



Planning & Development Services

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Memorandum: 2023 Planning Docket

To: Planning Commission
From: Sarah Ruether, Senior Planner
Date: October 2, 2023
Re: Docketing Proposed Annual Comprehensive Plan, Map, and Development Code Amendments

Summary

Planning and Development Services (PDS) is providing this staff report in advance of the September 12, 2023, Planning Commission work session. This report describes the regulatory background for the yearly amendments; provides a synopsis of the public review process; analyzes the proposed changes pursuant to local and State requirements; and describes 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 the 2023 docket are available at the following project webpage: www.skagitcounty.net/2023cpa.

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Introduction and Background

The Growth Management Act (GMA) provides that “each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation”¹ and requires Skagit County to periodically accept petitions for amendments or revisions to the Comprehensive Plan policies or land use map. Skagit County implements this requirement through Skagit County Code Chapter 14.08, which describes the process for annual amendments.

Skagit County received five timely petitions for consideration through the annual Comprehensive Plan, Map, and Development Regulation Docket, another eleven petitions were proposed by the County. Two additional petitions, LR2-04 and LR22-02, were added for consideration after being deferred from previous dockets. Following a public comment period, petitioner presentations, a public hearing, and consideration of public comments, the Board of County Commissioners established a docket. The docket was approved by resolution #R20230087, on May 8, 2023, to include twelve petitions for review.

Public comments can be located on our project webpage listed by petition number and name. The previous staff memos, public noticing documents, and other supporting materials concerning this year’s Docket are available at the following project webpage: www.skagitcounty.net/2023cpa.

Timeline of the Yearly Docketing Process.

Date	Hearing Body	Meeting Type	Actions
Spring 2023	BoCC	Public Hearing	Accepted testimony on which proposals merited inclusion in the Docket.
Spring 2023	BoCC	Deliberations	Docket established via Resolution.
May 5, 2023	Planning Commission	Workshop	Discussed the 2023 Docket items
July 11, 2023	Planning Commission	Applicant Presentations	Docket applicants presented their proposals to the Planning Commission
September 12, 2023	Planning Commission	Workshop	Staff to present recommendations along with expert testimony on certain docket items
October 24, 2023	Planning Commission	Public Hearing	Accept testimony on the proposals included in the Docket.
November 14, 2023	Planning Commission	Review of Comments	Staff presents public comments on the proposals
December 12, 2023	Planning Commission		Recorded motion with recommendations to the BoCC.
January 2024	BoCC	Deliberations	Deliberate on whether to adopt, not adopt, or defer amendments on the Docket.

Table 1 Summarizes the review process with approximate timing of each action. RCW 36.70A.130(2)(a) states that the Comprehensive Plan, with few exceptions, may not be amended more than once per year.

¹ RCW 36.70A.130(1)(a).

This staff report includes an analysis of the proposals for consistency with county and state requirements, and the Department's recommendations, as required by SCC 14.08.080. The Department's recommendations are based on the proposals' application materials, additional research, and evaluation of the proposals' consistency with relevant policies and criteria in the Skagit County Comprehensive Plan and provisions in Skagit County Code.

Following the procedures described in SCC 14.08.070 through 14.08.090, the Planning Commission will deliberate and make recommendations on the various amendment proposals and transmit its recommendations to the Board in the form of a recorded motion. The Board will then meet to consider and take formal action in the form of an ordinance approving or denying the proposed amendments to the comprehensive plan, land-use/zoning map and development regulation.

The remainder of this memo describes the docketing criteria and process; summarizes the amendment proposals; and includes the Department's recommendations as required by SCC 14.08.080(1).

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 October 3, 2023.
- Pursuant to 14.08.050, an environmental checklist for the Dunlap and Port of Skagit Comprehensive Plan & Zoning Map Amendments, items LR23-01 and LR23-03, were provided by the petitioners and reviewed by staff.
- Determinations of Nonsignificance were issued based on the environmental checklists on October 3, 2023
- 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.

2. *Procedural Compliance with the Growth Management Act (RCW 36.70A.106):*

- The County requested review from the Department of Commerce on October 3, 2023
- 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 published a Notice of Availability, Public Comment, and SEPA threshold determination in the Skagit Valley Herald on October 5, 2023
- The County mailed notices to the property owners within 300 feet of the Dunlap and Port of Skagit Comprehensive Plan & Zoning Map Amendments, items LR23-01 and LR23-03, on October 3, 2023
- 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.

2023 Citizen Petitions and Department Recommendations

Skagit County received the following petitions and suggestions to amend the Comprehensive Plan policies, map, or development regulations for this docket cycle. For each proposal, the Department has provided a summary of the proposal, analysis of the docketing criteria, and a recommendation. The full text of each petition is available on the Comprehensive Plan Amendment [webpage](#).

LR23-01 Dunlap Rural Reserve Rezone (Quasi-Judicial: 14.08.060 Petitions—Approval criteria for map amendments and rezones.)

Summary

This proposal seeks to rezone approximately 21 acres, a portion of five parcels, from Agriculture-Natural Resource Land to Rural Reserve. The applicant has requested rezoning five parcels, P95578, P15190, P15173, P15174, and P15175, pictured below in Figure 1. The properties are located just south of the Town of La Conner, along Conner Way, and just east of the Swinomish Channel.



Figure 1 Proposed Dunlap Rezone

These parcels are currently zoned Ag-NRL, but the properties are not farmable because they are on the upland side of a hill and the soils are not productive or agricultural or commercially significant. According to the USDA soils map, the area has a soil type of Fidalgo-Lithic Xerochrepts – Rock Outcrop Complex, 3-30 percent slope, which does not constitute farmable soils. The applicant has requested the County to rezone the parcels along the toe of the hill, which would separate the areas which are still farmable from parcels which are not suited for agriculture.

Parcel numbers P15173, P15174, P15177, P15182, and P95578 are certified as one lot of record which contains 2 existing single-family residences. The applicant is requesting the rezone in order to subdivide the subject parcels in the future, which would allow the applicants to segregate the 2 existing single-family residences, so they are each contained in a separate lot of record. Ag-NRL properties are limited to one home per 40-acres and therefore they cannot be subdivided as there is insufficient acreage to meet the minimum lot size requirements. The applicant with the rezone may apply for a CaRD development to subdivide the property per SCC 14.18.300.

