



# Planning & Development Services

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## Planning Commission Public Hearing

*Staff report concerning the 2019 Docket of Comprehensive Plan Policies, Land Use Map, and Development Code Amendments*

**To:** Skagit County Planning Commission  
**From:** Michael Cerbone, AICP: Assistant Director  
**Re:** 2019 Docket of Comprehensive Plan Policy, Map, and Code Amendments  
**Date:** December 11, 2019

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### Summary

Planning and Development Services (PDS) is providing this staff report in advance of the January 21, 2019 Planning Commission public hearing as required by Skagit County Code (SCC) 14.08.080 for the 2019 Comprehensive Plan policies, Land Use map, and Development Code amendments (Docket). The following sections describe the regulatory background for the yearly amendments; provide a synopsis of the previous two hearings and deliberations with the Board of County Commissioners (BOCC); analyze the proposed changes pursuant to local and State requirements; and describe the Department's (PDS) recommendations to the Planning Commission for deliberation. The previous staff reports, draft maps, citizen comments, public noticing documents, and other supporting materials concerning this year's Docket are available at the following project webpage: [www.skagitcounty.net/2019CPA](http://www.skagitcounty.net/2019CPA).

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### Background

#### *State Law and Previous Public Hearings*

Chapter 36.70A of the Revised Code of Washington (RCW): Growth Management Act, authorizes Skagit County to amend its Comprehensive Plan and land use map once per year through the annual Docket process. The BOCC have held two public hearings and subsequent deliberations concerning the 2019 amendments in advance of the Planning Commission's public hearing. The table below provides the dates and describes the actions taken at each of these meetings:

Date	Meeting Type - SCC 14.04.080	Actions
January 7, 2019 January 22, 2019 February 4, 2019	BoCC Notice of Availability and Public Hearing	Notice was posted in the paper
January 29, 2019	BoCC Public Hearing	Public Hearing to determine which petitions merit inclusion in the 2019 Docket.
March 11, 2019	BoCC Public Hearing	Additional Public Hearing to determine which petitions merit inclusion in the 2019 Docket.
March 19, 2019	BoCC Deliberations	2019 Docket established through Resolution # R20190052.

This year's docket includes twelve proposals to amend the Comprehensive Plan, Land Use map, and development regulations. The Staff Report to the BOCC providing analysis of each petition against the docketing criteria in the Comprehensive Plan and development code is available at the following website:

[https://www.skagitcounty.net/PlanningAndPermit/Documents/2019CPA/10%20Docketing%20Memo\\_CPA2019.pdf](https://www.skagitcounty.net/PlanningAndPermit/Documents/2019CPA/10%20Docketing%20Memo_CPA2019.pdf)

The next section of this report demonstrates the Departments compliance with the State Environmental Policy Act (SEPA) and public notice requirements of Chapters 14.08 and 16.12 SCC in regards to the 2019 Docket.

## Findings of Fact

*SEPA and Chapter 14.08 SCC*

The following sections demonstrate the County's compliance with the procedural requirements for legislative actions pursuant to local and State requirements:

1. *Compliance with the State Environmental Policy Act (Chapter 97-11 WAC, SCC 14.08.050, and SCC 16.12):*
  - Staff prepared an environmental checklist for the proposed amendments, dated December 10, 2019.
  - The SEPA official issued will issue a threshold Determination of Non-Significance (DNS) on December 19, 2019.
  - Any comments received prior to the close of the comment period will be presented to the Planning Commission at the scheduled public hearing.

***Conclusion – The proposed code amendment will satisfy local and State SEPA requirements at the conclusion of the comment period on before the public hearing.***

2. *Procedural Compliance with the Growth Management Act (RCW 36.70A.106):*
- The County requested review from the Department of Commerce on December 12, 2019.
  - The County must notify the Department of Commerce, at least 60 days in advance, of its intent to adopt comprehensive plan and development regulation amendments.
  - Staff will file the ordinance with the Department of Commerce within 10 days of the County Commission's action.

***Conclusion – The proposed code amendment will meet the Growth Management Act requirements.***

3. *Public Notice and Comments*
- The County will publish a Notice of Availability, Public Comment, and SEPA threshold determination in the Skagit Valley Herald on December 19, 2019 and December 26, 2019.
  - The County will mail notices to the property owners and property owners of the affected properties of the lands subject to the proposed Mineral Resource Overlay (MRO) removal, item PL18-0404.
  - The County will mail notices to the property owners of the affected properties and within 1,000 feet of the lands subject to Item P-4: Great Blue Herons.
  - Any comments received prior to the close of the comment period will be presented to the Planning Commission at the scheduled public hearing.

***Conclusion – The County has met the public notice requirements of SCC 14.08.070.***

## Petitions

### *Policy and Code*

The full text of each petition as originally submitted or proposed is available on the 2019 Comprehensive Plan Amendment webpage at [www.skagitcounty.net/2019CPA](http://www.skagitcounty.net/2019CPA). The following section describes each proposed amendment, evaluates each petition according to the review criteria in SCC 14.08.060 and SCC 14.08.080, and provides PDS's recommendations for the Planning Commission's consideration.

**Attachment 1** includes the recommended proposed policy and code amendments for the staff initiated amendments (items C-1 through C-8). **Attachment 2** includes options for the proposed citizen initiated amendments (items P-1, P-2, P-4 and PL18-0404). **Attachment 3** is a map that shows Mineral Resource Overlay that is the subject of PB18-0404. **Attachment 4** depicts the known location of Great Blue Heron nesting sites with more than twenty nests and the recently abandoned nesting site on Samish Island.

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## **Skagit County Comprehensive Plan Amendment**

### **C-1: Modify Comprehensive Plan Policy: Guemes Island Ferry**

#### **Summary**

Docket item C-1 amends the Comprehensive Plan to update the capital project cost summary (page 456); and Exhibits 41 and 42 (page 492) to reflect revised funds and costs for the replacement of the Guemes Island Ferry. See Attachment 1 for more detail on the proposed amendments.

#### **SCC 14.08.080 (6) and (7): Review by Planning Commission**

##### **1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

**Discussion:** The proposed modifications to the Comprehensive Plan provide more accurate information concerning project costs and funding sources for the replacement of the Guemes Island Ferry. The text in the capital project cost summary (page 456) is being changed to reflect the county's decision to replace the existing ferry with a new electric ferry and reference the 2020-2025 Transportation Improvement Program (TIP). Project costs are proposed to be updated to be consistent with 2020-2025 TIP. Revenue statements are proposed to be revised to reflect the ferry surcharge that went into effect in 2018 and grant funding from the County Ferry Capital Improvement Program (CRAB). The proposed amendments ensure the Comprehensive Plan reflects the most up to date information concerning the anticipated costs and revenue sources for the replacement of Guemes Island Ferry. The proposed amendments are consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and do not interfere with ability to implement the comprehensive plan.

##### **2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

**Discussion:** The amendments are proposed to update the comprehensive plan with new funding sources and revised project costs so the comprehensive plan will reflect the accurate information located in the Capital Facilities Plan (CFP). The proposed amendments are intended to bring the comprehensive plan into alignment with the 2020-2025 TIP. The 2020-2025 TIP is a component of the CFP. The proposed amendments are supported by the CFP and the 2020-2025 TIP that is adopted via reference to the CFP.

##### **3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

**Discussion:** The Skagit County Comprehensive Plan as currently set forth has been found to be consistent with the Growth Management Act by the State of Washington. The procedures utilized for reviewing the proposed amendments are consistent with the GMA. There are no known conflicts between the amendment and the GMA.

The proposed amendments are consistent with the Countywide Planning Policies (CPPs), specifically Goal 3 and Policy 3.4 which read as follows:

#### *3. Transportation*

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*Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*

*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.*

The proposed amendments are based on the 2020-2025 TIP which adopted by reference in the 2020-2025 CFP which is a component of the Comprehensive Plan. The CFP includes an inventory of the existing Skagit County transportation network and the TIP includes an inventory of the improvement needs for the system. The proposed amendments ensure the comprehensive plan has accurate information and is consistent with other components of the comprehensive plan. The proposed amendments are consistent with the GMA, CPPs, and applicable provisions of the Comprehensive Plan.

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

**Discussion:** The goal of the amendment is to update the comprehensive plan to reflect funding sources and updated project costs for the replacement of the Guemes Island Ferry. The ferry is a component of the county's transportation system which provides access for residents and visitors to Guemes Island. The proposed amendments ensure the comprehensive plan has the most accurate information concerning the funding sources and costs associated with replacement of the ferry.

**Recommendation:**

The Department recommends that the proposed modifications to the Skagit County Comprehensive Plan Transportation Element Technical Appendix be **approved**.

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## **Skagit County Code Amendments**

### **C-2: Drainage District Coordination**

#### **Summary**

The goal of this amendment is to codify Comprehensive Plan Policy 4A-5.6 which reads as follows:

*Policy 4A-5.6*

*Drainage Plans. Minimize and mitigate flooding and drainage impacts on agricultural lands. Skagit County will collaborate with the Drainage Districts on plans and policies, which will include incorporating the Drainage District's capacities, levels of service (LOS), and projected needs into the Skagit County Capital Facilities Plan.*

The County coordinates updates to the Capital Facilities Plan annually with Drainage Districts. The County is in the process of updating Skagit County Code Chapter 14.32 which regulates stormwater management, the update process will include coordination with the drainage districts.

#### **Recommendation:**

The Department recommends that proposed modifications to Chapter 14.32 be **deferred** to the 2020 department workplan and the project that is currently underway.

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### C-3: Binding Site Plan Revisions

#### Summary

The proposed amendment would remove the requirement for a Binding Site Plan to be completed for commercial or industrial development that involves two or more leases. See Attachment 1 for more detail on the proposed amendment. These proposed amendments are intended to apply to new applications only and not be utilized for justifications to invalidate an existing binding site plan.

#### SCC 14.08.080 (6) and (7): Review by Planning Commission

**1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

**Discussion:** The proposed amendment to delete SCC 14.18.500(2)(c) will no longer require applicants to record a binding site plan in order to lease space to two or more entities within a single development. The comprehensive plan does not have any statements specific to binding site plans or how leases should be regulated. The proposal is consistent with Goal 11B-6 of the Economic Development Chapter of the Comprehensive Plan which reads:

*Promote the retention and expansion of existing local businesses as a first priority while also promoting the start-up of new businesses particularly those providing living wage jobs.*

A binding site plan is a process authorized by the State of Washington (RCW 58.17.035) to provide an “alternative method of land division”. The statute does not require a jurisdiction to accommodate the process, rather it allows a jurisdiction to adopt procedures if they choose to. The code as currently drafted requires a property owner to complete a binding site plan (land division) in order to be able to lease to two or more entities. Staff believes that applicants should have the option of using a binding site plan to complete a land division to facilitate lease of space, but does not believe an applicant should be required to do this. The requirement places additional burden on applicants in order to lease space which is not required by law.

Staff was unable to locate any statements, goals, objectives or policy directives that directly related to regulating leased space or to binding site plans within the Comprehensive Plan. The proposed amendment would assist with implementing Goal 11B-6 of the Comprehensive Plan. Staff was unable to locate any conflicting statements within the comprehensive plan, staff concludes that the proposed amendment is consistent with and preserves the integrity of the Comprehensive Plan.

**2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

**Discussion:** The proposed amendment does not change any elements of the CFP or other functional Plans. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan. Staff has found the proposed amendment to be consistent with the Comprehensive Plan and further found that the proposal assists with implementing the Comprehensive Plan. Staff therefore finds the proposal is supported by the Capital Facilities Plan.

The proposed amendment is supported by the Skagit County Comprehensive Economic Development Strategy (CEDS), prepared by E. D. Hovee and Company in July 2003. The amendment assists with

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addressing the “Economic & Development Priorities”, specifically number 6 which focuses on attracting high technology investment to Skagit County:

*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.*

The proposed amendment reduces the time associated with leasing which assists developers with providing ready-to-occupy buildings for smaller tenants. The proposal is consistent with the CFP and is also supported by the Skagit County Comprehensive Economic Development Strategy.

**3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

**Discussion:** The Skagit County Comprehensive Plan as currently set forth has been found to be consistent with the Growth Management Act by the State of Washington. The procedures utilized for reviewing the proposed amendments are consistent with the GMA. There are no known conflicts between the amendment and the GMA. Staff has found that the proposal assists with implementing Goal 11B-6. The amendment does not propose to alter the comprehensive plan and has been found by staff to be consistent with the Comprehensive Plan.

The proposed amendment is consistent with the Countywide Planning Policies (CPPs). Goal 5 and Policy 5.15 read as follows:

*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.*

*Policy 5.15*

*The Comprehensive Plan shall support and encourage economic development and employment to provide opportunities for prosperity.*

The proposed amendments support economic development through the removal of a barrier that increases the cost and time associated with leasing to more than 2 tenants. New businesses often lease space until they are capable of building their own facilities, the proposed amendment will reduce the cost associated with leasing space and allow landlords to better respond to market demands without the need to complete a land division. The proposed amendments are consistent with the GMA, CPPs, and applicable provisions of the Comprehensive Plan.

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

**Discussion:** The removal of SCC 14.18.500(2)(c) would no longer require an applicant to record a binding site plan in order to lease two or more entities within a development. The proposal removes barriers to economic development in Skagit County.

**Recommendation:**

The Department recommends that the proposed modification to SCC 14.18.500(2)(c) be **approved**.



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## C-4: Modify SCC 14.16.500(3) and (4): Trails in the OSRSI

### Summary

Docket item C-4 proposes to address an existing conflict within the Public Open Space of Regional/Statewide Importance (OSRSI) code. Section 14.16.500 identifies trails as a use that is “permitted” (SCC 14.16.500(3)) and subject to “administrative special use” (SCC 14.16.500(4)) review. The proposal is to modify the code to remove the “administrative special use” requirement and clarify that trails are a “permitted” use. See Attachment 1 for more detail about the proposed amendments.

### SCC 14.08.080 (6) and (7): Review by Planning Commission

**1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

**Discussion:** The proposed amendment addresses an existing conflict in the code. Skagit County Goal 2B and 2E are directly applicable to the proposed amendment. Goal 2B reads as follows:

*Goal 2B*

*Recognize the important functions served by private and public open space, designate and map public open space of regional importance, and designate open space corridors within and between urban growth areas.*

The proposed amendment is to the OSRSI zone. The proposed amendment is intended to clarify that trails are a “permitted use” and not subject to “special use” review. At present the code lists trails being both a “permitted” and a “special use”. Goal 2B is further clarified by Policy 2B-1.2 which reads:

*Policy 2B-1.2*

*Of these public open space areas, the County has designated certain ones on the Comprehensive Plan/Zoning Map as Public Open Space of Regional/Statewide Importance (OSRSI). These areas are so identified because their recreational, environmental, scenic, cultural and other open space benefit extend beyond the local area to be regional or statewide in significance. They include:*

*Deception Pass State Park; Sharpe Park and Montgomery-Duban Headlands; Burrows Island, Saddlebag Island; Hope Island; Ika Island; Huckleberry Island; Skagit Island; Hat 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 Resources Natural Resource Conservation Areas and Natural Area Preserves; and portions of the Northern State Recreation Area.*

The comprehensive plan directs the application of the OSRSI zone to properties that are considered public open space that have recreational, environmental, scenic, cultural and other open space benefits that extend beyond the local area to be regional or statewide in significance. The proposed amendment is intended to clarify how trails are permitted within the zone. The proposed amendment is consistent with this Goal and Policy because it does not interfere with how these lands are mapped

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or which lands are determined to be included within this zone. The proposed amendment brings clarity to how trails are permitted consistent with the intent to preserve open space for recreation and scenic qualities.

