

0 0.1 0.2 0.4 Miles

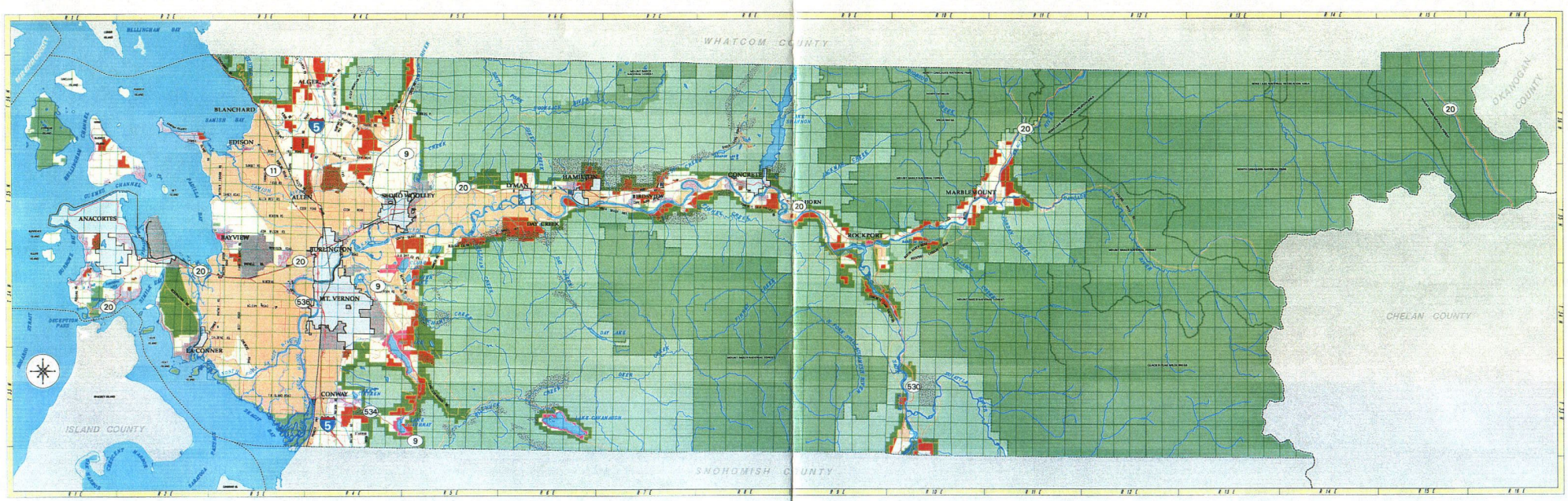
# Alger Rural Village

MAP 2a

BK0094PG4717

17938

# SKAGIT COUNTY
# COMPREHENSIVE PLAN DESIGNATIONS
# AND ZONING DISTRICTS




Skagit County Mapping GIS Geographic Information System

**LEGEND**
- Incorporated Areas
- (UGA) Urban Growth Areas

**RURAL**
- (RRv) Rural Reserve
- (RI) Rural Intermediate
- (RV) Rural Village Residential

**NATURAL RESOURCE LAND**
- (Ag-NRL) Agriculture - NRL
- (SF-NRL) Secondary Forest - NRL
- (IF-NRL) Industrial Forest - NRL
- (MRO) Mineral Resource Overlay

**COMMERCIAL / INDUSTRIAL**
- Commercial / Industrial
- (RB) Rural Business
- (RC) Rural Center
- (RVC) Rural Village Commercial
- (RFS) Rural Freeway Service
- (NRI) Natural Resource Industrial
- (SRT) Small Scale Recreation & Tourism
- (CSI) Cottage Industry / Small-Scale Business
- (RMI) Rural Marine Industrial
- (MID) Major Industrial Developments (No properties currently designated)
- (MPR) Master Planned Resorts (No properties currently designated)

**PUBLIC / OPEN SPACE**
- (OSRSI) Public Open Space of Statewide/Regional Importance

This map is reduced in scale and is intended for illustrative purposes only. Larger scale maps are available for review. For more precise information regarding the specific location of features depicted on the map, contact the Skagit County Planning and Permit Center.

JULY 24, 2000

0 mi. 5 mi.