The proposed re-zone would be to Rural Reserve, which if developed as a CaRD development per SCC [14.18.310\(2\)](#) would allow for a maximum residential density with a CaRD of 2 per 10 acres or 2 per 1/64 of a section and therefore the subject 21.19 acres could be subdivided into 4 lots. The re-zone would provide a pathway to bring these properties into conformance with zoning and would allow for the opportunity to apply for a subdivision with a CaRD development.

Parcel	Acres	Approx Acres Rezoned	Existing Structures	Zoning/Ownership
P15174	24.85	14	Misc. Outbuildings	Ag-NRL, Dunlap Family Trust
P95578	1.14	1.14	SFR	Ag-NRL, Dunlap Family Trust
P15175	1.0	.75	SFR	Ag-NRL, Jenson Sybil
P15190	2.03	1.3		Ag-NRL Jenson Thomas/Mary Trust
P15173	31.97	4.0		Ag-NRL Dunlap Family Trust
	60.99	21.19	2 SFR	

Recommendation

The Department recommends **approval** of this petition.

Analysis

The purpose of the Rural Reserve zone is to allow low-density development and to preserve the open space character of those areas not designated as resource lands or as Urban Growth Areas (UGA) ([SCC 14.16.320](#)). These areas are meant to be transitional between resource lands and non-resource lands for uses that require moderate acreage. The properties proposed for a rezone would be surrounded by parcels zoned Ag-NRL and Open Space of Regional or Statewide Significance (OSRSI) to the south, and the city of La Conner borders the property to the north.

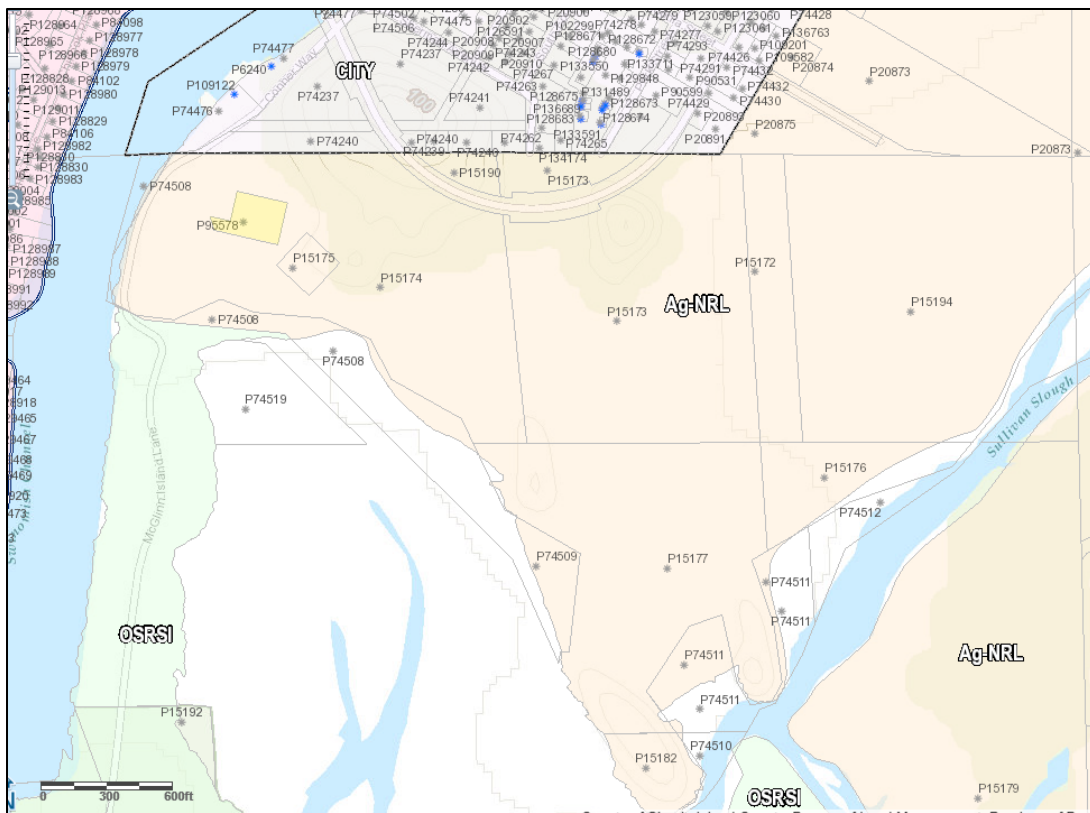


Figure 2 Parcel Map of Proposed Dunlap Rezone

The petitioner states they believe the parcels were zoned incorrectly when agricultural land was originally designated in Skagit County. Prior to the Growth Management Act in 1990, Skagit County designated unincorporated areas into five basic categories: natural resource lands, rural, urban growth areas, public open space, and public lands. The 1968 Skagit County Comprehensive Plan stated the intent of the Planning Department was to designate agricultural areas based on ongoing farming activity and properties with commercially significant soils.² The Growth Management Act regulates the designation and conservation of agricultural lands through [WAC 365-190-040](#) and [RCW 36.170A.170](#), which, provides that the County “shall designate where appropriate: (a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products.” The 1997 Skagit County Comprehensive Plan went on to state agricultural lands more specifically were to be designated based on existing farming activity, presence of prime farmland soils, minimum lot size, and provided that the majority of the area falls within the 100-year floodplain as adopted by the U.S. Federal Emergency Management Agency (FEMA).³

WAC 365-190-040(10)(b) states,

² Skagit County Comprehensive Plan, January 1968
<https://www.skagitcounty.net/PlanningAndPermit/Documents/CompPlan/Comprehensive%20Plan%20-%20August%2026%201968.pdf>

³ Skagit County Comprehensive Plan, June 1, 1997, Chapter Four, Land Use Element

(b) Reviewing natural resource lands designation. In classifying and designating natural resource lands, counties must approach the effort as a county-wide or regional process. Counties and cities should not review natural resource lands designations solely on a parcel-by-parcel process. Designation amendments should be based on consistency with one or more of the following criteria:

- (i) A change in circumstances pertaining to the comprehensive plan or public policy related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (ii) A change in circumstances to the subject property, which is beyond the control of the landowner and is related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (iii) An error in designation or failure to designate;
- (iv) New information on natural resource land or critical area status related to the designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3); or
- (v) A change in population growth rates, or consumption rates, especially of mineral resources.