Goal 2E and policy 2E-1.1 reads as follows:

*Goal 2E*

*Allow public uses as special uses in most comprehensive land use designations, to be reviewed on a site-specific basis.*

*policy 2E-1.1*

*In most comprehensive plan land use designations, public uses are to be allowed as either administrative or hearing examiner special uses. They are reviewed as site-specific projects so that public benefits and land use impacts can be analyzed and, if necessary, mitigated.*

*(a) Public uses on Natural Resource Lands are limited to those providing emergency services.*

Goal 2E and Policy 2E-1.1 provide guidance on how *public uses* should be regulated, noting that “most” uses should be reviewed as special uses (either as administrative or hearings examiner). The introduction to Goal 2E states:

*Public Uses, generally, are government or quasi-government owned and operated facilities such as primary and secondary schools, libraries, postal services, offices, training facilities, fire and police stations, and courts. Public Uses under this section do not necessarily include Essential Public Facilities.*

While not specifically listed, a trail is also a public use. While *most* public uses should be reviewed as special uses according to the Comprehensive Plan, not all public uses are required to be reviewed as such. In this instance staff believes it is appropriate to correct the conflict by removing the special use and allowing trails to be reviewed as a *permitted* use. This position is supported by Goal 2B and Policy 2B-1.2. The proposed amendment is consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does not interfere with ability to implement the comprehensive plan.

## **2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

**Discussion:** The subject amendment does not change any elements of the CFP or other functional Plans. The subject amendment will correct a conflict in the development code making it consistent with the comprehensive plan. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan. Staff has found the proposed amendment to be consistent with the Comprehensive Plan. Staff therefore finds the proposal is supported by the Capital Facilities Plan.

The Skagit County Parks and Recreation Comprehensive Plan is a functional plan that is applicable to this review. The vision and overall goal of the plan are set forth as:

*To provide a wide variety of well organized, cost effective, community enriching, recreation programs for all Skagit area residents.*

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*Develop, renovate, and acquire a system of parks, recreational facilities, and open space that is attractive, safe, functional, and accessible to all citizens of Skagit County.*

The Priority Goals for the plan are set forth as:

*Skagit County citizens value the long-term benefits of parks and recreation. It is important to retain the connection with the outdoors and the wildlife it hosts as well as provide for passive and active recreation activities for the citizens. This will be done by acquiring, maintaining, and/or preserving a network of parks that provide diverse recreational opportunities for all residents.*

The proposed amendment is consistent with the Skagit County Parks and Recreation Comprehensive Plan as it clarifies how trails are to be permitted providing a clear pathway for the department to continue to provide access to open space for community members and visitors to the County. The proposal is supported by the Capital Facilities Plan and Skagit County Parks and Recreation Comprehensive Plan.

### **3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

**Discussion:** The Skagit County Comprehensive Plan as currently set forth has been found to be consistent with the Growth Management Act by the State of Washington. The procedures utilized for reviewing the proposed amendments are consistent with the GMA. There are no known conflicts between the amendment and the GMA. The amendment does not propose to alter the comprehensive plan and has been found by staff to be consistent with the Comprehensive Plan. Staff has found that the proposal assists with implementing Goal 2B in the comprehensive plan and the proposal is consistent with Goal 2E.

The proposed amendment is consistent with the Countywide Planning Policies (CPPs), specifically Goal 9 and Policies 9.1 and 9.2 which read as follows:

#### *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.*

##### *Policy 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.*

##### *Policy 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.*

The proposed amendment clarifies how trails, a recreation use, are regulated. The CPPs identify the importance of preserving open space and developing access to these areas through the development

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of trails which is consistent with the proposed amendment to the OSRSI zone. The proposed amendments are consistent with the GMA, CPPs, and applicable provisions of the Comprehensive Plan.

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

**Discussion:** The goal of the amendment is to clarify an existing conflict in the code.

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**Recommendation:**

The Department recommends that the proposed amendments to SCC 14.16.500 be **approved**.

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## C-5: SCC 14.16: Classification of Habitat Restoration

### Summary

Historically the County allowed habitat restoration in all zones, it was interpreted to be a use that was a “similar use” that was already permitted within the zones and was therefore permitted in all zones. When the County amended the Skagit County Code to call out the specific use in the Agricultural Natural Resource (Ag-NRL) zone it created a situation where staff could no longer interpret habitat restoration to be an allowed use under 14.16.020(3). The proposal would add “Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020” as a permitted use to all of the zones except for the Agricultural Natural Resource Zone (Ag-NRL) where this use is identified as a hearings examiner special use. See Attachment 1 for more detail about the proposed amendments.

### SCC 14.08.080 (6) and (7): Review by Planning Commission

**1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

**Discussion:** The proposed amendments addresses a conflict in the code that was created when the specific use “Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020” was added to the Ag-NRL code. Skagit County Comprehensive Plan Goal 5A-3, 5A-4, and 5A-5 are applicable to the proposed amendment. Goal 5A-3 reads as follows:

*Goal 5A-3*

*Utilize economic incentives, such as density credit transfers, transfer of development rights, tax incentives, cluster housing, conservation easements, and public benefit rating systems, as appropriate, to encourage citizens to conserve, protect and restore critical areas.*

Goal 5A-3 is further clarified by policy 5A-3.7 which reads:

*Policy 5A-3.7*

*Native plant communities and fish and wildlife habitat enhancement shall be promoted through voluntary incentive programs.*

The proposed amendment would add habitat enhancement as an allowed use to the other zones (not Ag-NRL) within the County. Goal 5A-3 calls for the conservation, protection and restoration of critical areas. In order to facilitate restoration projects that would require review, habitat restoration needs to be an allowed use within the zone. The proposed amendment would assist with the implementation of Goal 5A-3.

Goal 5A-4 reads as follows:

*Goal 5A-4*

*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.*

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Goal 5A-4 is further clarified by policy 5A-4.4 and 5A-4.7 which read as follows:

*Policy 5A-4.4*

*All existing county land use regulations shall be reviewed and, where appropriate, modified to eliminate redundancies or conflicts with other county, state or federal requirements for conserving and protecting critical areas and the public to promote a consistent and more efficient regulatory framework.*

*Policy 5A-4.7*

*The County shall encourage the restoration of appropriate degraded critical areas through coordinated cooperative public and private efforts.*

Goal 5A-4 directs the County to cooperate with other stakeholders in an effort to conserve, protect, and restore critical areas, the goal specifically calls out the desire to “achieve efficiency” as it relates to regulation. The proposed amendment would assist with meeting this Goal by providing the ability for habitat restoration projects that benefit critical areas to be completed in all zones within the County.

Goal 5A-5 reads as follows:

*Goal 5A-5*

*Skagit County shall, protect and conserve critical areas in cooperation with federal, state, local, and tribal jurisdictions.*

Goal 5A-5 is further clarified by Policy 5A-5.5 which reads as follows;

*Policy 5A-5.5*

*Critical areas should be avoided, maintained, restored, acquired, replaced or enhanced. (subpart a-f not included)*

Goal 5A-5 reinforces the Comprehensive Plans direction to protect, conserve, restore, acquire, replace and enhance critical areas. The proposed amendment allows this to occur. The proposed amendments are consistent with the applicable vision statements, goals, objectives, and policy directives of the Comprehensive Plan. The proposed amendment preserves the integrity of the comprehensive plan while assuring the systematic execution of the plan by assisting with the implementation of Goals 5A-3, 5A-4, and 5A-5.

## **2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

**Discussion:** The subject amendment does not change any elements of the CFP or other functional Plans. The subject amendment will correct an error that was created in the development code making it consistent with the comprehensive plan. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan. Staff has found the proposed amendment to be consistent with the Comprehensive Plan and further found that the proposal assists with implementing the Comprehensive Plan. Staff therefore finds the proposal is supported by the Capital Facilities Plan.

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The Shoreline Management Master Program Plan is a functional plan that is applicable to this review. Goal 2 of the plan reads as follows:

*Conservation - To preserve, protect, and restore the natural resources of Skagit County's shorelines in the public interest and for future generations. These natural resources include but are not necessarily limited to fish, wildlife, vegetation, and natural features found in shoreline regions. Only renewable resources should be extracted and in a manner that will not adversely affect the shoreline environment.*

The proposed amendment is consistent with the Skagit County Shoreline Management Master Program Plan as it allows for habitat restoration projects to be permitted within all zones in the county. The proposal is supported by the Capital Facilities Plan and Skagit County Shoreline Management Master Program Plan.

### **3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

**Discussion:** The Skagit County Comprehensive Plan as currently set forth has been found to be consistent with the Growth Management Act by the State of Washington. The procedures utilized for reviewing the proposed amendments are consistent with the GMA. There are no known conflicts between the amendment and the GMA. The amendment does not propose to alter the comprehensive plan and has been found by staff to be consistent with the Comprehensive Plan. Staff has found that the proposal assists with implementing Goal 5A-3, 5A-4, and 5A-5 in the comprehensive plan.

The proposed amendment is consistent with the Countywide Planning Policies (CPPs), specifically Goals 8, 9, and 10. Goal 8 and Policies 8.5 and 8.7 read as follows:

#### *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.*

##### *Policy 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.*

##### *Policy 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.*

Goal 8 directs the county to maintain and enhance the fisheries industry. Policy 8.5 directs the county to adopt regulations that facilitate the enhancement of these areas and Policy 8.7 directs the county to protect fishery resources including the area's lakes, associated wetlands, and marine waters. Allowing for habitat restoration in all zones serves to provide a mechanism to assist with the implementation of Goal 8.

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Goal 9 and Policy 9.7 read as follows:

*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.*

*Policy 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.*

Goal 9 directs the county to conserve fish and wildlife habitat. Policy 9.7 directs the county to protect and enhance the Skagit Wild and Scenic River System. Allowing for habitat restoration within all zones of the county assists with implementing this policy by providing the ability to permit habitat restoration projects throughout the County and along the Skagit River corridor.

Goal 10 and Policy 10.5 read as follows:

*10. Environment*

*Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.*

*Policy 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.*

Goal 10 directs the county to protect the environment and enhance air and water quality. Policy 10.5 directs the County to manage development in an effort to enhance the integrity of fish and wildlife habitat. The proposal allows for habitat restoration projects to be able to be permitted in all zones providing the county the ability to enhance fish and wildlife habitat.

The CPPs identify the importance of enhancing habitat areas within the county. The proposed amendments are consistent with the GMA, CPPs, and applicable provisions of the Comprehensive Plan.

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

**Discussion:** The proposed amendments would keep habitat restoration projects as a “hearings examiner special use” in the Ag-NRL zone and allow it as a “permitted” use in the other zones.

**Recommendation:**

The Department recommends that the proposed amendments to SCC 14.16 be **approved**.

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## C-6: Fire Code Consistency with International Fire Code (IFC)

### Summary

The proposal would amend Skagit County Code (SCC) 15.04.030 to be consistent with the International Fire Code (IFC) and update requirements for vehicle access roads. See Attachment 1 for more detail about the proposed amendments.

### SCC 14.08.080 (6) and (7): Review by Planning Commission

#### 1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

**Discussion:** The proposed amendments modify the county's adoption of the International Fire Code (IFC). The amendments are focused on reorganizing SCC 15.04.030 to be more consistent with the current IFC. The amendments also remove the 70 foot cul-de-sac standard which does not provide adequate right-of-way to allow for fire apparatus to be able to turn around.

There were no goals and policies within the comprehensive plan that were directly applicable to this review. The goals and policies of the comprehensive plan are based on several vision statements that "are an expansion of the Countywide Planning Policies and State GMA goals..." The first vision statement for the comprehensive plan reads as follows:

*Preserve the high quality of life:  
Residents of Skagit County choose to live here for many reasons: natural beauty, clean air, good jobs, a good place to create a home and family. This plan seeks to foster this high quality of life for residents and their children by providing for social, cultural, educational, economic, recreational, civic, transit, health, and safety needs. (Page 15)*

The county has adopted the IFC along with the International Building Code to protect public health and safety. The proposed amendments reorganize the code to be more consistent with the current IFC and the removal of the cul-de-sac standard ensures that emergency service personnel will be able to respond to emergencies safely and efficiently. The proposed amendments are consistent with the comprehensive plan.

#### 2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

**Discussion:** The subject amendment does not change any elements of the CFP or other functional Plans. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan. Staff has found the proposed amendment to be consistent with the Comprehensive Plan. Staff therefore finds the proposal is supported by the Capital Facilities Plan. The proposed amendments are consistent with the IFC.

#### 3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

**Discussion:** The Skagit County Comprehensive Plan as currently set forth has been found to be consistent with the Growth Management Act by the State of Washington. The procedures utilized for reviewing the proposed amendments are consistent with the GMA. There are no known conflicts between the amendment and the GMA.

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The proposed amendment is consistent with the Countywide Planning Policies (CPPs), specifically Goals 7 and Policy 7.4 which read as follows:

*7. Permits*

*Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.*

*Policy 7.4*

*New implementing codes and amendments shall provide clear regulations to reduce the possibility of multiple interpretations by staff and applicants.*

The proposed amendments make Chapter 15.04 consistent with the International Fire Code which will make the code more clear and reduce confusion. The removal of the minimum 70 foot cul-de-sac standard also provides clarity by removing a standard that is in conflict with the needs of the fire districts that serve the county.

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

**Discussion:** The proposed amendments clarify how the International Fire Code is applied within the county, including the removal of a minimum 70 foot radius cul-de-sac which is not adequate to accommodate the turning movements of fire apparatus.

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**Recommendation:**

The Department recommends that the proposed modification to SCC 15.04 be **approved**.

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## C-7: Modify SCC 14.16.820(3)(c): Building Permit Requirements for Signs

### Summary

The proposed amendments modify the sign code (SCC 14.16.820(3)(c)) to clarify when a building permit is necessary for installation of a sign. Proposed revisions include an exemption for short free standing signs and wall-mounted signs that do not project from the building face.

### SCC 14.08.080 (6) and (7): Review by Planning Commission

#### 1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

**Discussion:** The amendments are focused on modifying the county's sign code, SCC 14.16.820(3)(c), to clarify when a building permit is required to install a sign. The amendments remove the need for signs in excess of 32 square feet to get a permit, allow signs that are less than seven feet in height to not get a permit, and clarify that only wall signs that are projecting need to get a permit.

The goals and policies of the comprehensive plan are based on several vision statements that “are an expansion of the Countywide Planning Policies and State GMA goals...” The second vision statement for the comprehensive plan reads as follows:

*Strive for government efficiency:*

*This plan calls for efficient delivery of services in a cost-effective way by:*

- *concentrating infrastructure investments and service delivery to support development patterns near cities and towns where a full range of local services are or can be made available.*
- *looking to Skagit County to provide certain countywide, regional facilities and services.*
- *relying primarily upon cities, towns and special purpose districts as the providers of local facilities and services appropriate to serve those local needs, except where the County is a local service provider*

The proposed amendments allow the county to provide services in a more efficient way by reducing the need for property owners to get a permit when one is not needed. Providing clarity in the code also assists property owners with understanding when a permit is or is not required. Application of the International Building Code (IBC) along with the IFC are one of the primary ways that the county assures development is safe. The proposed amendments reorganize the code to be more consistent with the current IBC. The proposed amendments are consistent with the comprehensive plan.

#### 2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

**Discussion:** The subject amendment does not change any elements of the CFP or other functional Plans. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan. Staff has found the proposed amendment to be consistent with the Comprehensive Plan. Staff therefore finds the proposal is supported by the Capital Facilities Plan. The proposed amendments are consistent with the IBC.

**3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

**Discussion:** The Skagit County Comprehensive Plan as currently set forth has been found to be consistent with the Growth Management Act by the State of Washington. The procedures utilized for reviewing the proposed amendments are consistent with the GMA. There are no known conflicts between the amendment and the GMA.

The proposed amendment is consistent with the Countywide Planning Policies (CPPs), specifically Goals 7 and Policy 7.4 which read as follows:

*7. Permits*

*Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.*

*Policy 7.4*

*New implementing codes and amendments shall provide clear regulations to reduce the possibility of multiple interpretations by staff and applicants.*

The proposed amendments make the sign code consistent with the International Building Code which will make the code more clear and reduce confusion. The additional language that has been added aids in understanding when a permit is not required providing more predictability to community members than what is currently within the code.

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

**Discussion:** The goal of this amendment is to remove extraneous review criteria from the permit review process and provide clarity.

**Recommendation:**

The Department recommends that the proposed modification to SCC 14.16.820 be **approved**.

