



Planning & Development Services

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Executive Summary

To: Skagit Board of County Commissioners
From: Robby Eckroth, AICP, Senior Planner
Re: Executive Summary of Critical Areas Ordinance Amendments
Date: July 15, 2025

Objective

The Growth Management Act (GMA) requires all cities and counties in Washington to adopt regulations protecting “critical areas”. The Washington State Growth Management Act (GMA) requires Skagit County to update its Comprehensive Plans and implementing development regulations every 10 years (RCW 36.70A.130). As part of that update, the County is required to evaluate and, if needed, revise its Critical Areas Ordinance (CAO). This executive summary highlights the most significant proposed amendments and is intended to supplement the staff report distributed in advance of the July 7, 2025, work session.

Summary of Proposed Amendments

The proposed amendments are presented in order of significance.

1. **Standard Riparian Buffer Widths – SCC 14.24.530(1)(c).** Staff propose increasing standard riparian buffer widths from:
 - 50’ to 100’ for non-fish-bearing streams, and
 - 100’ to 150’ for fish-bearing streams less than five feet wide (All other fish-bearing streams, excluding shoreline streams, have 150’ buffer in the current code).

This change is in response to Best Available Science (BAS) guidance from the Washington Department of Fish and Wildlife, which recommends transitioning from the “stream buffer” concept to “riparian management zones” (RMZs). RMZs are based on the Site Potential Tree Height (SPTH) framework, which can result in variable and unpredictable buffer widths. To provide more consistency for applicants, staff recommend adopting wider standard buffer widths and increased native plant coverage in lieu of the SPTH approach.

More detail on SPTH is available in the BAS Report, Section 6.4.1 (Page 51) and the Gap Analysis, Section 6.4 (Page 24).

2. **Reasonable Use and Variance – SCC 14.24.140-150.** County staff have found that the current County regulations for Reasonable Use Exemption and Variance requests result in the Reasonable Use Exemption process not being viable, and applicants undergoing the Variance process instead. County staff and consultant staff have made changes to the code that sets clear allowances for residential development when the strict application of the critical area ordinance would result in the loss of all economically viable use of the property. This includes transitioning most of these types of projects to be reviewed under a reasonable use exception rather than a variance process. The intention is to make the reasonable use process an administrative review that is more streamlined than the variance process while maintaining protection of the resource (Type 2 review process). If a project does meet the criteria for a reasonable exception the applicant has the option to apply for a variance.

3. **Wetlands – SCC 14.24.200-250. Wetlands (SCC 14.24.200 - 14.24.250).** The Gap Analysis (see Sections 3.1-3.6) has found the need to update CAO sections pertaining to wetlands for BAS regarding:

- Rating systems
- Protection standards
- Buffer alternatives
- Off-site compensation allowances

Proposed updates to the wetland protection standards do not result in wetland buffer increases.

4. **Ongoing Agriculture – SCC 14.24.120.** The section regarding ongoing agriculture stays the same from an implementation perspective, however, staff worked with the Skagit Drainage and Irrigation District Consortium to update terminology to be consistent with the Drainage Fish Initiative (DFI) to clarify the information used in determining the presence of salmonids.

5. **Aquifer Recharge Areas – SCC 14.24.300 – 14.24.340.** The Gap Analysis (see Sections 4.1-4.4) has found the need to update CAO sections pertaining to critical aquifer recharge areas for BAS regarding:

- Terminology
- Designations, mapping resources used, and category definitions
- Site assessment criteria
- Increased emphasis on best management practices, based on development activity, that are required to ensure protection of groundwater.
- Removed much of the defunct “Flow Sensitive Basin” language and provided a reference to the state In-stream Flow Rules, which have superseded flow sensitive basin requirements.

These changes may reduce the need for hydrogeological site assessments, particularly for residential subdivisions.

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6. **Seawater Intrusion Areas – SCC 14.24.380.** Updates to this section include:
- Added clarity to application requirements for new wells (SCC 14.24.380(3)).
 - Added clarity to development standards for wells (SCC 14.24.380(5)).
 - New sampling requirement as a condition for all groundwater sources located in seawater intrusion areas (SCC 14.24.380(6)).
7. **Stormwater.** During the initial public comment period, several commenters requested that the County strengthen development standards and critical areas review to better assess off-site impacts and pollutant loads from stormwater runoff. Some of these comments referenced a Growth Management Hearings Board appeal involving Stevens County, which determined that Stevens County failed to protect critical areas from stormwater impacts. At the time, Stevens County lacked stormwater regulations applicable to rural areas.

In contrast, Skagit County has comprehensive stormwater and grading requirements that apply to subdivisions and most other types of development. These regulations include requirements for water quality protection, and in some cases stormwater treatment. Additionally, Skagit County complies with the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit for Western Washington, which requires a multi-faceted approach to control water quality from new development, existing development, and public infrastructure.

All development in Skagit County must comply with both the Critical Areas Ordinance (SCC 14.24) and the Stormwater Management Code (SCC 14.32), which aligns with the 2024 Stormwater Management Manual for Western Washington.

8. **Small Park Structures – SCC 14.24.240(6)(b)&540(4)(e).** Language added to allow structures under 200 square feet in publicly managed parks within Wetland and FWHCA buffers. This would avoid requiring variances for small vault or composting toilets or other small site-appropriate structures from being placed in buffers when not feasible to place elsewhere.
9. **Protected Critical Areas – SCC 14.24.230(5)&530(5).** In response to BAS protective measures for wetlands and FWHCAs, the proposed update introduces more specific criteria for adopting previously established Protected Critical Areas (PCAs). To qualify, the existing buffer must meet the following conditions: it must retain at least 50% of the current buffer width, be densely vegetated with native plants, and have an unchanged Ordinary High Water Mark or wetland boundary. If these criteria cannot be met, flexibility is provided by allowing development within the previously approved impact area.

Additional Information

The second draft, along with the staff report and other supporting documents have already been provided to the Board and is also available on the County's project webpage at the following address: <https://skagitcounty.net/2025cpa>