The petitioner argues the parcels in question are the result of an error in designation as the properties are not farmable and do not consist of commercially significant soils. If the rezone is approved, there will be multiple parcels with a split zoning designation between Ag-NRL and Rural Reserve. WAC 365-190-040(7) allows for overlapping designations if the overlapping designations are not inconsistent or incompatible with each other. The petitioner may use the CaRD process to bring the property into compliance with zoning. There are other examples of agricultural land being zoned along the toe of the hill, see Figure 3 below, where parcels zoned Ag-NRL are abutted against Rural Reserve parcels. Figure 3 is located Southwest of the Town of La Conner off Dodge Valley Road.

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.

The change from a natural resource land map designation to a residential designation is supported by the existing population forecasts and allocated non-urban population distributions. The parcels are currently being used for residential purposes and the new designation would help this property come into compliance with zoning.

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

Comprehensive Plan Goal 3A(d) states, "Protect the rural landscape, character, and lifestyle by allowing land uses which are compatible and in keeping with the protection of important rural landscape features, resources, and values." The rezone request is consistent with this goal because it ensures the farmable areas are maintained in a natural resource zone, while changing the designation of the requested parcels from agriculture to a residential zone.

The parcels have been in residential use since before the Growth Management Act of 1990 and there are no records which show the parcels were used for farming previously. The amendment would preserve the integrity of the Comprehensive Plan and assure its systematic execution by ensuring the uses of each parcel matches the intent of the zone.

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

The proposal is supported by the Capital Facilities Plan and other functional plans. The parcels have been used for residential purposes prior to the requested change and the rezone will not have a major impact on the current services needed in the CFP.

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

The Growth Management Act, WAC 365-190-040(10)(b), states,

(b) Reviewing natural resource lands designation. In classifying and designating natural resource lands, counties must approach the effort as a county-wide or regional process. Counties and cities should not review natural resource lands designations solely on a parcel-by-parcel process. Designation amendments should be based on consistency with one or more of the following criteria:

- (i) A change in circumstances pertaining to the comprehensive plan or public policy related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (ii) A change in circumstances to the subject property, which is beyond the control of the landowner and is related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (iii) An error in designation or failure to designate;

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- (iv) New information on natural resource land or critical area status related to the designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3); or
 - (v) A change in population growth rates, or consumption rates, especially of mineral resources.

The GMA also establishes the goal to “Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries’ encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses,” (RCW 36.70A.020(8)).

Countywide Planning Policy 8.2 states, “Land uses adjacent to agricultural, forest, or mineral resource lands and designated aquatic resource areas shall not interfere with the continued use of these designated lands for production of food, agricultural and aquatic based products, or timber, or for the extraction of minerals.”

The proposal is consistent with both the Growth Management Act and the Countywide Planning Policies stated above. The request to rezone the parcels from Ag-NRL to Rural Reserve is the result of an error in the original designation as the properties do not include soils of commercial significance and are on an upland slope. The parcels have been used for residential purposes and do not infringe on the ability for neighboring properties to continue to farm.

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

The proposal does not bear a substantial relationship to the public general health, safety, morals, or welfare.

LR23-03 Bayview Ridge Light Industrial Rezone

Summary

The petition requests to rezone part of one parcel, approximately 7.54 acres, from Bayview Ridge Residential to Bayview Ridge Light Industrial. Currently, the parcel has a split zoning designation, see Figure 5 below. The rezone would designate the entire parcel as Bayview Ridge Light Industrial and permit the applicant to use the property for industrial and/or commercial purposes. The split zoning designation was the result of the 2014 update to the Bayview Ridge Subarea plan, which vastly reduced the amount of land zoned for residential use. Approximately 110 acres were rezoned to from residential to industrial uses to be compatible with the new airport safety zone regulations.

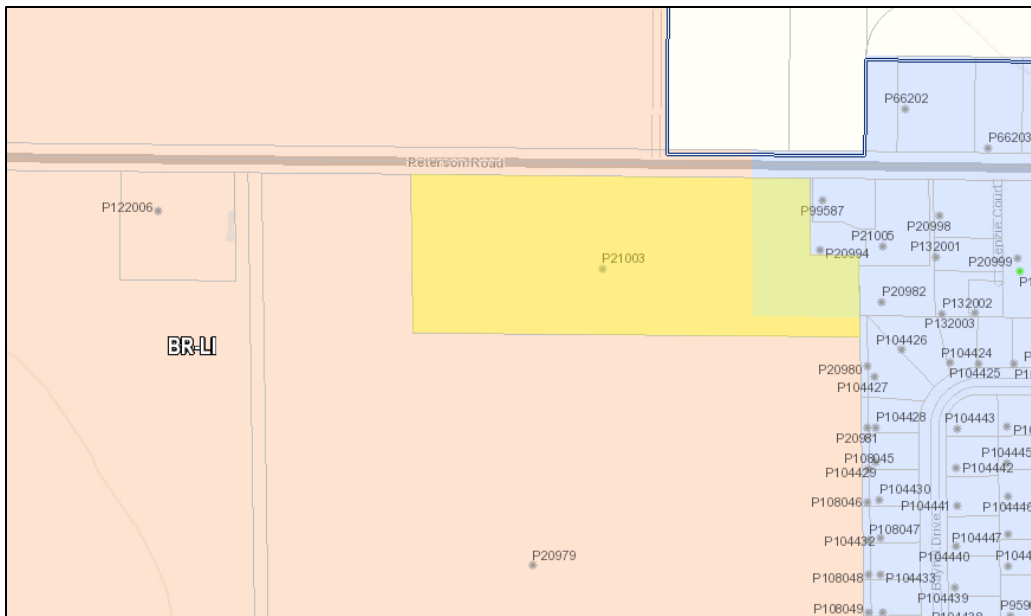


Figure 4 Parcel Map of P21003

Recommendation

The Department recommends **approval** of this petition.

History

This is a new petition that has not been docketed in the recent past.