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## C-8: Airport Environs Overlay Amendments

### Summary

The proposed amendment seeks to require Skagit County to provide an opportunity for review and comment on boundary line adjustment and height determinations when proposed within the Airport Environs Overlay.

### SCC 14.08.080 (6) and (7): Review by Planning Commission

**1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

**Discussion:** The proposed amendment would modify Skagit County Code 14.16.210(4) to include a requirement that the county provide the opportunity for review and comment for boundary line adjustments and building height determinations within the Airport Environs Overlay (AEO). The proposed amendment concerns the airport and how it is managed. The comprehensive plan describes that airport as follows:

*Skagit Regional Airport*

*The Skagit Regional Airport is operated by the Port of Skagit County and is adjacent to the Bayview Business & Industrial Park west of Burlington. The airport is used for general aviation and has runways of 5,475 feet and 3,000 feet in length which can accommodate all aircraft with 30 passenger capacity or less. It also provides a charter service, primarily for passengers in route to the San Juan Islands. In 2012, there were approximately 60,000 takeoffs and landings, with approximately 1,400 being air cargo operations. The vast majority of activity at the airport is general aviation. In 2012 there were 150 aircraft based at Skagit Regional Airport (Port of Skagit, 2015). The County's 2014 Bayview Subarea Plan addresses land use compatibility with the Skagit Municipal Airport.*

Goal 8A-7, Goal 8A-13, and Goal 11F-3 of the Skagit County are applicable to this proposed amendment, Goal 8A-7 reads as follows:

*Goal 8A-7: Support economic development goals by providing adequate air, rail and surface freight handling routes and facilities throughout the County transportation system.*

The Airport Environs Overlay is a zoning overlay that is intended to protect the integrity of the airport. Goal 8A-7 directs the county to support economic development by providing adequate air handling routes and facilities. The proposed amendment is intended to provide the Port of Skagit, who operates the airport, assurance that notice of boundary line adjustments and height determinations are provided for review and comment. This provides the Port the opportunity to review and comment on applications that could impact airport operations and the opportunity to place their concerns on the record. The proposed amendments assist with implementing Goal 8A-7.

*Goal 8A-13 Incorporate transportation goals, policies, and strategies into all County land use decisions.*

*Policy 8A-13.4 Airport Expansion: In the vicinity of the Skagit Regional Airport, review development proposals to avoid future conflicts and the foreclosure of opportunities for future airport expansion.*

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Goal 8A-13 and Policy 8A-13.4 direct the county to codify goals and policies into county land use decisions, Policy 8A-13.4 specifically calls out the airport and the need to review decisions to avoid potential conflicts and ensure compatibility with expansion plans. The proposed amendments implement this goal and policy directly into the AEO.

Goal 11F-3 and Policy 11F-3.2 read as follows:

*Goal 11F-3: Support economic and job creating activities of the port districts to ensure their long term viability.*

*Policy 11F-3.2 Support the Port of Skagit in its economic development activities across the County, particularly at the Skagit Regional Airport and North Cascades Gateway Center (the former Northern State Hospital campus) areas, and the Port of Anacortes in its efforts to more fully utilize its deep draft marine terminal for trade, commerce and related economic development.*

Goal 11F-3 and Policy 11F-3.2 direct the County to support economic and job creating activities of the Port, Policy 11F-3.2 specifically identifies the need to support the Port and its management of the airport. The proposal assists with implementing this policy by providing the Port assurance that they can review and comment on proposals that could potentially impact the operations of the airport. The subject amendment is consistent with the Comprehensive Plan, which encourages collaboration between county and the Port to review development proposals for their impacts. The proposed amendments are consistent with the applicable vision statements, goals, objectives, and policy directives of the Comprehensive Plan. The proposed amendment preserves the integrity of the comprehensive plan while assuring the systematic execution of the plan by assisting with the implementation of Goals 8A-7, Goal 8A-13, and Goal 11F-3.

## **2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

**Discussion:** The subject amendment does not change any elements of the CFP or other functional Plans. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan. Staff has found the proposed amendment to be consistent with the Comprehensive Plan and further found that the proposal assists with implementing the Comprehensive Plan. Staff therefore finds the proposal is supported by the Capital Facilities Plan.

The Bayview Ridge Subarea Plan is applicable to this review. According to the plan, the County commissioned a *Skagit Regional Airport Land Use Compatibility Study*. The study focused on ways to offer guidance regarding compatible land use development around the airport. One of the three issues of concern identified by the study was the need to address Height Hazards. The plan states the objective of addressing Height Hazards is:

*To avoid development of land use conditions, which, by posing hazards to navigation, can increase the risk of an accident*

The proposed amendments assist with addressing Height Hazards adjacent to the airport by ensuring that the Port of Skagit is notified of proposed development that could impact the airport and its operations. Goal 2A, Objective 2A-1, and Policy 2a-1.2 of the plan reads as follows:

*Goal 2A*

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*Provide for urban development within the Bayview Ridge UGA, which integrates existing and proposed uses, creating a cohesive community.*

*Objective 2A-1*

*Manage urban land use patterns in the community to optimize and balance the types and locations of uses.*

*Policy 2A-1.2*

*Discourage uses that conflict with the continued operation of the Skagit Regional Airport, as identified in the Skagit Regional Airport Master Plan and the WSDOT 2011 Airport and Compatible Land-Use Program Guidebook, through the Airport Environs Overlay (AEO).*

The proposed amendments are consistent with the Bayview Ridge Subarea Plan because the amendments ensure that the Port of Skagit will be provided notice and the ability to comment on proposed development applications that could conflict with the operation of the airport. The proposal is supported by the Capital Facilities Plan and Bayview Ridge Subarea Plan.

**3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

**Discussion:** The Skagit County Comprehensive Plan as currently set forth has been found to be consistent with the Growth Management Act by the State of Washington. The procedures utilized for reviewing the proposed amendments are consistent with the GMA. There are no known conflicts between the amendment and the GMA. The amendment does not propose to alter the comprehensive plan and has been found by staff to be consistent with the Comprehensive Plan. Staff has found that the proposal assists with implementing Goals 8A-7, Goal 8A-13, and Goal 11F-3 in the development code.

The proposed amendment is consistent with the Countywide Planning Policies (CPPs), specifically Goals 3 and 12. Goal 3 reads as follows:

*3. Transportation*

*Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*

Goal 3 directs the county to encourage an efficient transportation system. The county's transportation system includes the airport. The proposed amendments ensure the operator of the airport, the Port of Skagit are provided notice of and able to participate in the review of applications that could impact operations at the airport.

Goal 12 and Policy 12.11 read as follows:

*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.*

*Policy 12.11*

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*Future development of land adjacent to existing and proposed schools and other public facilities shall be compatible with such uses.*

Goal 12 directs the county to ensure that public facilities and services are capable of supporting development. The airport is a public facility that supports the economy of the county. Policy 12.11 directs the county to regulate development adjacent to public facilities to ensure compatibility. The CPPs identify the importance of protecting public facilities. The proposed amendments are consistent with the GMA, CPPs, and applicable

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

**Discussion:** The goal of the amendments is to require coordination between the Port of Skagit and Skagit County when certain development is reviewed within the Airport Environs Overlay.

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**Recommendation:**

The Department recommends that the proposed modification to SCC 14.16.210 be **approved**.



# Citizen-Initiated Proposals (P-1, P-2, P-4 and PL18-0404)

## Comprehensive Plan/Zoning Map Amendments

### PL18-0404: Modify Mineral Resource Overlay (MRO)

#### Summary

The petitioner has requested the Comprehensive Plan Land Use Map and Zoning map be amended to remove the Mineral Overlay (MRO) north of Highway 20 and east of Highway 9. See Attachment 3 for more information on the location of the existing MRO. The petition for the request is located here:

<https://www.skagitcounty.net/PlanningAndPermit/Documents/2019CPA/PL18-0404-ApplicantSubmittal-2019-10-02.pdf>

The following options are available for Planning Commission consideration:

1. Do not remove the MRO (No action alternative): This option would keep the existing MRO in place.
2. Remove the entire MRO (Petitioner’s preferred alternative): This option would remove the entire MRO from the Comprehensive Plan Land Use Map and Zoning Map.
3. Planning Commission Directed Action: The Planning Commission may direct the Department to consider other alternatives and conduct additional research or make recommendation to defer to the 2020 Docket.

The Department has drafted 4 options for Planning Commission consideration. The following sections review Option 1 which would keep the existing MRO in place.

#### I. SCC 14.08.060 (1) and (2): Petitions – Approval criteria for map amendments and rezones

- 1. A rezone or amendment of the Comprehensive Plan map must be consistent with the requirements of the Skagit County Comprehensive Plan, including any applicable designation criteria.**

**Discussion:** The petition requests the removal of a Mineral Resource Overlay zone. Goal 4D-1 and Policies 4D-1.1, 4D-1.2, and 4D-1.3 of the comprehensive plan are relevant to this review. Goal 4D-1 and Policy 4D-1.1 read as follows:

#### *Goal 4D-1*

*Designate and map long-term commercially significant mineral resource lands as an overlay to the Comprehensive Plan Map.*

#### *policy 4D-1.1*

*Mineral Resource Designation Criteria: Designate Mineral Resource Overlay based on geologic, environmental and economic factors, existing land uses, land ownership, surrounding parcel sizes, and additional criteria specified in this element and in the Minimum Guidelines to Classify Mineral Lands in WAC 365- 190-070. Designating mineral resources of long-term commercial significance is not limited by a projection of need. Like agricultural and forest lands, mineral resources are protected for the*

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*long-term. The following first tier of criteria relies primarily on geologic information to identify commercially significant mineral resource lands and shall be considered when designating Mineral Resource Overlay areas.*

*(a) Marketability. Lands containing minerals that are minable, recoverable, and are historically, and therefore anticipated to be, commercially traded are considered marketable.*

*(b) Minimum Threshold Volume. Construction materials (sand and gravel) and quarry rock are considered for mining when the estimated volume is such that establishing, maintaining and reclaiming the mine would be practical. For the minerals below, minimum threshold volumes are relatively constant compared to market values and are used in the mining industry as predictors of commercial significance. The application of these criteria is approximate using the estimated area and depth of the identified resource.*

*(i) Construction materials: A minimum threshold volume of 1,000,000 cubic yards shall be used to identify commercially significant deposits of sand, gravel, and pit run rock, capable of being used in construction, that normally requiring minimal processing (commonly washing and grading).*

*(ii) Quarry rock: A Minimum Threshold Volume of 1,000,000 cubic yards shall be used to identify commercially significant deposits of quarry rock products, such as shot rock meeting all strength and durability specifications of the Washington State Department of Transportation's 2004 Standard Specifications for Road, Bridge and Municipal Construction (or later editions).*

*(c) Minimum Threshold Value. All other mineral resources shall use a minimum threshold value to identify commercially significant mineral resource deposits. The values in 2000 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) Industrial and Chemical Mineral Materials: Minimum Value \$1,000,000. Non-metallic mineral materials, such as building and dimension stone, limestone, or specialty sands, which normally receive extensive processing.*

*(ii) Metallic and Rare Minerals: Minimum Value \$500,000. Metallic elements and minerals, gemstones, and minerals that possess special properties valuable to science or industry, including dunite and other olivine-rich rock.*

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*(iii) Non-fluid Mineral Fuels: Minimum Value \$1,000,000.  
Nonhydrothermal mineral fuels occurring in sedimentary rocks such as coal bed methane, bituminous coal, lignite, peat, organic shale, tar sand, uranium and thorium.*

The petition included a report entitled *Mineral Resource Overlay Assessment: Skagit County Parcel 127899* which provides a geologic investigation of properties owned by the petitioner. The report concludes “Based on our assessment of the geology of the site and the adjoining property, it is our professional opinion that the site has negligible value as a mineral resource and removing the MRO designation from this site will not impact the mineral resources available to Skagit County.”

Policy 4D-1.2 reads as follows:

*Policy 4D-1.2*

*Standards for Geologic Information: 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 licensed geologist, U.S. geological survey maps, and/or information on file with the Washington Department of Natural Resources.*

The co-author of the report, Dan McShane, is a licensed Engineering Geologist in the State of Washington.

Policy 4D-1.3 reads as follows:

*Policy 4D-1.3*

***Mineral Resource Designation Considerations:*** *All lands meeting the criteria in Policy 4D-1.1 shall be further reviewed considering the following additional criteria. Certain limited pre-existing designated MRO lands that may not meet the criteria below may retain their MRO status to address unique economic circumstances or access-to-market.*

*(a) General land use patterns in the area;*

*(i) Designate MRO only on lands designated as Industrial Forest, Secondary Forest, or Rural Resource.*

*(ii) Designate MRO lands outside National Park Service lands, National Forest Service lands, Wild and Scenic corridors, Agricultural Resource lands, and Open Space of Regional/Statewide Importance.*

*(iii) Residential gross densities for land designated as MRO shall be no greater than 1 residential dwelling unit per 10 acres.*

*(iv) The preferred land uses adjacent to designated mining sites are open space, forestry, or industrial uses.*

*(b) Surrounding parcel sizes and surrounding land uses. Designate MRO lands in areas with surrounding land uses that have a maximum designated density of 1 residence per 10 acres. Appropriate surrounding land use zoning for MRO lands include:*

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*Industrial Forest, Secondary Forest, Rural Resource, Rural Reserve, Natural Resource Industrial and other industrial uses;*

*(c) Availability of public roads and other public services. Although mining within one to two miles of public roads is preferred, designation of mineral resources beyond this range may be necessary to preserve resources for future use;*

*(d) Division or zoning for urban or small lots. Designate MRO areas ¼ mile away from Rural Villages, Rural Intermediate, and Urban Growth Areas, except in limited cases where pre-existing mineral extraction areas may be retained to address unique economic circumstances or proximity-to-market. Conservation and Reserve Developments are acceptable on and within ¼ mile of MROs, provided that the allowed density (with or without a density bonus) does not exceed 1 dwelling unit per 10 acres.*

*(e) Accessibility and/or distance from point of use. Although mining is preferred within two hours driving distance from incorporated cities or other points of use, designation of mineral resources beyond this range may be necessary to preserve resources for future use;*

*(f) Physical and topographic characteristics of the site or area do not preclude mining;*

*(g) Depth of the resource or its overburden does not preclude mining;*

*(h) Physical properties (such as strength or durability) and quality of resource (such as the percentage of fines in the resource) is sufficient to be marketable;*

*(i) Life of the resource is sufficient to be marketable;*

*(j) Resource availability in the region. All mineral resources of long-term commercial significance are designated. This helps to ensure that resources are available, and local industry can be responsive to future demand; and*

*(k) Policies and regulations are in place to mitigate the potential effects of sediments and pollutants on public drinking water.*

The petition included the following response to Policy 4D-1.3:

“High voltage electric transmission lines and a natural gas transmission pipeline pass across the MRO to the east of the property and would severely restrict the amount of excavation that could take place within the MRO even if the deposit was a viable source of minerals.

With the exception of a small low area near Test Pit 5, the sand and gravel aggregate that is covered by a thick layer of glacial drift silt and clay. At the subject property the silt and clay overburden is at least 16 feet thick.

In addition to the overburden of silt and clay (fines), the gravel and cobbles that were encountered consists of weak rock of carbon rich phyllite and semichist.” Page 15

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The petitioner engaged a licensed Engineering Geologist from the State of Washington to conduct the site investigations and prepare the report. Staff is concerned about the extent of the site investigations. Figure 2 of the report shows the test pits clustered in relatively close proximity to one another given the size and extent of the MRO. Staff believes in order to justify the removal of the entire MRO site investigations should be conducted in a broader manner, the current report draws conclusions based on a geographic area that does not include the entire subject MRO.

The petitioner failed to carry the burden necessary to justify the removal of the entire MRO. The report focuses on Parcel P127899 and notes “The properties to the east of the parcel [P127899] and south and north of the east half of the parcel is also included within the MRO. These properties are also owned by you. This letter provides an overview of the site geology and an assessment of the potential mineral resources within the geologic units of the subject properties.” The report authors appears to limit the focus of the report and recommendations to the “subject properties”, which are defined as properties owned by the petitioner.