Scale in Miles

MAP 1

BK0094 PG4716

# TABLE OF CONTENTS

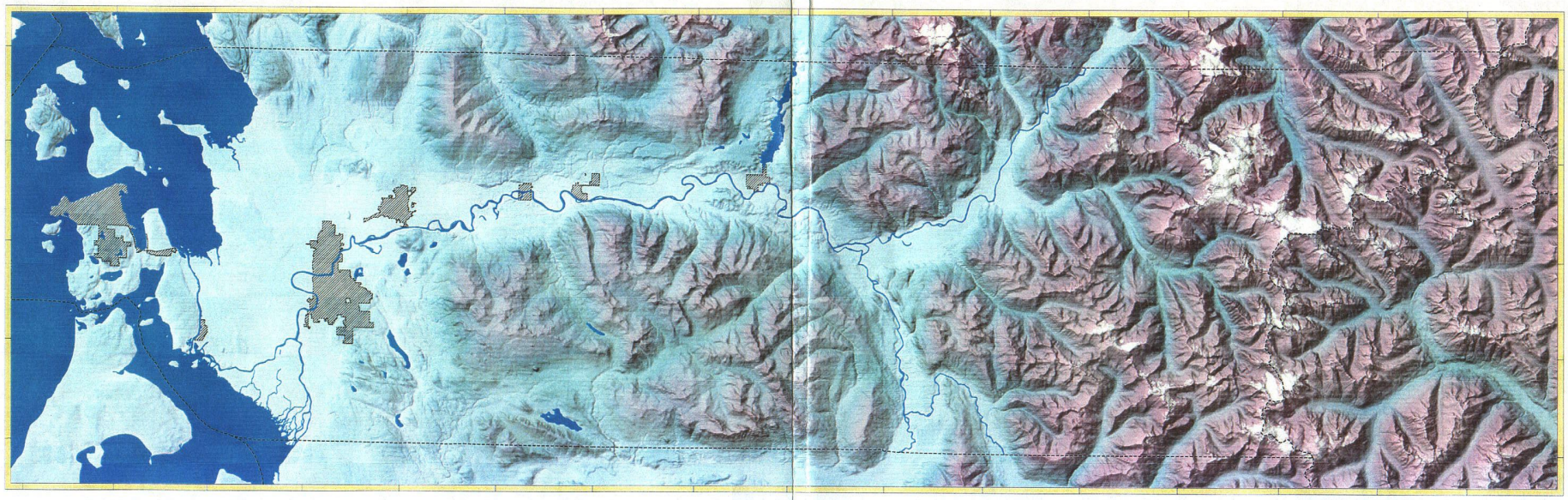

| MAP | TITLE | SOURCE |
|---|---|---|
| 1 | Comprehensive Plan Land Use Designations/Zoning Districts | Designation Criteria in the Land Use Element |
| 2A-J | Rural Villages | Designation Criteria in the Land Use Element |
| 3A-G | Urban Growth Areas | Designation Criteria in the Land Use Element |
| 4 | Natural Resource Lands | Designation Criteria in the Land Use Element |
| 5 | Generalized Land Use – 1990 | Skagit County Pre GMA zoning maps |
| 6 | Floodplain and Floodway | FEMA |
| 7 | Land Cover | Natural Resource Lands Classification Program – Landsat Imagery |
| 8 | Volcano and Geologic Hazards | USGS Geological Survey |
| 9 | Potential Landslide & Erosion Areas | USDA Soil Conservation Service, Soil Survey of Skagit County, WA |
| 10 | Generalized National Wetlands | DNR (stream data), SCS (hydric soils), US Department of Interior |
| 11 | Priority Habitats & Species | Washington Department of Fish & Wildlife |
| 12 | Alluvial Fans | USDA Soil Conservation Service |
| 13 | Wellhead Protection Areas | Skagit County Planning and Permit Center |
| 14 | Skagit County Telecommunications | Local Phone Companies |
| 15 | Natural Gas Franchise Areas | Cascade Natural Gas Co. |
| 16A-B | Electrical Transmission System – Existing | Puget Power Co. |
| 17A-B | Electrical Transmission System – Proposed | Puget Power Co. |
| 18 | Water Service Areas | Skagit County Coordinated Water System Plan |
| 19 | Skagit County Drainage Districts | Skagit County Public Works |
| 20A-B | Transportation Road Inventory | Skagit County Public Works |
| 21 | School Districts | School Districts |
| 22 | Fire Districts | Fire Districts |
| 23 | Transit Service Areas | Skagit County Area Transit (SKAT) |
| 24 | Public Sewer Service Areas | City of Burlington, Big Lake Sewer District, Swinomish Tribal Utility |


Note: Larger maps are available at the Skagit County Planning and Permit Center, 200 West Washington Street, Mount Vernon

BK0094PG4715

# SKAGIT COUNTY

17938



# COMPREHENSIVE PLAN
# MAP PORTFOLIO

*July 24, 2000*

BK0094PG4714

17938

# Attachment L

17938

# Attachment L
# Comprehensive Plan/Zoning Map

## Oversize Attachment
## Under Separate Cover

Available at the Skagit County
Planning & Permit Center
200 West Washington Street
Mount Vernon, WA 98273

#17938

EXHIBIT L IS A LARGE SET OF MAPS

AND IS STORED IN THE COMMISSIONERS'

NEW CONFERENCE ROOM