Analysis

The Bayview Ridge Subarea is a “non-municipal urban growth area” approximately one mile west of Burlington and one-and-one-half miles northwest of Mount Vernon. After first designating Bayview Ridge as an urban growth area in 1997, the County drafted a “subarea plan” – a subset of the County’s Comprehensive Plan for Bayview Ridge. Subarea plans guide the creation of development regulations, which govern the land uses and permit procedures for land development. Skagit County approved the first Bayview Ridge subarea plan in 2004, which went through a significant update in 2013 and 2014.⁴

When urban growth areas (UGAs) are created for incorporated communities (i.e., cities, towns) the zoning allows for more urban development, if capital facilities have the capacity for growth. The purpose of a UGA is to allow for 20 years of buildable land that allows a city to grow, while protecting agricultural and forest resource lands. Non-municipal urban growth areas—like Bayview Ridge—are not adjacent to or affiliated with a city or town. Outside of UGAs, growth can occur only if it is not urban in nature (e.g., rural, natural resource lands, open space). Expansion of existing cities had been constrained due to surrounding resource lands or island geography, which is why in 1997, Skagit County chose Bayview Ridge, which is outside the floodplain, not prime farmland, and not timberland, as a location for additional urban-level densities.

⁴ History of the Bayview Ridge Urban Growth Areas

<https://www.skagitcounty.net/Departments/PlanningAndPermit/BayviewRidgeSubareaHistory.htm>

The County planned for new residential development in the Bayview Ridge UGA; however, there were two significant roadblocks. First, the Burlington-Edison School District was already over capacity and would need to build a new school to accommodate for increased growth in the district. There was an extensive search done, but no properties were found which would suit the district's requirements. Second, the Washington State Department of Transportation released new regulations which increased the size of flight path overlay safety zones. The new safety zones meant there were hundreds of acres in the Bayview Ridge, zoned for housing, which were no longer compatible for residential uses.⁵

In 2014, the Port of Skagit formally requested Skagit County amend the Bayview Ridge subarea plan to reflect the new Airport Environs Overlay maps and safety zones.⁶ The new subarea plan, adopted in November 2014, changed approximately 110 acres of residential zones to Bayview Ridge-Light Industrial and eliminated the Community Center zone entirely.⁷ The areas zoned for Bayview Ridge Residential, and which were already developed, were kept in the residential zone. The acreage between the Bayview Ridge residential neighborhood and the airport was rezoned to Bayview Ridge Light Industrial. In Figure 5, the parcel in question is on the edge of the area previously rezoned for Light Industrial and buffers the residential neighborhood. When the lines were drawn for the new zones, this parcel was mapped with a split zoning designation between light industrial and residential.

Skagit County Code has provisions to include buffer requirements to separate residential use from industrial use. This will protect neighboring properties from the noise and other externalities from industrially zone property. The light industrial buffers for Bayview Ridge light industrial (BR-LI) per SCC 14.16.180 (6)(a) are 35 feet for the front setback. For the side setbacks, per SCC 14.16.180 (6)(a) (ii) "they shall be in conformance with the adopted building code of Skagit County, if adjacent to other commercial/industrial zoning designations, and 50 feet if adjacent to other residential zoning designations. Additional code to protect the separation from land zoned industrial and land zoned residential are: SCC 14.16.180(7) " Buffering between Industrial and Residential Zoned Land: The following measures are intended to minimize impacts from noise, vibration, dust, other industrial impacts, and to maintain privacy and aesthetic compatibility: (a) Loading Areas: Truck loading operations and maneuvering areas may not be located within 250 feet of areas zoned for residential use, unless the loading and maneuvering area is located on the opposite side of a building from a residential zone. (b) Building Height: Building height may not exceed 35 feet for those portions of a building located within 100 feet from a residential zone. (c) Within 250 feet of a residential zone all outdoor lighting must be full cut-off. (d) Within 100 feet of a residential zone, mechanical equipment located on the roof, façade, or

⁵ County shrinks residential zoning for Bayview Ridge, Skagit Valley Herald, June 18, 2014
https://www.goskagit.com/all_access/county-shrinks-residential-zoning-for-bayview-ridge/article_c95a422a-f738-11e3-9a7f-001a4bcf887a.html

⁶ Port of Skagit Resolution No. 14-01
<https://www.skagitcounty.net/PlanningAndPermit/Documents/BayviewRidgeSubarea/Port%20Resolution%2014-01.pdf>

⁷ Skagit County Ordinance O20140005
<https://www.skagitcounty.net/PlanningAndPermit/Documents/BayviewRidgeSubarea/Ordinance%20Adopting%20CPAs%20BVR%20with%20attachments.pdf>

external portion of a building shall be architecturally screened by incorporating the equipment in the building and/or site design so as not to be visible from adjacent residential zones or public streets.” These code sections demonstrate how careful consideration in zoning has been made to assure that the uses from light industrial are buffered and separated from residential uses.