**2. A change to a rural or natural resource land map designation must also 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.**

**Discussion:** The subject amendment proposes to remove a Mineral Resource Overlay which is considered a natural resource land map designation. The proposal is to change “from” not “to” a natural resource land map designation. Accordingly this criterion is not applicable to this review.

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**II. 14.16.440(4) – Removal of Designation Status**

**1. 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 Chapter 14.08 SCC, and by demonstrating 1 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.**

**Discussion:** The petitioner has identified both (b) and (c) as a basis for removing the MRO. The petitioner has engaged a licensed Engineering Geologist to conduct a geology assessment of their property. The report concludes that the “site has negligible value as a mineral resource and removing the MRO designation from the site will not impact the mineral resources available to Skagit County.”

The petitioner failed to carry the burden necessary to justify the removal (14.16.440(4) 0 of the entire MRO. The report focuses on Parcel P127899 and notes “The properties to the east of the parcel [P127899] and south and north of the east half of the parcel is also included within the MRO. These properties are also owned by you. This letter provides an overview of the site geology and an assessment of the potential mineral resources within the geologic units of the subject

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properties.” The report authors appears to limit the focus of the report and recommendations to the “subject properties”, which are defined as properties owned by the petitioner.

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### III. SCC 14.08.080 (6) and (7): Review by Planning Commission

**1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

**Discussion:** No amendment is proposed. The petitioner has failed to carry the burden necessary to justify the entire removal of the subject MRO.

**2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

**Discussion:** No amendment is proposed.

**3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

**Discussion:** The Skagit County Comprehensive Plan as currently set forth has been found to be consistent with the Growth Management Act by the State of Washington. The procedures utilized for reviewing the proposed amendments are consistent with the GMA. There are no known conflicts between the decision not to amend the map and the GMA. The amendment does not propose to alter the comprehensive plan and has been found by staff to be consistent with the Comprehensive Plan.

The proposed amendment is consistent with the Countywide Planning Policies (CPPs), specifically Goals 5 and 8. Goal 5 and Policy 5.11 reads as follows:

*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.*

*Policy 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.*

Goal 5 directs the county to encourage economic development, Policy 5.11 directs the county to conserve mineral resource areas where the principal and preferred land uses will be long term commercial resource management. The decision to not remove the MRO is supported by this Goal and Policy.

Goal 8 and Policy 8.9 read as follows:

*8. Natural Resource Industries*

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*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.*

*Policy 8.9*

*Skagit County shall conserve agricultural, aquatic based, 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.*

Goal 8 directs the county to maintain and enhance natural resource-based industries. Policy 8.9 directs the county to conserve mineral resources for productive use by designating natural resource lands.

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

**Discussion:** The proposal is to not remove a Mineral Resource Overlay (MRO). The petitioner has stated the intent of removing the MRO is to facilitate residential development of their property.

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**Recommendation:**

The Department recommends that the proposed removal of the Mineral Resource Overlay be **denied**.

## Policy / Code Amendments

### **P-1: Modify SCC 14.24.380: Rainwater Catchment**

#### **Summary**

The petitioner has requested amendments to SCC 14.24.380 that would require Planning and Development Services to produce a template following guidelines in the Washington Department of Ecology's Rainwater Harvesting Calculator, the intent is that the template can be used in lieu of an engineer designed system for rainwater catchment. See Attachment 2 for more information on the options.

The petition for the proposed amendment is located here:

<https://www.skagitcounty.net/PlanningAndPermit/Documents/2019CPA/Code%20Amendment%20Sug gestion%20Form%202019%20-%20Rainwater%20Catchment%20%2007272018.pdf>

The following options are available for Planning Commission consideration:

1. Do not change 14.24.380 (No action alternative): This option would make no changes to SCC 14.24.380.
2. Adopt revisions to 14.24.380 (Petitioner's preferred alternative): This option would change the SCC 14.24.380 to require staff to produce a template for an engineer designed system for rainwater catchment within 60 days of adoption.
3. Planning Commission Directed Action: : The Planning Commission may direct the Department to consider other alternatives and conduct additional research or make recommendation to defer to the 2020 Docket.

The Department has drafted 3 options for Planning Commissions consideration. The following sections review Option 1 which would keep the existing code in place. Staff does not support amending the code to mandate an administrative task be completed. Staff understands the interest in requesting a guidance document to assist with interpreting the code and will be working to draft a guidance document during 2020. The guidance document would not be intended to replace the need for an engineer to approve designs prior to permitting.

#### **SCC 14.08.080 (6) and (7): Review by Planning Commission**

- 1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

**Discussion:** No amendment is proposed.

- 2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

**Discussion:** No amendment is proposed.

- 3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

**Discussion:** No amendment is proposed.



**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

**Discussion:** Staff understands the interest in requesting a guidance document to assist with interpreting the code and provide the community guidance and will be working to draft a guidance document during 2020.

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**Recommendation:**

The Department recommends that the proposed amendment to SCC 14.24.380 be **denied**.

## P-2: Modify SCC 14.24: Guemes Island Wells

### Summary

The petitioner has requested that SCC 14.24.300 through 14.24.330 and 14.24.380 be amended to require:

- Pre-drilling approval for new wells on Guemes Island;
- Assessment and consideration of hydrogeologic impacts in the well review and approval process; and
- Clarification that, on Guemes Island, rainwater catchment systems can be built without first proving that a drilled well is not feasible.

The petition for the proposed amendment can be located here:

<https://www.skagitcounty.net/PlanningAndPermit/Documents/2019CPA/Code%20amendment%20form%20re%20wells%2007272018.pdf>

Staff and legal counsel have reviewed the request in detail. Legal counsel has found that the County can only regulate wells that are part of a development application.

The following options are available for Planning Commission consideration:

1. Do not amend the code (No action alternative): This option would keep the existing code in place.
2. Adopt revisions to 14.24.300 through 14.24.330 and 14.24.380 (Petitioner's preferred alternative): This option would amend 14.24.380 to clarify that on Guemes Island a rainwater catchment system can be built without first proving that a drilled well is not feasible.
3. Planning Commission Directed Action: The Planning Commission may direct the Department to consider other alternatives and conduct additional research or make recommendation to defer to the 2020 Docket.

The Department has drafted 3 options for Planning Commissions consideration. The following sections review Option 1 which would not amend the code. County legal counsel does not believe it is lawful to regulate all new wells on Guemes Island. At present the County regulates wells that are subject to development review through a land use or building permit process. PDS understands the petitioners' interest in clarifying whether, on Guemes Island, a well would need to be drilled prior to the ability to permit a rainwater catchment system. Staff is proposing to issue an Administrative Official Interpretation to clarify that a well is not required to be drilled prior to permitting a rainwater catchment system on Guemes Island.

### SCC 14.08.080 (6) and (7): Review by Planning Commission

- 1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

**Discussion:** No amendment is proposed.

- 2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

**Discussion:** No amendment is proposed.

**3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

**Discussion:** No amendment is proposed.

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

**Discussion:** Planning and Development Services (PDS) do not believe have the ability to regulate wells that are not part of a development application. PDS intends to issue an Administrative Official Interpretation to clarify that a well does not need to be drilled prior to permitting a rainwater catchment system on Guemes Island.

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**Recommendation:**

The Department recommends that the proposed modification to SCC 14.24.300 through 14.24.330 and the 14.24.380 be **denied**.

## P-4: Great Blue Herons

### Summary

The petitioner has requested to update the critical areas ordinance (SCC 14.24) to increase protections for Great Blue Herons based on best available science provided by the Washington Department of Fish and Wildlife's *Priority Habitats and Species: Management Recommendations: Great Blue Heron* report which can be accessed here:

<https://wdfw.wa.gov/publications/01371>

The petition can be reviewed here:

<https://www.skagitcounty.net/PlanningAndPermit/Documents/2019CPA/Heron%20CAO%20amendment%20submittal%20form%20.pdf>

See Attachment 2 for more information about the proposed amendments. The following options are available for Planning Commission consideration:

1. Do nothing (No action alternative): This option would not alter the code.
2. Adopt revisions to SCC 14.24.520 (Petitioner's preferred alternative): This option would create new standards to protect Great Blue Herons in SCC 14.24.520 and add new definitions to SCC 14.04.
3. Adopt revisions to SCC 14.24.520 (Staff recommendation): This option would create new standards to protect Great Blue Herons in SCC 14.24.520.
4. Planning Commission Directed Action: The Planning Commission may direct the Department to consider other alternatives and conduct additional research or make recommendation to defer to the 2020 Docket.

Considerations for a Planning Commission Directed Action:

- The requirement to change the code is not mandated
- The regulated locations can be specifically identified (March Point, Barney Lake, Samish Island)

The Department has drafted 4 options for Planning Commissions consideration. The following sections review Option 3 which would make amendments to the SCC 14.24.520.

#### Option 1:

This option would make no amendments and rely upon the existing code language. Great blue herons nest sites are identified as designated "habitat/species of local importance" by SCC 14.24.500(4). Per SCC 14.24.520(4) nest sites "shall be protected on a case-by-case basis by means of a habitat management plan based on the Washington State Priority Habitat and Species (PHS) program, as set forth in the site assessment requirements in SCC 14.24.080 and this Section."

#### Option 2:

The petitioners request (Option 2) would adopt new code language into 14.24.520 to provide specific guidance for how to regulate development near Great Blue Heron nest sites that have more than 20 nests. The amendments would create specific regulations for nest sites that have more than 20 nests and specific regulations for nest sites that have more than 200 nests. At present there is one known nesting site, the March Point site, with more than 200 nests. There is one nest site with less than 200

nests and more than 20 nests, the Barney Lake site. There was a site on Samish Island that was abandoned in 2017 that had more than 20 nest sites. The regulations as proposed in Option 2 rely on maps produced by the Washington Department of Fish and Wildlife and establish two buffers that would be used to regulate development based on the “setting” the nest site is located in (undeveloped, rural, urban, and mega colony). See Attachment 4 for the location of nesting sites.

Option 3:

The staff recommended Option would adopt new code language into 14.24.520 to provide specific guidance for how to regulate development near Great Blue Heron nest sites that have more than 20 nests. The amendments would create specific regulations for nest sites that have more than 20 nests and specific regulations for nest sites that have more than 200 nests. At present there is one known nesting site, the March Point site, with more than 200 nests. There is one nest sites with less than 200 nests and more than 20 nests, the Barney Lake site. There was a site on Samish Island that was abandoned in 2017 that had more than 20 nest sites. The regulations as proposed in Option 3 rely on maps produced by the Washington Department of Fish and Wildlife and establish a 1,000 foot buffer that would be used to regulate development based on recommendations in the Washington Department of Fish and Wildlife’s *Priority Habitats and Species: Management Recommendations: Great Blue Heron* report.

**SCC 14.08.080 (6) and (7): Review by Planning Commission**

**1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

**Discussion:** The subject amendment would alter 14.24.250(4) of the development code. Skagit County Comprehensive Plan Goal 5A-1 and 5A-5 are applicable to the proposed amendment. Goal 5A-1 reads as follows:

*Goal 5A-1*

*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.*

Goal 5A-1 is further clarified by policy 5A-1.1(e) which reads:

*Policy 5A-1.1*

*Critical areas shall be identified based on the best available science.*

*(e) Fish and Wildlife Habitat Conservation Areas shall be identified in accordance with Washington State Fish and Wildlife Priority Habitats and Species program, WA State Department of Natural Resource Aquatic Lands and Resources and Nearshore Habitat programs, and other extant programs.*

Goal 5A-1 directs the county to identify, classify, designate and map critical areas to protect and conserve them. Policy 5A-1.1 clarifies this goal by directing that critical areas be identified based on the best available science, specifically calling out the need to use information from the Washington Department of Fish and Wildlife to identify said lands. The proposed amendments are based on the Washington Department of Fish and Wildlife’s *Priority Habitats and Species: Management Recommendations: Great Blue Heron* report.

Goal 5A-1 is further clarified by policy 5A-1.3(e) which reads:

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*Policy 5A-1.3*

*Critical areas shall be classified for conservation, protection, and risk.*

*(e) "Fish and Wildlife Habitat Conservation Areas" (HCA's) shall be classified according to the type of conservation area which include:*

*(ii) Habitats and species of local importance that have been designated by the County at the time of application;*

Policy 5A-1.3(e) directs the county classify fish and wildlife habitat conservations areas for both habitats and species of local importance. The Great Blue Heron is a species of local importance.

Goal 5A-5 reads as follows:

*Goal 5A-5*

*Skagit County shall, protect and conserve critical areas in cooperation with federal, state, local, and tribal jurisdictions.*

Goal 5A-5 is further clarified by Policy 5A-5.5 which reads as follows;

*Policy 5A-5.5*

*Critical areas should be avoided, maintained, restored, acquired, replaced or enhanced. (subpart a-f not included)*

Goal 5A-5 reinforces the Comprehensive Plans direction to protect, conserve, restore, acquire, replace and enhance critical areas. The proposed amendment allows this to occur. The proposed amendments are consistent with the applicable vision statements, goals, objectives, and policy directives of the Comprehensive Plan. The proposed amendment preserves the integrity of the comprehensive plan while assuring the systematic execution of the plan by assisting with the implementation of Goals 5A-1 and 5A-5.

## **2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

**Discussion:** The subject amendment does not change any elements of the CFP or other functional Plans. The subject amendment will correct an error that was created in the development code making it consistent with the comprehensive plan. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan. Staff has found the proposed amendment to be consistent with the Comprehensive Plan and further found that the proposal assists with implementing the Comprehensive Plan. Staff therefore finds the proposal is supported by the Capital Facilities Plan.

The Shoreline Management Master Program Plan is a functional plan that is applicable to this review. Goal 2 of the plan reads as follows:

*Conservation - To preserve, protect, and restore the natural resources of Skagit County's shorelines in the public interest and for future generations. These natural resources include but are not necessarily limited to fish, wildlife, vegetation, and natural features found in*

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*shoreline regions. Only renewable resources should be extracted and in a manner that will not adversely affect the shoreline environment.*

The proposed amendment is consistent with the Skagit County Shoreline Management Master Program Plan as it further fosters the preservation, protection and restoration of wildlife habitat. The proposal is supported by the Capital Facilities Plan and Skagit County Shoreline Management Master Program Plan.

**3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

**Discussion:** The Skagit County Comprehensive Plan as currently set forth has been found to be consistent with the Growth Management Act by the State of Washington. The procedures utilized for reviewing the proposed amendments are consistent with the GMA. There are no known conflicts between the amendment and the GMA. The amendment does not propose to alter the comprehensive plan and has been found by staff to be consistent with the Comprehensive Plan. Staff has found that the proposal assists with implementing Goal 5A-1 and 5A-5 in the development code.

The proposed amendment is consistent with the Countywide Planning Policies (CPPs), specifically Goal 10. Goal 10 and Policy 10.5 read as follows:

*10. Environment*

*Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.*

*Policy 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.*

Goal 10 directs the county to protect the environment and enhance air and water quality. Policy 10.5 directs the County to manage development in an effort to enhance the integrity of fish and wildlife habitat. The proposal would provide additional regulations in order to protect Great Blue Heron habitat.

The CPPs identify the importance of enhancing habitat areas within the county. The proposed amendments are consistent with the GMA, CPPs, and applicable provisions of the Comprehensive Plan.

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

**Discussion:** The goal of this amendment is to develop additional regulations to protect Great Blue Heron nesting sites that contain more than 20 nests.

**Recommendation:**

The Department recommends that the proposed modification to SCC 14.24.250 (Option 3) be **approved**.

**Public Comment**

The proposal will receive at least one public hearing and written comment period before the Planning Commission, consistent with the process for adoption of plans and land use regulations in SCC Chapter 14.08. The Board of County Commissioners must approve the final adoption. Information on how to comment is contained in the Notice of Availability document on the project website at [www.skagitcounty.net/2019CPA](http://www.skagitcounty.net/2019CPA).

