



# Comprehensive Plan Policy or Development Regulation Amendment Suggestion

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273  
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Per RCW 36.70A.470(2), this form is intended for use by any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest amendments to Skagit County's Comprehensive Plan policies or its development regulations, which are contained in Skagit County Code Title 14. Please do not combine multiple unrelated Comprehensive Plan policy or development regulation amendments on a single form. This form is for policy or development regulation amendments; use the Comprehensive Plan Map Amendment Request form for changes to the land use/zoning map.

## Submitted By

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## Proposal Description

Please answer all of the questions below that are applicable to your suggestion.

1. Describe your proposed amendment.

Prohibit the future development of wetland mitigation banks or allowing service areas from mitigation banks in other counties in Skagit County.

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

Two privately operated wetland mitigation banks currently exist in Skagit County and in the City of Mount Vernon. The Planning Commission and the County Commissioners passed an interim moratorium on wetland mitigation banks on Ag-NRL land during the appeals process for the Skagit Environmental Bank. Planning staff recommended a moratorium on additional banks as did members of the public.

The City of Bellingham is currently proposing to develop and operate a multi-location wetland mitigation bank that lists portions of Skagit County in its service area.

There is no language concerning wetland mitigation banks in the Comprehensive Plan.

A permanent prohibition and moratorium on wetland mitigation banks in the Ag-NRL zones ensures the land will be available for future food production and farming uses. Preserving NRLs is the first principle of the State Growth Management Act. Skagit practices in planning, policies and code enforcement should reflect this required goal.

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

Sections that addresses critical areas and wetlands mitigation. Sections that concern development and allowed mitigation measures.

4. If you are suggesting revision to the Comprehensive Plan, would the revision create inconsistencies with existing sections of the Comprehensive Plan? If so, please list those sections:

No.

5. If you are suggesting revision to the Comprehensive Plan, would the revision require corresponding amendments to the County's development regulations?

Yes. Wetland mitigation banks being prohibited on Ag-NRL lands is SCC 14.16.400(4) Agricultural Natural Resource Lands – Ag-NRL (4) Hearing Examiner's Special Uses (c) Habitat enhancement and/or restoration projects, except "mitigation banks" as defined by SCC 14.04.020.

14.24.250 Wetland alternative compensation projects(4) (e) programs consistent with the provisions outlined in the Department of Ecology's publications No. 06-06-011A and No. 06-06-011B (Wetland Mitigation in Washington State, Part 1 and Part 2), Chapter 90.84 RCW and Chapter 173-700 WAC will be considered as a method of compensation for unavoidable, adverse wetland impacts associated with future development. (Ord. O20080014 (part))

6. *If you are suggesting revision to a particular section of Skagit County Code Title 14, please identify which section(s).*

Cited above.

7. *If you are suggesting this development regulation amendment as a result of a particular project or permit application, please identify which project or application:*

No.

8. *If you are suggesting specific language as part of your amendment, please attach that specific language. Specific language is not required.*

If a total prohibition of wetland mitigation banks is not possible (because the Dept. of Ecology's and US Army Corps of Engineers' authority to permit, create and operate these in any municipality), please create language that would set performance thresholds and criteria that would limit the use of new banks in Skagit County and address the inclusion of Skagit County lands in other county's wetland mitigation bank service areas.

9. *Describe why existing Comprehensive Plan policies should not continue to be in effect or why they no longer apply.*

This request is to strengthen existing policies especially those concerning identifying and protecting Ag-NRL and other rural zoned lands that are in agricultural production use or may be used for this in future.

10. *Describe how the amendment complies with the Comprehensive Plan's community vision statements, goals, objectives, and policy directives.*

The Comprehensive Plan and the County Planning Policies clearly emphasize identification and preservation of Natural Resource Lands including agriculture, forestry and mineral parcels. Wetland mitigation banks on land that was used for agricultural purposes, in Ag-NRL zoning or in other rural zones, jeopardize the ability of the county to maintain an agricultural land base that is the foundation of Skagit's economic success. Prohibiting conversion of farmland (as well as forest and mineral lands) should be clear and uncompromised in the Comprehensive Plan.

11. *Describe the anticipated impacts to be caused by the change, including geographic area affected and issues presented.*

Prohibiting additional wetland mitigation banks, especially on Ag-NRL lands and prohibiting the designation of Skagit County parcels as a service area for another county's proposed wetland mitigation bank service area will keep Ag-NRLs for use as farmland, rather than converting farmland to another use. The geographic area affected is all of Skagit County, especially those zoned Ag-NRL and including lands in rural zones that are currently used for farmland and/or food production.

12. *Describe how adopted functional plans and Capital Facilities Plans support the change.*

N/A

13. *Describe any public review of the request that has already occurred.*

The Planning Commission and Commissioners addressed the temporary moratorium on wetland mitigation banks in 2009. However, that review only addressed mitigation banks created on Ag-NRL parcels and it did not address the use of Skagit land in another county's proposed wetland mitigation bank service area.

**Fees.** No fees are required for a policy or code change suggestion, per Skagit County Fee Schedule, SCC 14.08.030(3).

**Docketing.** SCC Chapter 14.08 governs the process for docketing of Comprehensive Plan amendments; suggestions for changes to the development regulations are docketed following the same process. Docketing of a suggestion is procedural only and does not constitute a decision by the Board of County Commissioners as to whether the amendment will ultimately be approved. Amendments are usually concluded by the end of the year following the request. State law generally prohibits the County from amending its Comprehensive Plan more than once per year.

**Submission deadline.** Suggestions must be received by the last business day of July for docketing. Suggestions received after that date will not be considered until the following year's docket.

**How to Submit.** Submit your suggestion via email (preferred) to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us) or to Planning & Development Services at the address above.