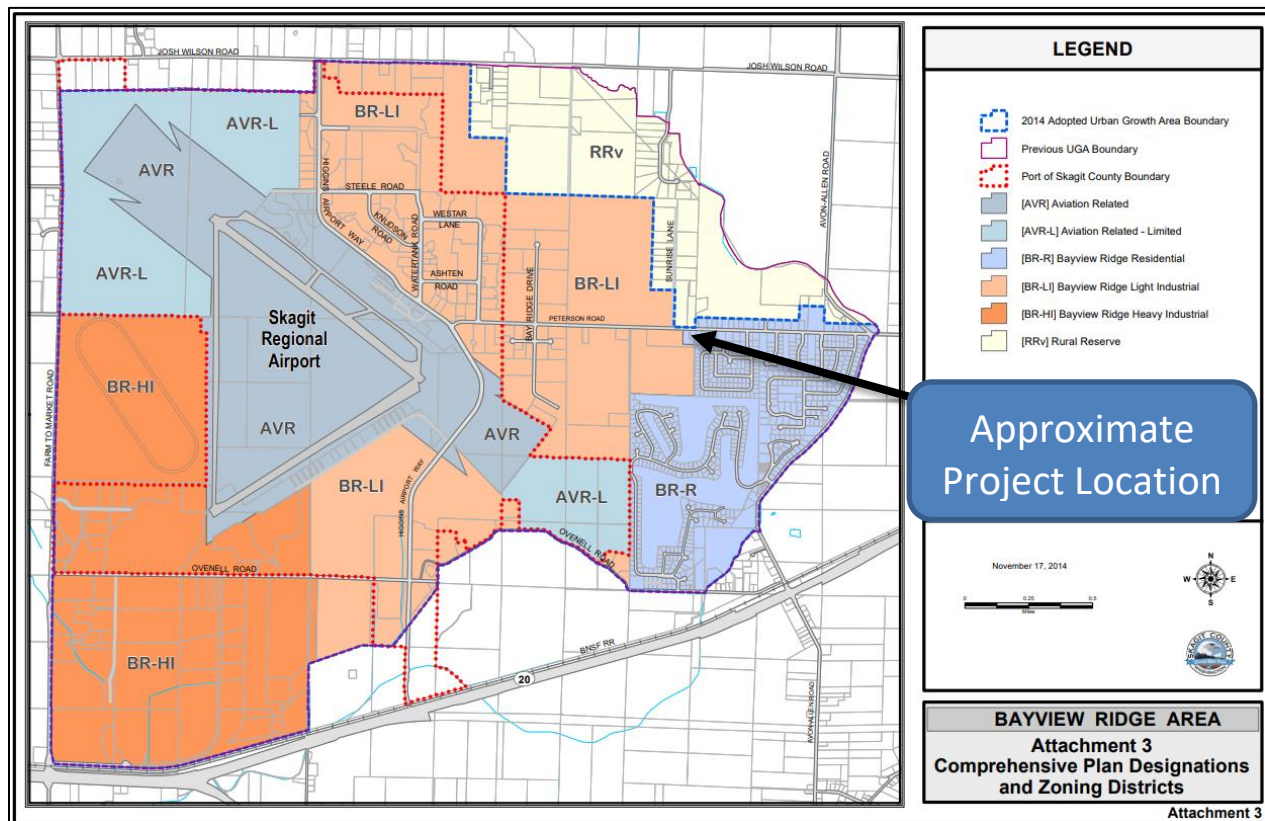


Figure 5 Bayview Ridge Subarea Zoning Designations

Consistency Review with Skagit County Code 14.08

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.

The Bayview Ridge Subarea Plan was updated in 2013 and 2014 to expand the area within the UGA available for industrial development and to remove the UGA lands previously intended for new urban residential development. The plan states, “The Light Industrial (BR-LI zone provides for light manufacturing and related uses, encompasses the majority of the Port of Skagit ownership and additional properties east and south of the airport. This zone is designed for compatibility with the Skagit Regional Airport [...] Where the BR-LI zone abuts residential properties, buffers are required to protect the residential development.”

The property requested for rezone currently has a split zoning designation between Bayview Ridge-Light Industrial and Bayview Ridge-Residential. The rezone request is consistent with the Skagit County Comprehensive Plan and the Bayview Ridge subarea plan because the rezone

would ensure the entire parcel is suitable for industrial development. The parcel lies within the Airport Environs Overlay (AEO) and the proposed industrial uses would be more appropriate in the AEO and existing development regulations ensure there will be a buffer between industrial activities and the adjacent residential neighborhood.

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.

The requested rezone from a split BR-LI and BR-R to solely BR-LI would not have an impact on the population forecasts.

3. 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?

The proposal is supported by the following goals and policies within the Bayview Ridge Subarea Plan:

Goal 2A “Provide for urban development within the Bayview Ridge UGA, which integrates existing and proposed uses, creating a cohesive community.”

Policy 2A-1.1 “Develop regulations for Bayview Ridge Heavy Industrial and Light Industrial zones that provide areas for industrial development compatible with Skagit Regional Airport and adjacent residential use, and are largely devoid of nuisance factors, hazards, or exception demands on public facilities.”

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 proposal would encourage the parcel to be used for industrial purposes rather than for residential purposes. This map amendment is consistent with the intent and purpose of the Bayview Ridge Subarea Plan and the operations of the Skagit Regional Airport.

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

The proposal currently does not require an extension or a change in services to the parcel. The Skagit County Capital Facilities Plan would not be impacted by the zoning change.

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

The Growth Management Act Planning Goals require the County to “encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.”

The proposed rezone is within the Bayview Ridge Urban Growth Area and the parcel is owned by the Port of Skagit. The development is appropriate given its proximity to the Skagit Regional Airport and

location in the Airport Environs Overlay. The Port of Skagit is prepared to ensure any future development has adequate services and provisions for the new activity.

The proposal is also consistent with Countywide Planning Policy 1.5, “Cities and towns shall encourage development, including greenbelt and open space areas, on existing vacant land and in-fill properties before expanding beyond their present corporate city limits towards urban growth boundaries.”

The Port of Skagit owns this parcel and the rezone will allow the Port to develop the property for industrial uses in an area previously designated for industrial purposes.

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

This proposal does not bear a substantial relationship to the public general health, safety, morals, or welfare.

County-Initiated – Comprehensive Plan or Code

C23-1 Seawater Intrusion Area Well Drilling Requirements

Summary

This petition would require county review prior to drilling a well in a sole source aquifer (SSA) area with documented seawater intrusion. Guemes Island is the only area which is currently designated a sole source aquifer (SSA) in Skagit County and has documented issues of seawater intrusion. The Environmental Protection Agency (EPA) is who designates sole source aquifers (SSA). The petition will add language to [SCC 14.24.380\(2\)](#) to require the following information listed in [SCC 14.24.380\(2\)\(a\)](#) to be submitted to the Department prior to drilling any new well in a sole source aquifer:

- A site plan, including:
 - A dedicated inland well site location;
 - Estimated depth of proposed well;
 - An estimated land elevation of the well, except that if the well is within 250 feet of the shoreline, or if determined a hydrogeologist engaged or employed by the County, the elevation of the well must be surveyed by a licensed surveyor; and
 - Depth and chloride levels of surrounding wells;
- A drilling plan; and
- Payment of applicable fees.

History

There have been two previous citizen-initiated petitions regarding well drilling in seawater intrusion areas. A similar petition was docketed in 2018 as P-2 Guemes Island Wells. The 2018 petition intent was to ensure that new wells do not undermine the senior water rights of the existing wells on Guemes Island. The petitioners specifically requested three changes:

1. Require the county to review and approve of all new wells prior to drilling, not just new wells that are linked to a development permit;
2. Require assessment of hydrogeological impacts of any new well as part of the review process; and
3. Clarify that rainwater catchment can be permitted on Guemes Island without first drilling a well to prove that using a well is not feasible.

The Planning Commission recommended P-2 be denied in part due to questions of authority over well drilling.