**Attachments:**

1. Staff Initiated DRAFT policy and code amendment recommendations
2. Citizen initiated DRAFT policy, code, and map amendment options
3. Mineral Resource Overlay (PL18-0404) Exhibit
4. Great Blue Heron (P-4) Exhibit



## **Attachment 1**

Plain text = existing writing with no changes

~~Strikethrough~~ = existing writing to be deleted

Underlined = new writing to be added

~~Double Strikethrough~~ = existing writing moved  
to another location

Double Underline = existing writing moved  
from another location

*Italics* = instructions to writing reviser

The recommended Staff Initiated Proposed Comprehensive Plan and Development Code Amendments (Items C-1 through C-8) are each described below:

**Item C-1 Transportation Element Technical Appendix: Guemes Island Ferry:**

**A1: 5.5 Ferry Needs**

A Guemes Island Ferry Fourteen-Year Capital Improvement Plan 2015-2028 was approved in December of 2014 to meet the ongoing RCW requirement to produce a 14-year long-range capital improvement plan. ~~The 2016 TIP includes \$12,500,000 in federal and state funds to replace or modify the current Guemes Island ferry~~ The 2020-2025 TIP includes \$19,000,000 in federal and state funds to replace or modify the current Guemes Island ferry with an electric ferry to meet current and future needs, in addition to repaving the ferry parking facility. The project is scheduled to begin in 2020. See project list in Exhibit 26.

**A2: Exhibit 29. 20-year Transportation Capital Projects, 2016-36**

ID	Project	Location	Description	Project Cost
43	Guemes Ferry Boat Replacement <del>or Overhaul</del> <u>(Electric)</u>		Replace/ <del>Overhaul</del> ferry	<del>\$12,000,000</del> <u>19,000,000</u>

**A3: Exhibit 30. Capital Project Cost Summary**

Project List	Cost
20-year (2016-2036) Project List Total	<del>\$170,668,569</del> <u>177,668,569</u>

**A4: Other State Funds**

This category is primarily state grants and grants from the Urban Arterial Board, Transportation Improvement Board, County Ferry Capital Improvement Program (CRAB), Department of Community, Trade, and Economic Development, and the Washington State Department of Transportation. Beyond State grants, state shared revenues, entitlements, impact payments, and in-lieu taxes might be included in this revenue category. Exhibit 33 shows historical and future projected revenues from other state funds for Skagit County.

**A5: Ferry Tolls**

Skagit County operates a ferry between Anacortes and Guemes Island. This ferry is subsidized by the County government with a cost-recovery target from fare-box of 65%. This includes the County's recent ferry surcharge that went into effect August 1, 2018 and averages out to 20 percent increase per ticket. The recent ferry surcharge is a capital revenue source that will only be used for the purchase of the new electric ferry (RCW 36.54.200). These fares are one of the County's dedicated transportation revenue sources. The County Board of Commissioners sets fares for the ferry annually. Exhibit 35 shows historical and future projected revenues from ferry tolls for Skagit County.

**A6: Exhibit 41: Skagit County Revenues Available for Capital Projects under Desired Future State Maintenance and Operations, 2016 to 2036 (2015\$)**

	2016-2036
Total Revenue	<del>\$494,552,284</del> <u>502,052,284</u>
Total Programmatic Expenditures	\$474,573,233
Remaining Revenue for Capital Projects (Total Revenue minus Total Programmatic Expenditures)	<del>\$19,979,051</del> <u>27,479,051</u>

**A7: Exhibit 42: Skagit County Capital Project Summary, 2016 to 2036 (2015\$)**

	2016-2036
Remaining Revenue for Capital Projects	<del>\$19,979,051</del> <u>27,479,051</u>
Capital Projects	<del>\$170,668,569</del> <u>177,668,569</u>
Revenue Deficit (Total Remaining Revenue minus Capital Projects)	<del>\$(150,689,518)</del> <u>(150,189,518)</u>

**Item C-2 Codify Comprehensive Plan Policy 4A-5.6**

No changes recommended as part of the 2019 Docket process.

## Item C-3 Binding Site Plans

### **Title 14 Unified Development Code**

#### **Chapter 14.18 Land Divisions**

##### **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 Chapter 14.06 SCC 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 Chapter 58.17 RCW 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.~~

~~(c)~~<sup>(d)</sup> The site that is subject to the binding site plan shall consist of 1 or more contiguous legal lots of record.

## C-4 Trails in OSRSI (Public Open Space of Regional/Statewide Importance)

### **Title 14 Unified Development Code**

#### **Chapter 14.16 Zoning**

##### **14.16.500 Public Open Space of Regional/Statewide Importance (OSRSI).**

(3) Permitted Uses.

- (a) Historic sites open to the public.
- (b) Interpretive/information centers and museums.
- (c) 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.
- (d) Public open space areas of regional and Statewide importance including County, State and Federal parks, recreational areas, and wildlife management areas, including those that provide linkages between neighborhood and community parks.
- (e) Caretaker dwelling unit for on-site resident park manager accessory to the primary public use.
- (f) ~~Trails~~ Educational enterprises designed to offer special access to natural resource-based and recreational opportunities on lakes, creeks, streams, river corridors, shorelines, and areas with prominent views.
- (g) Maintenance, drainage.
- (h) Net metering system, solar.
- (i) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
- (j) Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.
- (k) Cultivation and harvest of forest products or any forest crop, in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.

(l) Trails.

(4) Administrative Special Uses.

- (a) Campgrounds, destination.

- (b) Campgrounds, developed.
- (c) Campgrounds, primitive.
- (d) Expansion of existing major public facilities up to 3,000 square feet.
- (e) In remote areas only, such as east of Concrete and on saltwater islands without ferry service, employee housing sufficient to operate the OSRSI operation.
- (f) Minor public use.
- (g) Minor utility developments.
- (h) Outdoor recreation facilities.
- (i) Personal wireless services towers, subject to SCC 14.16.720.
- (j) Roadside stands not greater than 300 square feet.
- (k) Stables/riding clubs.
- (l) Temporary events.
- (m) ~~Trails and p~~Primary and secondary trailheads.
- (n) Water diversion structure.

## C-5 Habitat Restoration as Hearing Examiner (HE) Special Use Permit

### **Title 14 Unified Development Code**

#### **Chapter 14.16 Zoning**

##### **SCC 14.16.100 Rural Village Commercial (RVC)**

###### (2) Permitted Uses.

- (a) Business offices;
- (b) Community club/grange hall;
- (c) Family day care provider;
- (d) Vehicle charging station and vehicle fueling station;
- (e) [Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- (f) Historic sites open to the public;
- (g) ~~(f)~~ Kennel, day-use;
- (h) ~~(g)~~ One loft living quarter above store fronts;
- (i) ~~(h)~~ Mini-storage;
- (j) ~~(i)~~ Minor public uses;
- (k) ~~(j)~~ 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) ~~(k)~~ Overnight lodging and related services for visitors to the rural area;
- (m) ~~(l)~~ Owner operator/caretaker quarters accessory to primary use;
- (n) ~~(m)~~ Pre-school;
- (o) ~~(n)~~ Business/professional offices;
- (p) ~~(o)~~ Seasonal roadside stands under 300 square feet;
- (q) ~~(p)~~ Small animal clinic/hospital;



[\(r\)](#) ~~(q)~~ Small retail and service businesses, including restaurants;

[\(s\)](#) ~~(r)~~ Outpatient medical and health care services;

[\(t\)](#) ~~(s)~~ Maintenance, drainage;

[\(u\)](#) ~~(t)~~ Net metering system, solar;

[\(v\)](#) ~~(u)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less;

[\(w\)](#) ~~(v)~~ Recycling drop box facility; and

[\(x\)](#) ~~(w)~~ In the Rural Village Commercial zone in Alger, the permitted uses shall be limited to the following:

### **SCC 14.16.110 Rural Center (RC)**

#### **(2) Permitted Uses.**

(a) Bed and breakfast.

(b) Community club/grange hall.

(c) Family day care provider.

(d) Vehicle charging station and vehicle fueling station.

(e) [Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)

[\(f\)](#) Historic sites open to the public.

[\(g\)](#) ~~(f)~~ Kennel, day-use.

[\(h\)](#) ~~(g)~~ Loft living quarters.

[\(i\)](#) ~~(h)~~ Mini-storage.

[\(j\)](#) ~~(i)~~ Minor public uses.

[\(k\)](#) ~~(j)~~ Owner operator/caretaker quarters accessory to the primary commercial use.

[\(l\)](#) ~~(k)~~ Pre-schools.

[\(m\)](#) ~~(l)~~ Retail and wholesale nurseries/greenhouses.

[\(n\)](#) ~~(m)~~ Small retail and service businesses, including restaurants.

(o) ~~(n)~~ Outpatient medical and health care services.

(p) ~~(o)~~ Maintenance, drainage.

(q) ~~(p)~~ Net metering system, solar.

(r) ~~(q)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

(s) ~~(r)~~ Recycling drop box facility.

### **SCC 14.16.120 Rural Freeway Service (RFS)**

#### **(2) Permitted Uses.**

(a) Vehicle charging station and vehicle fueling station, vehicle repair garages and car washes;

(b) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)

(c) Historic sites open to the public;

(d) ~~(c)~~ Kennel, day-use;

(e) ~~(d)~~ Minor public uses;

(f) ~~(e)~~ Owner operator/caretaker quarters accessory to a commercial operation;

(g) ~~(f)~~ Park and ride;

(h) ~~(g)~~ Restaurants and drive-ins;

(i) ~~(h)~~ Retail food markets and convenience stores, including farmers market;

(j) ~~(i)~~ Interpretive/information centers and museums;

(k) ~~(j)~~ Transit station/stop;

(l) ~~(k)~~ Maintenance, drainage;

(m) ~~(l)~~ Net metering system, solar;

(n) ~~(m)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less;

(o) ~~(n)~~ Recycling drop box facility; and

[\(p\)](#) ~~(e)~~ Marijuana retail facility.

### **SCC 14.16.130 Small Scale Recreation and Tourism (SRT)**

#### **(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 and service businesses, if they serve the primary recreational or tourist use.
- (h) Conference center.
- (i) Display gardens.
- (j) Grange/community center.
- (k) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- [\(l\)](#) Historic sites open to the public.
- [\(m\)](#) ~~(t)~~ Institutional camps/retreats.
- [\(n\)](#) ~~(m)~~ Kennel, day-use.
- [\(o\)](#) ~~(n)~~ Marinas with less than 20 slips.
- [\(p\)](#) ~~(e)~~ Off-road vehicle use areas and trails.
- [\(q\)](#) ~~(p)~~ Outdoor outfitters enterprises.
- [\(r\)](#) ~~(e)~~ Outdoor recreation facilities.

- [\(s\)](#) ~~(r)~~ Outdoor recreational equipment rental and/or guide services.
- [\(t\)](#) ~~(s)~~ Parks, community.
- [\(u\)](#) ~~(t)~~ Stables/riding clubs.
- [\(v\)](#) ~~(u)~~ Trails and primary and secondary trailheads.
- [\(w\)](#) ~~(v)~~ Maintenance, drainage.
- [\(x\)](#) ~~(w)~~ Net metering system, solar.
- [\(y\)](#) ~~(x)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
- [\(z\)](#) ~~(y)~~ Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.
- [\(aa\)](#) ~~(z)~~ Vehicle charging station.

#### **SCC 14.16.140 Small Scale Business (SSB)**

##### (2) Permitted Uses.

- (a) Business/professional offices;
- (b) [Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- [\(c\)](#) Historic sites open to the public;
- [\(d\)](#) ~~(c)~~ Small retail and service businesses; provided, that retail sales are limited to products produced primarily on site or which are accessory to products produced on site;
- [\(e\)](#) ~~(d)~~ Small-scale production or manufacture of products and goods, including food products, furniture, apparel, artwork, metal products, and wood products;
- [\(f\)](#) ~~(e)~~ Wholesale nurseries/greenhouses;
- [\(g\)](#) ~~(f)~~ Maintenance, drainage;
- [\(h\)](#) ~~(g)~~ Net metering system, solar;
- [\(i\)](#) ~~(h)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less;
- [\(j\)](#) ~~(i)~~ Recycling drop box facility; and

[\(k\)](#) ~~(j)~~ Vehicle charging station.

### **SCC 14.16.150 Rural Business (RB)**

#### (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 continue the same basic operational characteristics as the existing use, shall be of no greater intensity, density, or generate no greater environmental or traffic impact than the existing use.

(c) A use designated Rural Business may be expanded; provided, that any expansion is limited to a maximum of 50% of the gross floor area existing as of June 1, 1997, or 1,500 square feet, whichever is less. The maximum floor area of allowed expansion shall be determined based on the gross floor area dedicated to the Rural Business use as of June 1, 1997. The expansion, as well as all associated development including but not limited to parking areas, driveways, septic systems, wells, and landscaping, must occur on the same lot upon which the existing use is located.

(d) Outdoor working areas may be expanded by a maximum of 50%; provided, that any expansion must occur on the same lot as the existing outdoor working area. The area of allowed expansion shall be determined based on the outdoor working area dedicated to the Rural Business use as of June 1, 1997.

(e) [Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)

[\(f\)](#) Owner operator/caretaker quarters as accessory to a business use.

[\(g\)](#) ~~(f)~~ Maintenance, drainage.

[\(h\)](#) ~~(g)~~ Net metering system, solar.

[\(i\)](#) ~~(h)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

[\(j\)](#) ~~(i)~~ Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

[\(k\)](#) ~~(j)~~ Vehicle charging station.

### **SCC 14.16.160 Natural Resource Industrial (NRI)**

#### (2) Permitted Uses.

(a) Uses related to agriculture including, but not limited to:

- (i) Agricultural implement sales.
- (ii) Agricultural processing facilities.
- (iii) Agricultural slaughtering facilities.
- (iv) Animal clinic/hospital.
- (v) Business/professional offices related to natural resource industries.
- (vi) Commercial composting.
- (vii) Fabrication of farm related items.
- (viii) Fertilizer manufacturing.
- (ix) Irrigation systems sales, repair and storage.
- (x) Livestock auction facility.
- (xi) Natural resource support services.
- (xii) Stockyards less than 40 acres.
- (xiii) Storage and distribution of animal feeds, fertilizers, pesticides and seed.
- (xiv) 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) [Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- (e) Historic sites open to the public.
- (f) ~~(e)~~ Minor public uses.
- (g) ~~(f)~~ Maintenance, drainage.
- (h) ~~(g)~~ Net metering system, solar.
- (i) ~~(h)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
- (j) ~~(i)~~ Recycling drop box facility.

#### **SCC 14.16.170 Rural Marine Industrial (RMI)**

##### (2) Permitted Uses.

- (a) [Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- (b) Historic sites open to the public.
- (c) ~~(b)~~ Shore/water transfer of marine-related and/or raw natural resource materials.

(d) ~~(e)~~ Marinas only on properties on which a marina existed as of April 1, 2002, or was vested by permit application as of April 1, 2002, shall be permitted to continue, intensify and expand on such properties as conforming uses.

(e) ~~(d)~~ Maintenance, drainage.

(f) ~~(e)~~ Net metering system, solar.

(g) ~~(f)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

(h) ~~(g)~~ Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

(i) ~~(h)~~ Vehicle charging station.

#### **SCC 14.16.175 Hamilton Industrial (H-I)**

##### **(2) Permitted Uses.**

(a) Uses related to agriculture including, but not limited to:

- (i) Agricultural support services.
- (ii) Agricultural processing facilities.
- (iii) Agricultural slaughtering facilities.
- (iv) Animal clinic/hospital.
- (v) Commercial composting.
- (vi) Fabrication of farm-related items.
- (vii) Fertilizer manufacturing.
- (viii) Irrigation systems sales, repair and storage.
- (ix) Livestock auction facility.
- (x) Stockyards less than 40 acres.
- (xi) Storage and distribution of animal feeds, fertilizers, pesticides and seed.
- (xii) 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 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) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- [\(e\)](#) Historic sites open to the public.
- [\(f\)](#) ~~(e)~~ Minor public uses.
- [\(g\)](#) ~~(f)~~ Maintenance, drainage.
- [\(h\)](#) ~~(g)~~ Net metering system, solar.
- [\(i\)](#) ~~(h)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

[\(j\)](#) ~~(j)~~ Recycling drop box facility.

[\(k\)](#) ~~(j)~~ Vehicle charging station.

### **SCC 14.16.180 Bayview Ridge Light Industrial (BR-LI)**

#### **(2) Permitted Uses**

(a) The following uses are permitted only when they abut Peterson Road:

(i) Retail food markets and convenience stores, including farmers markets, with a maximum building footprint of 15,000 square feet.

(ii) Small retail businesses, including eating and drinking establishments, with a maximum building footprint of 5,000 square feet.

(iii) Vehicle fueling and charging stations, including vehicle repair garages and car washes.

(b) Agricultural and food processing, storage and transportation.

(c) Agricultural uses, on an interim basis until industrial development; provided, that residences shall not be allowed as an accessory use in conjunction with agriculture.

(d) Bulk commodity storage and rail/truck trans-shipment terminals.

(e) Cold storage facilities.

(f) Commercial uses, including offices associated with permitted uses, but excluding principally retail uses such as the sales of goods or services. Incidental retail sales of consumer goods and services are permitted as accessory uses under Subsection (3) of this Section. No large-scale retail centers such as department stores, malls, shopping centers, and other similar facilities commonly referred to as “big box” retail establishments.

(g) Construction contractors, contractors’ services, utility services (equipment and supply yards for contractors and utility providers), and building services (cleaning, maintenance, security, landscaping, etc.).

(h) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)

[\(i\)](#) Historic sites open to the public.

[\(j\)](#) ~~(j)~~ Repealed by Ord. O20140005.

[\(k\)](#) ~~(j)~~ Lumber yards.

(l) ~~(k)~~ Manufacture, processing, treatment, storage, blending, fabrication, development, assembly or packaging of any product from natural or synthetic materials.

(m) ~~(l)~~ Mini-storage.

(n) ~~(m)~~ Parks, courtyards, plazas, and public spaces.

(o) ~~(n)~~ Printing, publishing, and broadcasting.

(p) ~~(o)~~ Rail terminals and intermodal truck/rail storage and shipping facilities.

(q) ~~(p)~~ Repair, sales, rental, and storage facilities for equipment, including heavy equipment, farm equipment, marine equipment, boats, airplanes, trucks, and recreational vehicles.

(r) ~~(q)~~ Research, development and testing facilities.

(s) ~~(r)~~ Retail and wholesale nurseries/greenhouses.

(t) ~~(s)~~ Security services and armored car depots and services.

(u) ~~(t)~~ Telephone and Internet call centers and server farms; web hosting facilities and other communication centers.

(v) ~~(u)~~ Trails and primary and secondary trailheads.

(w) ~~(v)~~ Vocational educational and training centers.

(x) ~~(w)~~ Warehousing, distribution and storage facilities.

(y) ~~(x)~~ Wholesale businesses with incidental retail trade permitted as accessory uses under Subsection (3) of this Section.

(z) ~~(y)~~ Maintenance, drainage.

(aa) ~~(z)~~ Net metering system, solar.

(bb) ~~(aa)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

(cc) ~~(bb)~~ Recycling drop box facility.

(dd) ~~(cc)~~ Marijuana production/processing facility at least 1,000 feet from a residential zone.

(ee) ~~(dd)~~ Vehicle charging and vehicle fueling station.

(ff) ~~(ee)~~ Temporary events.

## SCC 14.16.190 Bayview Ridge Heavy Industrial (BR-HI)

### (2) Permitted Uses

- (a) Fabrication of resource-related items.
- (b) Fertilizer manufacturing.
- (c) Manufacturing wood containers and products.
- (d) Production, repair and servicing of specialized tools and equipment.
- (e) Agricultural uses, on an interim basis until industrial development; provided, that residences shall not be allowed as an accessory use in conjunction with agriculture.
- (f) Automobile wrecking; provided, that landscaping is installed pursuant to SCC 14.16.830, Landscaping. If none applies pursuant to a zoning designation, a Type I buffer shall be required.
- (g) Bulk commodity storage and rail/truck trans-shipment terminals.
- (h) Cold storage facilities.
- (i) Communication utilities offices.
- (j) Construction contractors, contractors' services, utility services (equipment and supply yards for contractors and utility providers), and building services (cleaning, maintenance, security, landscaping, etc.).
- (k) Eating and drinking establishments.
- (l) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- (m) Historic site open to the public.
- (n) ~~(m)~~ Lumber yards.
- (o) ~~(n)~~ Manufacture, processing, treatment, storage, fabrication, assembly or packaging of any product from natural or synthetic materials.
- (p) ~~(o)~~ Rail terminals and intermodal truck/rail storage and shipping facilities.
- (q) ~~(p)~~ Repair and storage facilities for equipment, including heavy equipment, farm equipment, marine equipment, boats, airplanes, automobiles, trucks, and recreational vehicles.
- (r) ~~(q)~~ Research, development and testing facilities.
- (s) ~~(r)~~ Sale, rental and repair of new and used industrial and farm machinery and equipment.

- (t) ~~(s)~~ Security services/armored car depots and services.
- (u) ~~(t)~~ Utility services offices.
- (v) ~~(u)~~ Vocational educational and training facilities.
- (w) ~~(v)~~ Warehousing, distribution and storage facilities.
- (x) ~~(w)~~ Wholesale businesses with incidental retail trade permitted as accessory uses under Subsection (3) of this Section.
- (y) ~~(x)~~ Maintenance, drainage.
- (z) ~~(y)~~ Net metering system, solar.
- (aa) ~~(z)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
- (bb) ~~(aa)~~ Recycling drop box facility.
- (cc) ~~(bb)~~ Anaerobic digester.
- (dd) ~~(cc)~~ Marijuana production/processing facility.
- (ee) ~~(dd)~~ Vehicle charging and vehicle fueling station.
- (ff) ~~(ee)~~ Temporary events.

#### **SCC 14.16.196 Urban Reserve Commercial-Industrial (URC-I)**

##### **(2) Permitted Uses.**

- (a) Art galleries and studios.
- (b) Business/professional offices.
- (c) Community club/grange hall.
- (d) Family day care provider.
- (e) Vehicle charging and vehicle fueling station and automobile repair garages conducted inside a building.

(f) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)

(g) Historic sites open to the public.

(h) ~~(g)~~ Indoor or outdoor storage facilities, excluding unlicensed and inoperable vehicles.

(i) ~~(h)~~ Kennel, day-use.

(j) ~~(i)~~ Loft living quarters above store fronts.

(k) ~~(j)~~ Mini-storage.

(l) ~~(k)~~ Minor public uses.

(m) ~~(l)~~ 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.

(n) ~~(m)~~ Outside sales of new and used vehicles, boats and mobile homes or equipment.

(o) ~~(n)~~ Owner operator/caretaker quarters accessory to primary use.

(p) ~~(o)~~ Pre-school.

(q) ~~(p)~~ Production, repair, and servicing of specialized tools and equipment.

(r) ~~(q)~~ Retail and service businesses.

(s) ~~(r)~~ Restaurants.

(t) ~~(s)~~ Retail and wholesale nurseries/greenhouses.

(u) ~~(t)~~ Small animal clinic/hospital.

(v) ~~(u)~~ Small retail and service businesses.

(w) ~~(v)~~ Small scale production or manufacture of products and goods, including food products, furniture, apparel, artwork, metal products, and wood products.

(x) ~~(w)~~ Warehouses and distribution and wholesale uses.

[\(y\)](#) ~~(x)~~ Maintenance, drainage.

[\(z\)](#) ~~(y)~~ Net metering system, solar.

[\(aa\)](#) ~~(z)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

[\(bb\)](#) ~~(aa)~~ Recycling drop box facility.

[\(cc\)](#) ~~(bb)~~ Temporary events.

### **SCC 14.16.200 Aviation Related (AVR)**

#### **(2) Permitted Uses.**

(a) Air charter services.

(b) Aircraft fueling.

(c) Aircraft maintenance and repair.

(d) Aircraft parking and hangars.

(e) Aircraft related manufacturing.

(f) Aircraft sales and sales of aircraft parts.

(g) Airport including terminal facilities.

(h) Aviation schools.

(i) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)

[\(j\)](#) Regional airfields.

[\(k\)](#) ~~(j)~~ Restaurant.

[\(l\)](#) ~~(k)~~ Temporary events.

[\(m\)](#) ~~(l)~~ Uses that require or utilize aviation access and those that serve the aviation industry and/or air passengers.

[\(n\)](#) ~~(m)~~ Uses accessory or related to aviation, such as aviation-related navigation aids.

- [\(o\)](#) ~~(n)~~ Uses permitted in the BR-LI zone.
- [\(p\)](#) ~~(o)~~ Vehicle rental.
- [\(q\)](#) ~~(p)~~ Warehousing for airport users.
- [\(r\)](#) ~~(q)~~ Maintenance, drainage.
- [\(s\)](#) ~~(r)~~ Net metering system, solar.
- [\(t\)](#) ~~(s)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
- [\(u\)](#) ~~(t)~~ Vehicle charging station.

#### **SCC 14.16.205 Aviation Related Limited (AVR-L)**

##### (2) Permitted Uses.

- (a) Uses permitted in the BR-LI zone, not to exceed 20 acres total of permitted or special uses within the entire zone, identified at time of application.
- (b) Aviation-related navigation aids.
- (c) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- [\(d\)](#) Maintenance, drainage.
- [\(e\)](#) ~~(d)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
- [\(f\)](#) ~~(e)~~ Trails and primary and secondary trailheads.
- [\(g\)](#) ~~(f)~~ Temporary events.

#### **SCC 14.16.300 Rural Intermediate (RI)**

##### (2) Permitted Uses.

- (a) Agriculture.
- (b) Agricultural accessory uses.
- (c) Co-housing as part of a CaRD, subject to SCC 14.18.300 through 14.18.330.



- (d) Detached single-family dwelling units.
- (e) Family day care provider.
- (f) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- (g) Home-Based Business 1.
- (h) ~~(g)~~ Residential accessory uses.
- (i) ~~(h)~~ Seasonal roadside stands under 300 square feet.
- (j) ~~(i)~~ Maintenance, drainage.
- (k) ~~(j)~~ Net metering system, solar.
- (l) ~~(k)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
- (m) ~~(l)~~ Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

#### **SCC 14.16.310 Rural Village Residential (RVR)**

##### (2) Permitted Uses.

- (a) Co-housing as part of CaRD, subject to SCC 14.18.300 through 14.18.330.
- (b) Detached single-family dwelling units.
- (c) Family day care provider.
- (d) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- (e) Home-Based Business 1.
- (f) ~~(e)~~ Residential accessory uses.
- (g) ~~(f)~~ Seasonal roadside stands under 300 square feet.
- (h) ~~(g)~~ Maintenance, drainage.

(i) ~~(h)~~ Net metering system, solar.

(j) ~~(i)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

(k) ~~(j)~~ Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

### **SCC 14.16.320 Rural Reserve (RRv)**

#### **(2) Permitted Uses.**

(a) Agriculture.

(b) Agricultural accessory uses.

(c) Agricultural processing facilities.

(d) Co-housing, as part of a CaRD, subject to SCC 14.18.300 through 14.18.330.

(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) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)

(i) Home-Based Business 1.

(j) ~~(i)~~ Residential accessory uses.

(k) ~~(j)~~ Seasonal roadside stands under 300 square feet.

(l) ~~(k)~~ Maintenance, drainage.

(m) ~~(l)~~ Net metering system, solar.

(n) ~~(m)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

(o) ~~(n)~~ Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

### **SCC 14.16.330 Residential District (R)**

#### (2) Permitted Uses.

- (a) Duplexes (only when approved as part of the approval of a subdivision).
- (b) Family day care provider.
- (c) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- (d) Home-Based Business 1.
- (e) ~~(d)~~ Single-family dwellings.
- (f) ~~(e)~~ Maintenance, drainage.
- (g) ~~(f)~~ Net metering system, solar.
- (h) ~~(g)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
- (i) ~~(h)~~ Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

### **SCC 14.16.370 Urban Reserve Residential (URR)**

#### (2) Permitted Uses.

- (a) Detached single-family dwelling unit, consistent with the requirement of SCC 14.16.850(2).
- (b) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- (c) Home-Based Business 1.
- (d) ~~(c)~~ Family day care provider.
- (e) ~~(d)~~ Residential accessory uses.
- (f) ~~(e)~~ Maintenance, drainage.
- (g) ~~(f)~~ Net metering system, solar.
- (h) ~~(g)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

## **SCC 14.16.380 Hamilton Residential (HR)**

### (2) Permitted Uses.

- (a) Agriculture.
- (b) Agricultural accessory uses.
- (c) Aquaculture.
- (d) Campground, primitive, as long as there is no conversion of resource land and the campground does not interfere with resource management.
- (e) Cultivation and harvest of forest products or any forest crop in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.
- (f) Detached single-family residential dwelling and residential accessory uses.
- (g) Family day care provider.
- (h) Farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than 3 nonresident full-time equivalent employees.
- (i) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- (j) Historic sites open to the public that do not interfere with the management of forest land.
- (k) ~~(j)~~ Home-Based Business 1.
- (l) ~~(k)~~ Seasonal roadside stands not exceeding 300 square feet.
- (m) ~~(j)~~ Maintenance, drainage.
- (n) ~~(m)~~ Net metering system, solar.
- (o) ~~(n)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
- (p) ~~(o)~~ Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

## **SCC 14.16.385 Hamilton Urban Reserve (H-URv)**

### (2) Permitted Uses.

- (a) Agriculture.

- (b) Agricultural accessory uses.
- (c) Agricultural processing facilities.
- (d) Aquaculture.
- (e) Campground, primitive, as long as there is no conversion of resource land and the campground does not interfere with resource management.
- (f) Commercial greenhouse operations that are an integral part of a local soil-based commercial agriculture operation.
- (g) Individual or multiple farm composting as an incidental agricultural operation to a working farm with no net loss of soil. The composting operation shall be managed according to an approved nutrient management plan in conjunction with the local Conservation District and Natural Resources Conservation Service (NRCS) standards and all applicable environmental, solid waste, access and health regulations. Such use shall not generate traffic uncommon to a farm operation.
- (h) Cultivation and harvest of forest products or any forest crop in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.
- (i) Detached single-family residential dwelling and residential accessory uses.
- (j) 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 on the same owners' property, on 3 acres or less.
- (k) Family day care provider.
- (l) Farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than 3 nonresident full-time equivalent employees.
- (m) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)
- (n) Historic sites open to the public that do not interfere with the management of forest land.
- (o) ~~(n)~~ Home-Based Business 1.
- (p) ~~(o)~~ 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.
- (q) ~~(p)~~ 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.

(r) ~~(q)~~ 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.

(s) ~~(r)~~ Seasonal roadside stands not exceeding 300 square feet.

(t) ~~(s)~~ Water diversion structures and impoundments related to resource management and on-site wetland restoration/enhancement projects.

(u) ~~(t)~~ Maintenance, drainage.

(v) ~~(u)~~ Net metering system, solar.

(w) ~~(v)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

(x) ~~(w)~~ Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

#### **SCC 14.16.410 Industrial Forest – Natural Resource Lands (IF-NRL)**

##### (2) Permitted Uses.

(a) Accessory residential structures.

(b) Campground, primitive; provided, that there is no permanent conversion of resource land and the campground does not interfere with resource management.

(c) Co-housing as part of a CaRD, subject to SCC 14.18.300 through 14.18.330.

(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 the purpose of forest road construction and/or maintenance, and the operation of rock crushers, provided the material and equipment is used within the Industrial Forest or Secondary Forest—Natural Resource Lands Zone, or on same forest owners' property.

(g) Family day care provider.

(h) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)

(i) Historic sites open to the public that do not interfere with management of the forest land.

(j) ~~(i)~~ Home-Based Business 1.