A second petition was submitted in 2021 to amend Skagit County health code to implement a seawater intrusion protection monitoring system on Guemes Island. When considering a new well in a sole source aquifer, the new regulations would require the county health department to determine if the proposed well would be likely to have chlorides higher than 100 ppm, or to cause chlorides higher than 100 ppm on the aquifer and/or neighboring wells. If the county determines the well would meet the 100-ppm threshold, the request for a new well would be denied. The petitioner modeled the suggested code amendments after Island County Code 8.09.099 Seawater Intrusion Protection. The 2021 petition was not docketed by the Board of County Commissioners because the petition requested to amend Skagit County health code which is not permitted through the docketing process. Only changes to development code and the Comprehensive Plan may be approved through the docketing process.

Recommendation

The Department recommends **approval** of this petition.

Analysis

Guemes Island has documented seawater intrusion on its wells for decades. The island is a sole source aquifer (SSA) which makes it crucial to protect the water source for Guemes residents, as there are no other options for potable water on the island. A sole source aquifer designation is made by the Environmental Protection Agency (EPA). The EPA defines a sole source aquifer (SSA) as “an aquifer that supplies at least 50 percent of the drinking water for its service area; and that has no reasonably available drinking water sources, should the aquifer become contaminated.”⁸ The EPA’s authority to designate aquifers as sole source is authorized by Section 1424(e) of the Safe Drinking Water Act of 1974 (Public Law 93-523, 42 U.S.C. 300 et. Seq), which states: “If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination to the Federal Register.”

Skagit County Code [14.24.380\(2\)\(a\)](#) regarding seawater intrusion areas currently requires “an application proposing use of a well” to be “submitted for review prior to drilling any new well.” Currently, these requirements are only applicable when a development application is submitted which includes the use of a well on site. As a result, a well can be drilled without any county review if it is not associated with a development permit.

⁸ https://www.epa.gov/dwssa/overview-drinking-water-sole-source-aquifer-program#What_Is_SSA

RCW 18.104.043 requires a property owner or the owner’s agent to notify the Washington Department of Ecology (Ecology) of their intent to begin well construction, reconstruction, or decommissioning procedures at least 72 hours prior to commencing work. At this time, Ecology does not share this information with the County directly prior to the well permit being approved or denied. Therefore, the rationale for this docket item is to assure notification to the County of any new well drilled at the same time that the Department of Ecology is notified. Given that this is a sole source aquifer (SSA) this notification assures that proper data and monitoring is done with whatever wells are drilled whether or not they are separate from development.

The new proposed language would now require any applicant who wishes to drill a well in a sole source aquifer to submit an application regardless of a development proposal. Previously, Skagit County has not regulated well drilling prior to development because the impact on the aquifer generally occurs with the use of the water; however, with seawater intrusion the siting, depth, and the other information required for the drilling of a well is necessary to protect against the well negatively affecting the aquifer. The Growth Management Act requires counties to protect critical areas and sole source aquifers. The new code language would require applicants to work with staff prior to the well being drilled to ensure the well incurs the least amount of impact on the aquifer.

Consistency Review with Skagit County Code 14.08

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?

The proposal is consistent with the following Comprehensive Plan goals and policies:

Goal 5A “Protect aquifer recharge areas, and well-head areas, ground and surface water quality and quantity for supplying all needs within Skagit County, including potable water for human use.”

Policy 5A-5.1 “Critical Areas shall be designation and protected to prevent their continued loss and degradation. Furthermore, priority shall be given to the avoidance of impacts to Critical Areas, followed by the minimization of impacts and full mitigation respectively.”

Policy 5A-1.3(b) “Aquifer recharge areas shall be classified based on their vulnerability, susceptibility to contamination, and potable water quality and quantity.

(b) Aquifer Recharge Areas

(i) Water resources shall be protected using natural systems and non-structural methods wherever possible.

(ii) Ground Water Management Areas (according to WAC 173-100) Wellhead Protection Areas and Significant Use Zones shall be established to further protect the quality and quantity of ground and surface water.

(iii) Skagit County will review and update its Saltwater Intrusion Policy for the islands and those coastal areas of the mainland where seawater intrusion has been documented.

(iv) Skagit County will update the county code to address instream flow, mandated sewage code changes and water code changes. Aquifer recharge areas will be evaluated and protected under the revisions to the Critical Areas Ordinance.

(v) Consistent with State law (RCW 19.27.097), Skagit County will not issue a permit for a building requiring potable water unless the applicant can demonstrate they have a legal and adequate source of water and the source meets drinking water standards.”

Policy 5A-5.2 “Land uses that are incompatible with critical areas shall be discouraged.”

The petition would require additional materials from the applicant prior to a well being drilled in a sole source aquifer with documented seawater intrusion issues. This new requirement will help the County protect areas with vulnerable water resources and ensure current and future residents in these areas will have access to potable water.

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

This proposal will not have an impact on the Capital Facilities Plan or other functional plans.

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

The Growth Management Act Goal 10 requires the County to protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.

The proposal is consistent with the following Countywide Planning Policies:

CPP 10.2 “Land use decisions shall take into account the immediate and long-range cumulative effects of proposed uses on the environment, both on- and off-site.”

CPP 10.4 “Wetlands, woodlands, watersheds, and aquifers are essential components of the hydrologic system and shall be managed to protect surface and groundwater quality.”

CPP 10.6 “Rural character shall be preserved by regulatory mechanisms through which development can occur with minimal environmental impact.”

The proposal is consistent with the Growth Management Act and Countywide Planning Policies as the new regulations would ensure that new development in protected critical areas will not have an impact on current or future residents and ensures good management of groundwater quality.

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

The proposal will have a positive benefit on the general health, safety, and welfare of the public by providing protections for groundwater quality and sole source aquifers for future drinking water needs.

C23-2 Qualified Professional Definition

Summary

This petition seeks to update the definition for qualified professional in SCC [14.04](#) as the requirements for a qualified professional are not consistent with surrounding jurisdictions. The updated definition would increase the required number of years of applicable work experience, specify types of work experience qualifies for certain specialties, and aligns the definition for stormwater professionals to match the Skagit County Stormwater Manual.

History

This is a new petition that has not been docketed in the recent past.

Recommendation

The Department recommends **approval** of this docket item.