- (k) ~~(k)~~ Management and propagation of fish and wildlife.
- (l) ~~(k)~~ Nonresidential structures which are accessory to forest management activities (i.e., temporary watchman quarters, equipment shop or storage structures).
- (m) ~~(k)~~ 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.
- (n) ~~(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.
- (o) ~~(n)~~ Storage of explosives for resource management use per adopted IBC and IFC, when located at least 300 feet from property boundary or public road right-of-way.
- (p) ~~(o)~~ Water diversion structures and impoundments related to resource management and (on-site) wetland restoration/enhancement projects.
- (q) ~~(p)~~ 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.
- (r) ~~(q)~~ Maintenance, drainage.
- (s) ~~(r)~~ Net metering system, solar.
- (t) ~~(s)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

#### **SCC 14.16.420 Secondary Forest – Natural Resource Lands (SF-NRL)**

##### **(2) Permitted Uses.**

- (a) Accessory residential structures.
- (b) Campground, primitive; provided, that there is no permanent conversion of resource land and the campground does not interfere with resource management.
- (c) Co-housing as part of a CaRD, subject to SCC 14.18.300 through 14.18.330.
- (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 the purpose of forest road construction and/or maintenance, and the operation of rock crushers, provided the material and equipment is used within the Industrial Forest or Secondary Forest—Natural Resource Lands Zone, or on same forest owners' property.

(g) Family day care provider.

[\(h\) Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)

[\(i\)](#) Historic sites open to the public that do not interfere with management of the forest land.

[\(j\)](#) ~~(j)~~ Home-Based Business 1.

[\(k\)](#) ~~(k)~~ Management and propagation of fish and wildlife.

[\(l\)](#) ~~(l)~~ Nonresidential structures which are accessory to forest management activities (i.e., temporary watchman quarters, equipment shop or storage structures).

[\(m\)](#) ~~(m)~~ 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.

[\(n\)](#) ~~(n)~~ 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.

[\(o\)](#) ~~(o)~~ Storage of explosives for resource management use per adopted IBC and IFC, when located at least 300 feet from property boundary or public road right-of-way.

[\(p\)](#) ~~(p)~~ Water diversion structures and impoundments related to resource management and (on-site) wetland restoration/enhancement projects.

[\(q\)](#) ~~(q)~~ 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.

[\(r\)](#) ~~(r)~~ Maintenance, drainage.

[\(s\)](#) ~~(s)~~ Net metering system, solar.

[\(t\)](#) ~~(t)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.



## SCC 14.16.430 Rural Resource – Natural Resource Lands (RRc-NRL)

### (2) Permitted Uses.

- (a) Agriculture.
- (b) Agricultural accessory uses.
- (c) Agricultural processing facilities.
- (d) Aquaculture.
- (e) Campground, primitive, as long as there is no conversion of resource land and the campground does not interfere with resource management.
- (f) Commercial greenhouse operations that are an integral part of a local soil-based commercial agriculture operation.
- (g) Commercial uses supporting resource uses, such as packing, first stage processing and processing that provides added value to resource products as long as there is no permanent conversion of the forest land.
- (h) Individual or multiple farm composting as an incidental agricultural operation to a working farm with no net loss of soil. The composting operation shall be managed according to an approved nutrient management plan in conjunction with the local Conservation District and Natural Resources Conservation Service (NRCS) standards and all applicable environmental, solid waste, access and health regulations. Such use shall not generate traffic uncommon to a farm operation.
- (i) Cultivation and harvest of forest products or any forest crop in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.
- (j) Detached single-family residential dwelling.
- (k) Extraction of gravel and rock on 3 acres or less for the purpose of forest road construction and/or maintenance, and the operation of rock crushers, provided the material and equipment is used within the Rural Resource—Natural Resource Lands Zone, or on same forest owners' property.
- (l) Family day care provider.
- (m) Farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than 3 nonresident full-time equivalent employees.
- (n) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)

(o) Historic sites open to the public that do not interfere with the management of forest land.

(p) ~~(p)~~ Home-Based Business 1.

(q) ~~(q)~~ 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.

(r) ~~(r)~~ 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.

(s) ~~(s)~~ Residential accessory structures.

(t) ~~(t)~~ Seasonal roadside stands not exceeding 300 square feet.

(u) ~~(u)~~ Water diversion structures and impoundments related to resource management and on-site wetland restoration/enhancement projects.

(v) ~~(v)~~ Maintenance, drainage.

(w) ~~(w)~~ Net metering system, solar.

(x) ~~(x)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

#### **14.16.450 Urban Reserve Public-Open Space (URP-OS).**

##### **(2) Permitted Uses.**

(a) Agriculture.

(b) Agricultural accessory uses.

(c) Caretaker dwelling unit for on-site resident park manager accessory to the primary public use.

(d) 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.

(e) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)

(f) Historic sites open to the public.

(g) ~~(g)~~ Interpretive center.

- [\(h\)](#) ~~(g)~~ Minor public uses.
- [\(i\)](#) ~~(h)~~ Minor utility developments.
- [\(j\)](#) ~~(i)~~ Parks, community.
- [\(k\)](#) ~~(j)~~ Park, recreation open space.
- [\(l\)](#) ~~(k)~~ Parks, regional.
- [\(m\)](#) ~~(l)~~ Park, specialized recreation area.
- [\(n\)](#) ~~(m)~~ Trails and primary and secondary trailheads.
- [\(o\)](#) ~~(n)~~ Maintenance, drainage.
- [\(p\)](#) ~~(o)~~ Net metering system, solar.
- [\(q\)](#) ~~(p)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

#### **14.16.500 Public Open Space of Regional/Statewide Importance (OSRSI).**

##### **(3) Permitted Uses.**

- (a) Historic sites open to the public.
- (b) Interpretive/information centers and museums.
- (c) 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.
- (d) Public open space areas of regional and Statewide importance including County, State and Federal parks, recreational areas, and wildlife management areas, including those that provide linkages between neighborhood and community parks.
- (e) Caretaker dwelling unit for on-site resident park manager accessory to the primary public use.
- (f) [Habitat enhancement and/ or restoration projects, except mitigation banks as defined by SCC 14.04.020.](#)

[\(g\)](#) Trails or educational enterprises designed to offer special access to natural resource-based and recreational opportunities on lakes, creeks, streams, river corridors, shorelines, and areas with prominent views.

[\(h\)](#) ~~(g)~~ Maintenance, drainage.

[\(i\)](#) ~~(h)~~ Net metering system, solar.

[\(j\)](#) ~~(i)~~ Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

[\(k\)](#) ~~(j)~~ Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

[\(l\)](#) ~~(k)~~ Cultivation and harvest of forest products or any forest crop, in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.

## C-6 Fire Code Consistency with IFC Appendix D

### **Title 15 Buildings and Construction**

#### **Chapter 15.04 International Codes**

##### **15.04.030 Specific amendments to codes.**

(2) Amendments to International Fire Code (IFC).

(f) IFC Appendix D is amended as follows:

Section D101.1 ~~Scope~~ **General**: Fire apparatus access roads shall be in accordance with this chapter and all other applicable requirements of the International Fire Code as required by the Fire Marshal.

Section D102.1 ~~Access and Loading~~ **Required Access**: Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when the facility is in excess of one hundred fifty (150) feet from fire apparatus access.

Section D103.1 ~~Driveways~~ **Minimum Specifications**: ~~Roads serving one (1) or two (2) residential lots is amended as follows:~~

(a) ~~Driveways~~. Roads serving one (1) or two (2) residential lots is amended as follows:

- ~~a.~~ (i) Driveways where a building is less than 150 feet from an approved access road meeting Section D103.2 of this code have no specific requirements.
- ~~b.~~ (ii) Driveways that are 150 feet or more in length and serve one or two residential lots shall meet the following standards:
  - (i) (A) Width: 12 feet of driving surface with turnouts located every 300 feet, when required by the Fire Marshal. To create a turnout, the road shall be widened to 20 feet in the direction of travel for a distance of not less than 30 feet to allow vehicles to pull over and emergency vehicles to proceed.

~~(ii)~~ [\(B\)](#) Vertical clearance: A minimum of 13 feet, 6 inches of unobstructed head clearance is required.

~~(iii)~~ [\(C\)](#) Surface: Skagit County Road Standard for Private Roads as required by the Skagit County Public Works Department or as approved by the Skagit County Fire Marshal.

~~(iv)~~ [\(D\)](#) Turning radius for turns along the length of driveway: A minimum of 20 feet of inside radius and 50 feet of outside radius is required. (Note: This is not a cul-de-sac standard).

~~(v)~~ [\(E\)](#) An acceptable means of turning around a fire apparatus must be provided. This does not necessarily require a cul-de-sac for a driveway serving 1 or 2 residential lots. Means of turning apparatus must be acceptable to the Fire Marshal.

~~(vi)~~ [\(F\)](#) Bridges must meet Skagit County Road Standards as required by the Skagit County Public Works Department.

~~(vii)~~ [\(G\)](#) Where grades are 12% or under, the driving surface must be gravel or equivalent or may be concrete, asphalt, or equivalent.

~~(viii)~~ [\(H\)](#) Where grades are over 12% and equal to or less than 14%, the driving surface must be concrete, asphalt, or equivalent.

~~(ix)~~ [\(I\)](#) Where grades are over 14% and equal to or less than 16%, any residence must have a NFPA 13D fire suppression system is required for each residence and the driveway must be gravel or equivalent or may be concrete, asphalt, or equivalent.

~~(x)~~ [\(J\)](#) Where grades exceed 16%, an NFPA 13D fire suppression system and a 10,000-gallon water storage tank with a dry hydrant is required for each residence. The driveway must be gravel or equivalent and may be concrete, asphalt, or equivalent.

[\(b\) Fire Department Vehicle Access Roads—Roads serving other than 1 or 2 residential lots is amended as follows:](#)

~~a.~~ (i) Width: 20 feet of driving surface.

~~b.~~ (ii) Vertical clearance: 13 feet, 6 inches of unobstructed overhead clearance.

~~c.~~ (iii) Surface: 6 inches of gravel.

~~d.~~ (iv) Turning radius: 50 feet of outside radius.

e. Turnarounds: 70-foot cul-de-sac standards or as approved by the Fire Marshal.

~~f.~~ (v) Bridges must meet Skagit County Road Standards as required by the Skagit County Public Works Department.

~~Section D103.2 Fire Department Vehicle Access Roads—Roads serving other than 1 or 2 residential lots is amended as follows:~~

~~a. Width: 20 feet of driving surface.~~

~~b. Vertical clearance: 13 feet, 6 inches of unobstructed overhead clearance.~~

~~c. Surface: 6 inches of gravel.~~

~~d. Turning radius: 50 feet of outside radius.~~

~~e. Turnarounds: 70-foot cul-de-sac standards or as approved by the Fire Marshal.~~

~~f. Bridges must meet Skagit County Road Standards as required by the Skagit County Public Works Department.~~

## C-7 Building Permit Requirements for Signs

### **Title 14 Unified Development Code**

#### **Chapter 14.16.820 Signs**

##### **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 ensure that Skagit County retains a neat, orderly and attractive appearance. The intent of these provisions is to preserve and enhance the rural character, unique scenic beauty and the business, recreational, educational, and tourism potential of the County.

(2) Definitions. The sign definitions outlined in the current adopted International Building Code (Appendix H) are hereby adopted by reference.

(3) General Sign Regulations. The following general requirements shall apply to sign regulations in all zoning districts in Skagit County.

(a) Conformity to Adopted Building Codes. All signs and other advertising structures shall be constructed and maintained in strict conformity with building code(s) as adopted and referenced in Chapter 15.04 SCC.

(b) Highway Advertising Control Act—Scenic Vista Act. The control of signs in areas adjacent to State and Federal highways shall be governed by Chapter 47.42 RCW.

(c) Building Permits. Building permits shall be required for the erection, alteration, or reconstruction of wall-mounted signs, electrified signs and freestanding signs ~~in excess of 32 square feet, or greater than 6 feet in height~~ as required by the currently adopted International Building Code. Free standing signs less than 7 feet in height and wall-mounted signs that do not project from the building do not require a Building Permit. A change in information on the face of an existing sign shall not constitute an alteration.



C-8 Airport Environs Overlay

## **Title 14 Unified Development Code**

### **14.16.210 Airport Environs Overlay (AEO)**

(4) Port of Skagit Review. The Department shall provide an opportunity for the Port of Skagit to review and comment for any application for a commercial building permit, land division, special use permit, [boundary line adjustment](#), or variance [that requires notice to the Federal Aviation Administration](#) through SEPA or other public comment process. This subsection gives no authority to the Port of Skagit to require changes to the application.

## Attachment 2

Plain text = existing writing with no changes

~~Strikethrough~~ = existing writing to be deleted

Underlined = new writing to be added

~~Double Strikethrough~~ = existing writing moved  
to another location

Double Underline = existing writing moved  
from another location

*Italics* = instructions to writing reviser

The options for the Citizen Initiated Development Code Amendments (Items P-1, P-2, and P-4) are each described below:

### **Policy / Code Amendments**

#### **P-1: Modify SCC 14.24.380: Rainwater Catchment**

##### **Option 2: Adopt revisions to 14.24.380 (Applicants preferred alternative):**

**14.24.380 Seawater intrusion areas.**

(1) Policy. Planning and Development Services shall produce a template for an engineer designed system for rainwater catchment for Guemes Island within 60 days of adoption of this code amendment.

(2) (1) Applicability. This Section applies to wells and applications for building permits; special use permits; shoreline substantial development, variance, and conditional use permits; and land divisions in the following areas:

- (a) Areas within one-half mile of a marine shoreline; and
- (b) The entirety of Guemes, Sinclair, Cypress, and Vendovi Islands.

(3) (2) Application Requirements.

(a) For Wells. An application proposing use of a well must include all of the following, which must be submitted for review prior to drilling any new well:

(i) A site plan, including:

(A) A dedicated inland well site location;

(B) Estimated depth of proposed well;

(C) An estimated land elevation of the well, except that if the well is within 250 feet of the shoreline, or if determined by the County Hydrogeologist, the elevation of the well must be surveyed by a licensed surveyor;

(D) Depth and chloride levels of surrounding wells;

(ii) A drilling plan;

(iii) Payment of applicable fees.

(b) For Alternative Water Sources. An application proposing use of an alternative water source must include the following:

(i) Documentation of system design consistent with this Section and SCC 12.48.250;

(ii) Payment of applicable fees.

(c) For Land Divisions. In addition to any applicable requirements above, an application for a land division proposing use of a well must include the following:

(i) An assessment of the available groundwater, including a report from a demonstration well located so that it will represent the groundwater under the entire land division and with consideration to where other wells will be located in the land division;

(ii) If the proposed land division is within an area of documented chlorides in excess of 25 ppm, all well locations must be specified and spaced 100 feet or more from any other well, including wells on neighboring properties.

[\(4\)](#) ~~(3)~~ Development Standards for Alternative Water Sources.

(a) Where a known seawater intrusion problem exists, alternative sources of water are encouraged, but must comply with the requirements of SCC 12.48.250.

(b) Reverse Osmosis (RO) Systems. Any reverse osmosis (RO) system must be designed to:

(i) Use seawater collected from the open sea as the water source; and

(ii) Discharge effluent only to the open sea.

(5) ~~(4)~~ Development Standards for Wells.

## **P-2: Modify SCC 14.24: Guemes Island Wells**

### **Option 2: Adopt revisions to 14.24.300 through 14.24.330 and 14.24. (Applicants preferred alternative):**

#### **14.24.380 Seawater intrusion areas.**

(1) Applicability. This Section applies to wells and applications for building permits; special use permits; shoreline substantial development, variance, and conditional use permits; and land divisions in the following areas:

- (a) Areas within one-half mile of a marine shoreline; and
- (b) The entirety of Guemes, Sinclair, Cypress, and Vendovi Islands.

(2) Application Requirements.

(a) For Wells. An application proposing use of a well must include all of the following, which must be submitted for review prior to drilling any new well:

(i) A site plan, including:

- (A) A dedicated inland well site location;
- (B) Estimated depth of proposed well;
- (C) An estimated land elevation of the well, except that if the well is within 250 feet of the shoreline, or if determined by the County Hydrogeologist, the elevation of the well must be surveyed by a licensed surveyor;
- (D) Depth and chloride levels of surrounding wells;

(ii) A drilling plan;

(iii) Payment of applicable fees.