Analysis

Qualified professionals provide expertise on several different types of tasks required for land use and building permits in Skagit County. The work performed is highly specialized and technical, requiring an individual to have the necessary qualifications, experience, and education to provide the right expertise for the project. Staff have compared the current definition with surrounding jurisdictions to evaluate the years of experience required in different specialties. The proposed updated definition would raise the overall required experience in critical areas and stormwater management from two to four years, separates the qualifications necessary for watercourses and wildlife habitat conservation areas, and specifies the type of experience needed for qualified professionals providing geotechnical work. The definition for stormwater management qualified professionals will now direct to the Skagit County Stormwater Manual.

Skagit County maintains a list of pre-approved firms and consultants which meet the requirements for a qualified professional. The proposed increase of required experience would not eliminate any consultants on the current list. Qualified professionals are not all required to be licensed by the State of Washington. Professionals which do require a Washington State license have met several experience, testing, and education prerequisites to be licensed; however, Skagit County stipulates the number of years of experience required for two reasons. First, some qualified professionals are not licensed and therefore have not necessarily met the experience needed for work in Skagit County. Second, licensed geo specialists or engineers may not have specific experience in the fields deemed necessary for the type of reports they are completing. The Department requires professionals with experience in specific land use work which may be more specialized than is required for a license in the State of Washington. The Department also sometimes requires work experience in environments which are similar to those in

Skagit County. See Table 2 below for a list of the types of professionals defined under the qualified professional definition and experience needed to be approved for work in Skagit County.

The Department is recommending this change to ensure reports and other work done by qualified professionals is completed by individuals with the necessary qualifications. If reports are submitted with inaccuracies or missing information, the Department must request revisions which slows down the permitting process for the applicant and staff, and potentially leads to additional costs for the applicant by the contracted professional. The proposal to increase the number of years of experience from two to four years is based on other jurisdiction requirements and to align Skagit County code with the 2019 Stormwater Management Manual. To receive a professional license or certificate in the State of Washington for engineering or geology, at least four years of professional experience under the supervision of a licensed professional is already required.⁹ The change will have the most impact on work done in wetlands, watercourses, and wildlife habitat conservation areas since those professionals are not required to have a Washington state license or certification.

Table 2 Qualified Professional Requirements in Skagit County

Type of Work	Type of Professional Required	Washington State License or Certification Required?	Skagit County Experience Required
Wetlands, Watercourses, and Wildlife Habitat Conservation Areas	Wetland, Watercourse, or Wildlife Habitat Conservation Specialist	No	Bachelor’s degree or equivalent in relevant field of work and four years professional experience in comparable ecological systems to Western Washington
Geotechnical Reports and Geotechnical Design Recommendations	Professional Engineering Geologist or Civil Engineer	Washington State license required	Four years of relevant experience in geotechnical engineering and landslide evaluation
Critical Aquifer Recharge Areas	Hydrogeologist, geologist, or professional engineer	Washington State license required	Four years of relevant professional experience analyzing geologic, hydrologic, and groundwater flow systems

⁹ <https://brpels.wa.gov/engineers/get-your-engineer-license/get-your-professional-engineer-license-exam-or-comity>

Stormwater Management	Civil engineer, Geotechnical engineer, geologist, engineering geologist, or hydrogeologist	Washington State license required for Skagit County	Four years of relevant experience which meets the 2019 Stormwater Manual requirements
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Consistency Review with Skagit County Code 14.08

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?

The proposal is consistent with the following goals and policies of the Comprehensive Plan:

Policy 5A-5.1 “Critical Areas shall be designated and protected to prevent their continued loss and degradation. Furthermore, priority shall be given to the avoidance of impacts to Critical Areas, followed by the minimization of impacts and full mitigation respectively.”

Policy 5A-5.2 “Land uses that are incompatible with critical areas shall be discouraged.”

Policy 5A-5.3 “Development allowed in critical areas shall be conducted without risk to lives, and with minimum risk to property, infrastructure, and resources.”

Policy 5A-5.4 “Impacts to critical areas should be monitored to ensure the long-term success of mitigation measures.”

Policy 5A-5.5 “Critical areas should be avoided, maintained, restored, acquired, replaced, or enhanced.”

Policy 5A-5.6 “Continue to implement enforcement procedures to ensure compliance with applicable Skagit County ordinances.”

Policy 5A-5.8 “All activities that are exempt under the Critical Areas Ordinance (CAO), shall be carried out in ways that cause the least impact on critical areas and their buffers.”

The amendments to the requirements for a qualified professional will ensure Skagit County codes are protecting critical areas and stormwater requirements for development and that they are followed appropriately.

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

The proposal will not have an impact on the Capital Facilities Plan or other functional plans.

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

The Growth Management Act Goal 10 requires the County to protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.

The proposal is also consistent with the following Countywide Planning Policies:

CPP 10.1 “Natural resource lands, including aquatic resource areas and critical areas shall be classified and designated, and regulations adopted to assure their long-term conservation. Land uses and developments which are incompatible with critical areas shall be prohibited except when impacts from such uses and developments can be mitigated.”

CPP 10.2 “Land use decisions shall take into account the immediate and long-range cumulative effects of proposed uses on the environment, both on- and off-site.”

CPP 10.4 “Wetlands, woodlands, watersheds and aquifers are essential components of the hydrologic system and shall be managed to protect surface and groundwater quality.”

CPP 10.7 “Development shall be directed away from designated natural resource lands, aquatic resource areas, and critical areas.”

CPP 10.9 “Septic systems, disposal of dredge spoils and land excavation, filling and clearing activities shall not have an adverse significant effect on Skagit County waters with respect to public health, fisheries, aquifers, water quality, wetlands, wildlife habitat, natural marine ecology and aquatic based resources.”

CPP 10.11 “When evaluating and conditioning commercial, industrial or residential development, local governments shall consider threatened or endangered wildlife.”

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

The proposal will have a positive impact on the general health, safety, and welfare of the public by protecting critical areas, endangered species, and ensuring stormwater requirements are met for development.

C23-3 OSRSI Allowed Uses Amendment

Summary

This petition would amend [SCC14.16.500\(3\)](#) to allow for trails in the Public Open Space of Regional/Statewide Importance (OSRSI) to be an outright permitted use. Currently trails are listed as both permitted outright and as an administrative special use in the OSRSI zone. This is a conflict in the code and should be clarified. Additionally, if there is conflicting code, the applicant is required to adhere to the more restrictive code. Therefore, all trails permitted under [SCC14.16.500\(3\)](#) for OSRSI are only permitted as an administrative special use.