(b) For Alternative Water Sources. An application proposing use of an alternative water source must include the following:

- (i) Documentation of system design consistent with this Section and SCC 12.48.250;
- (ii) Payment of applicable fees.

(c) For Land Divisions. In addition to any applicable requirements above, an application for a land division proposing use of a well must include the following:

(i) An assessment of the available groundwater, including a report from a demonstration well located so that it will represent the groundwater under the entire land division and with consideration to where other wells will be located in the land division;

(ii) If the proposed land division is within an area of documented chlorides in excess of 25 ppm, all well locations must be specified and spaced 100 feet or more from any other well, including wells on neighboring properties.

(3) Development Standards for Alternative Water Sources.

(a) Where a known seawater intrusion problem exists, alternative sources of water are encouraged, but must comply with the requirements of SCC 12.48.250. [A well is not required to be drilled in order to permit an alternative water source on Guemes Island.](#)

(b) Reverse Osmosis (RO) Systems. Any reverse osmosis (RO) system must be designed to:

(i) Use seawater collected from the open sea as the water source; and

(ii) Discharge effluent only to the open sea.

## **P-4: Great Blue Herons**

**Option 2: Adopt revisions to SCC 14.24.520 and 14.04 (Applicants preferred alternative):**

### **Chapter 14.04 Definitions**

#### **14.04.020 Definitions**

**Great Blue Heron nesting colony:** A collection of twenty (20) or more Great Blue Heron nests as shown on the Washington Department of Fish and Wildlife's (WDFW) periodically updated map of Great Blue Heron Colonies. This includes colonies that have been abandoned for up to ten (10) years.

**Great Blue Heron mega colony:** A collection of 200 or more Great Blue Heron nests as shown on the Washington Department of Fish and Wildlife's (WDFW) periodically updated map of Great Blue Heron Colonies. This includes colonies that have been abandoned for up to ten (10) years.

### **Chapter 14.24 Critical Areas**

#### **14.24.520 Fish and wildlife habitat conservation area site assessment requirements.**

Any project within 200 feet of a fish and wildlife habitat conservation area outside the special flood hazard area (SFHA) or within the protected review area as defined in SCC 14.34.055 requires a fish and wildlife HCA site assessment. In addition to the requirements of SCC 14.24.080, the following shall be included in the site assessment:

- (1) Functions and values analysis, which includes but is not limited to a discussion of water quality/quantity and fish and wildlife habitat; and
- (2) An analysis of the riparian buffer areas above the ordinary high water mark including:
  - (a) Recruitment of large woody debris (LWD) to the stream;
  - (b) Shade;
  - (c) Bank integrity (root reinforcement);
  - (d) Runoff filtration;
  - (e) Wildlife habitat.

(3) Great Blue Heron nesting colonies shall be protected through the establishment of year-round and seasonal buffers.

(a) Year-round buffers within which certain activities would be restricted throughout the year or, where unfeasible, mitigation would be required subject to SCC 14.24.520(3)(b). Year-round buffers are established for “undeveloped”, “rural”, “urban”, and “mega colony” settings. Restricted land uses include clearing vegetation, grading, and construction activities.

(i) Undeveloped Buffer: A buffer of 984 feet is applied to areas that have less than 2% of the area within a ¼ mile of the nest colony developed.

(ii) Rural Buffer: A buffer of 656 feet is applied to areas that have between 2% and 50% of the area within a ¼ mile of the nest colony developed.

(iii) Urban Buffer: A buffer of 197 feet is applied to areas that have more than 50% of the area within a ¼ mile of the nest colony developed.

(iv) Mega Colony Buffer: A buffer of 1,000 feet is applied.

(b) Development within year-round buffers: Clearing vegetation, grading, and construction activity can occur within year-round buffers subject to the following considerations:

(i) There is no other location on the subject property that is outside of the year-round buffer where the proposed development could occur; and

(ii) The development activity is proposed to be located as far as possible from the nests; and

(iii) Visual screening between the nests and the proposed activity is maximized; and

(iv) Clearing vegetation, grading, and construction of the external shell of a structure shall only occur between September 1<sup>st</sup> and February 1<sup>st</sup>

(c) Seasonal buffers extend from the outer edge of the year-round buffers. Within seasonal buffers certain land use and development activities will be restricted during the nesting season, from February 1<sup>st</sup> through August 31<sup>st</sup> of each year.

(i) Primary Buffer: extends 656 feet and restricts uses that would exceed 92 decibels at the outer boundary of the nest colony.



[\(ii\) Secondary Buffer: extends 1,312 feet and restricts blasting.](#)

[\(4\)](#) ~~(3)~~ Bald eagle habitats shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292), as revised; 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.

[\(5\)](#) ~~(4)~~ All other fish and wildlife habitat conservation areas, including habitats and species of local importance, shall be protected on a case-by-case basis by means of a habitat management plan based on the Washington State Priority Habitat and Species (PHS) program, as set forth in the site assessment requirements in SCC 14.24.080 and this Section.

**Option 3: Adopt revisions to SCC 14.24.520 (Staff recommendation):**

## **Chapter 14.04 Definitions**

### **14.04.020 Definitions**

[Great Blue Heron nesting colony: A collection of twenty \(20\) or more Great Blue Heron nests as shown on the Washington Department of Fish and Wildlife's \(WDFW\) periodically updated map of Great Blue Heron Colonies. This includes colonies that have been abandoned for up to ten \(10\) years.](#)

[Great Blue Heron mega colony: A collection of two hundred \(200\) or more Great Blue Heron nests as shown on the Washington Department of Fish and Wildlife's \(WDFW\) periodically updated map of Great Blue Heron Colonies. This includes colonies that have been abandoned for up to ten \(10\) years.](#)

## **Chapter 14.24 Critical Areas Ordinance**

### **14.24.500 Fish and wildlife habitat conservation area designations.**

(1) Fish and wildlife habitat conservation areas (HCAs) are listed in WAC 365-190-130 and are designated 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 (Subsection (4) of this Section);

- (c) All public and private tidelands suitable for shellfish harvest;
- (d) Kelp and eelgrass beds, herring and smelt spawning areas;
- (e) Naturally occurring ponds under 20 acres with submerged aquatic beds that provide fish or wildlife habitat as further defined in WAC 365-190-130(4)(e);
- (f) Waters of the State as defined by WAC 222-16-030;
- (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;
- (j) Other aquatic resource areas;
- (k) State priority habitats and areas associated with State priority species as defined in WAC 365-190-080; and
- (l) Areas of rare plant species and high quality ecosystems as identified by the Washington State Department of Natural Resources through the Natural Heritage Program in Chapter 79.70 RCW.

(2) In addition to the HCAs identified in Subsection (1) of this Section, additional habitats and species 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; and

(b) Propose relevant management strategies considered effective and within the scope of this Chapter; and

(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 Habitats and Species of Local Importance Map:

(a) Great blue heron nest sites;

(b) Vaux’s swifts communal roosts;

(c) Pileated woodpecker nest sites;

(d) Osprey nest sites;

(e) Townsend big-eared bat communal roosts;

(f) Cavity nesting duck breeding areas;

(g) Trumpeter swan concentrations;

(h) Harlequin duck breeding areas;

(i) Waterfowl concentrations. (Ord. O20160004 § 6 (Att. 6); Ord. O20080014 (part))

**14.24.510 Fish and wildlife habitat conservation area water type classification.**

Water types shall be classified according to WAC 222-16-030. Type S streams include shorelines of the State and have flows averaging 20 or more cubic feet per second; Type F streams are those that are not Type S but still provide fish habitat; and Type N streams do not have fish habitat and are either perennial (Np) or seasonal (Ns). All streams are those areas where surface waters flow sufficiently to produce a defined channel or bed as indicated by hydraulically sorted sediments or the removal of vegetative litter

or loosely rooted vegetation by the action of moving water. Ns waters must be physically connected by an above-ground channel system to Type S, F, or Np waters. (Ord. O20080014 (part))

**14.24.520 Fish and wildlife habitat conservation area site assessment requirements.**

Any project within 200 feet of a fish and wildlife habitat conservation area outside the special flood hazard area (SFHA) or within the protected review area as defined in SCC 14.34.055 requires a fish and wildlife HCA site assessment. In addition to the requirements of SCC 14.24.080, the following shall be included in the site assessment:

- (1) Functions and values analysis, which includes but is not limited to a discussion of water quality/quantity and fish and wildlife habitat; and
- (2) An analysis of the riparian buffer areas above the ordinary high water mark including:
  - (a) Recruitment of large woody debris (LWD) to the stream;
  - (b) Shade;
  - (c) Bank integrity (root reinforcement);
  - (d) Runoff filtration;
  - (e) Wildlife habitat.
- (3) Bald eagle habitats shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292), as revised; 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.
- (4) [Great Blue Heron nesting colonies shall be protected. For development proposed within 1,000 feet of the outer boundary of a Great Blue Heron nesting colony or mega colony, the applicant must submit a critical areas site assessment and habitat management plan demonstrating how the proposed activities will be conducted consistent with the guidelines provided by the Department of Fish and Wildlife, Management Recommendations for Washington's Priority Habitats and Species, Great Blue Heron, as revised, and best available science.](#)
  - (a) [The habitat management plan shall be developed in cooperation with the Department of Fish and Wildlife whenever activities that alter habitat are proposed.](#)

(b) Notification shall be provided to conservation organizations that manage heron nesting colonies in Skagit County for all development applications within 1,000 feet of the outer boundary of a Great Blue Heron nest nesting colony or mega colony.

(c) Seasonal and year-round buffers shall be established as part of the site assessment, pursuant to the Department of Fish and Wildlife management recommendations.

(i) Year-round buffers shall be measured from the outer edge of the nesting colony.

(ii) Seasonal buffers shall be measured from the outer edge of the year-round buffers.

(iii) Mega colonies shall have a 1,000 foot year-round buffer.

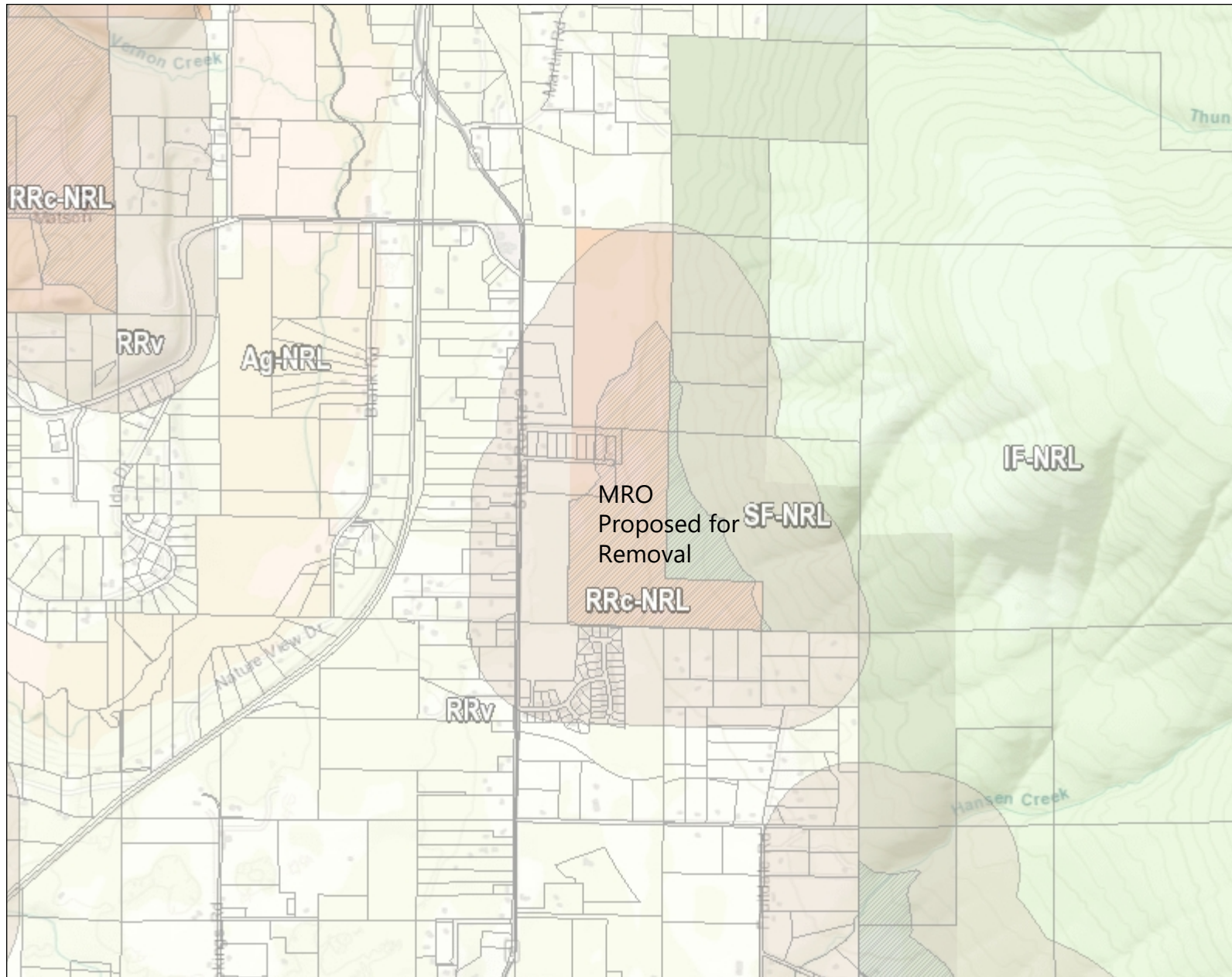
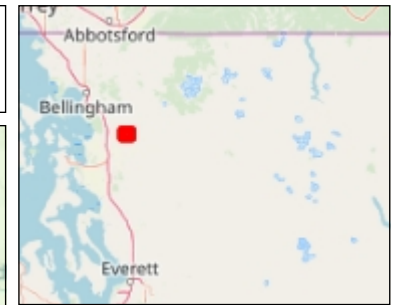
(d) Any clearing or development activity should avoid cutting or disturbance of any trees within the year-round buffer that block the visibility of the nesting colony from the structure(s) or development during any part of the year.

(e) Clearing vegetation, grading, outside construction, or other activity that disturbs herons or that causes loud noise above ambient noise levels, should only occur between September 1<sup>st</sup> and February 1<sup>st</sup>, outside of the breeding and nesting season. Ambient noise is specific to the location of the nesting colony site.

**(5)** All other fish and wildlife habitat conservation areas, including habitats and species of local importance, shall be protected on a case-by-case basis by means of a habitat management plan based on the Washington State Priority Habitat and Species (PHS) program, as set forth in the site assessment requirements in SCC 14.24.080 and this Section.



# PL18-0404: Proposed Removal of Mineral Resource Overlay



### Legend

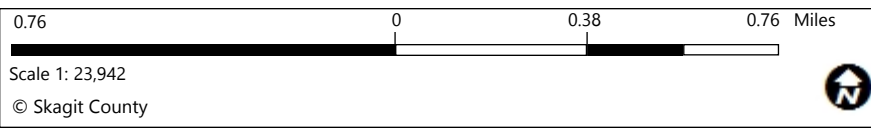
- Tax Parcels
- Airport Environs Overlay
- UGA Areas
- Similk Beach LAMIRD
- MRO
- MRO Quarter Mile Buffer

### Comprehensive Plan

- A-UD; LC-UD; MV-UD
- AVR
- AVR-L
- Ag-NRL
- BR-CC
- BR-HI
- BR-LI
- BR-R
- BR-URv
- C
- CITY
- CSB; MPR; NRI; RB; RC; RFS; RV
- H-I
- H-R
- H-URv
- IF-NRL
- OSRSI
- R
- RI

### Notes

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. NOT TO BE USED FOR NAVIGATION.  
12/9/2019

**Exhibit 4**



**Great Blue Heron Nesting Sites**

(Associated with 2019 Docket item P-4)