History

A similar petition was docketed in 2019 to allow for trails as an outright permitted use and delete trails as an administrative special use in the code. The Planning Commission amended the petition during deliberations and recommended to the Board to remove trails as an outright permitted use and as an

administrative special use, and establish “Trails, primary, and secondary trailheads as a Hearings Examiner Special Use.”¹⁰ The reasoning for the amendments was to ensure adequate notice is provided to interested parties so they may participate in the review of proposed trails and trailheads.

The Board of County Commissioners remanded the issue back to the Department for further evaluation.¹¹

Recommendation

The Department recommends **approval** of this docket item.

Analysis

The OSRSI zone was created to designate certain public open space areas which have recreational, environmental, scenic, cultural, and other open space benefits which extend beyond Skagit County in significance. A few examples of OSRSI areas are Deception Pass State Park, Bayview State Parks, and the Skagit Wildlife Refuge. OSRSI areas are intended to be publicly owned and are managed by federal, state, and local government agencies. The Growth Management Act and the Skagit County Comprehensive Plan requires the preservation of open space and encourages governments to enhance recreational opportunities. Trails are an example of low-impact recreational development which allows residents to enjoy local parks and public open space. The Department is recommending the conflicting code be fixed by removing the requirement for an administrative use permit for trails. Instead it would become that trails are an outright permitted use.

Removing trails as an administrative special use would not eliminate requirements for review and permitting in the OSRSI zone. Applicants will still need to request a standard critical areas review and could be subject to a grading permit depending on the type of work completed for the project. Grading permits can also trigger a State Environmental Protection Act (SEPA) evaluation which would include noticing to nearby property owners and interested parties.

SEPA would be triggered for a grading permit if there are more than 500 cubic yards of fill and grade proposed at the project stage per [SCC 16.12.080\(1\)\(e\)](#). Additionally, if there are wetland impacts or if the trail is in the shoreline or crosses a stream, SEPA would be required. If a shoreline permit is required, that will also have a public notification process.

Some examples of Parks that are zoned OSRI in Skagit County are Deception State Park, North Cascades National Park, Larrabee State Park, Bay View State Park, Hope Island Marine Park, Burrows Island Marine State Park. These parks attract visitors and protect and conserve beautiful unique places. Deception Pass State Park will expand by 78 acres with a partnership between Skagit Land Trust and Washington State Parks and Recreation and Skagit County Parks and Recreation and South Fidalgo community members.¹²

¹⁰ Skagit County Planning Commission Recorded Motion Regarding the 2019 Docket
https://www.skagitcounty.net/PlanningAndPermit/Documents/2019CPA/PC%20Recorded%20Motion_2019Docket_FinalSigned_2020_0623.pdf

¹¹ Skagit Board of County Commissioners Ordinance Adopting the 2019 Docket
<https://www.skagitcounty.net/Common/Documents/LFDocs/COMMISSIONERS000016/00/00/2a/00002aab.pdf>

¹² <https://www.seattletimes.com/life/outdoors/deception-pass-state-park-to-expand-by-78-acres/>

Consistency Review with Skagit County Code 14.08

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?

The amendment is consistent with the following goals and policies of the Comprehensive Plan:

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.”

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 of their recreational, environmental, scenic, cultural and other open space benefit extend beyond the local areas to be regional or statewide in significance.”

Policy 2B-1.3 “Consistent with RCW 26.70A.160, Skagit County should continue to work with its partners – partner governments, organizations, residents, and property owners – to identify, prioritize and conserve open space corridors within and between urban growth areas, including lands useful for recreation, wildlife habitat, trails, and connection of critical areas.”

The proposed amendment will allow for government agencies owning properties in the Open Space of Regional or Statewide Importance zone to build trails more easily on existing recreational or protected open space. This change would save proposed trails and park projects time and money, which would help make more park and trail projects feasible. These areas have been designated previously for recreation or conservation and the Comprehensive Plan encourages the County to pursue more opportunities for citizens to enjoy open space areas.

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

The proposal will not have an impact on the Capital Facilities Plan or other functional plans.

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

The Growth Management Act Goal 9 requires the County to retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

The proposal is also supported by the following Countywide Planning Policies:

CPP 9.4 “Expansion and enhancement of parks, recreation and scenic areas and viewing points shall be identified, planned for and improved in shorelands, and urban and rural designated areas.”

CPP 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.”

CPP 9.9 “A park and recreation system shall be promoted which is integrated with existing and planned land use patterns.”

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

This proposal would have a positive impact on the general health and welfare of the public by providing additional opportunities for trails in recreational areas.

C23-4 Master Planned Resort Designation

Summary

This petition would modify SCC [14.16.900\(1\)\(d\)](#) to remove all language referring to Master Planned Resorts. [SCC 14.16.900](#) regulates special use permits. Master Planned Resorts are a Comprehensive Plan map designation, not a use, so it should not be included as a use which requires a special use permit.

History

A similar petition was docketed in 2018 to remove language in [SCC 14.16.900\(1\)\(d\)](#) that refers to a Master Planned Resort as a special use. The petition was deferred by the Department because of changes to the long-range work plan for that year.

Recommendation

The Department recommends **approval** of this docket item.

Analysis

Master Planned Resorts (MPRs) are “self-contained and fully integrated planned unit development(s), in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreation facilities.”¹³ These developments are built to provide services and amenities for extended stays and take advantage of the area’s recreational opportunities. Examples of these resorts in Washington state are Crystal Mountain, Skamania Lodge, and Sun Mountain Resort. MPRs were added as an allowed designation in the Growth Management Act to ensure localities could allow for development in rural areas where typically growth would not be permitted. For an applicant to develop an MPR in Skagit County, the applicant must submit to the County a map amendment request to change the zoning of the desired location and a draft resort master plan prepared to meet the requirements of [SCC 14.20.060](#).

MPRs are considered a Comprehensive Plan designation and do not require a special use permit. The language in [SCC 14.16.900\(1\)\(d\)](#) is incorrectly written to refer to MPRs as a use which would require a

¹³ RCW 36.70A.360(1)

special use permit and thus be subject to the regulations in SCC 14.16.900(1)(d). Because the current language is incorrect and conflicts with the regulations for MPRs in [SCC 14.20](#), it should be removed.

Consistency Review with Skagit County Code 14.08

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?

The proposal is supported by the following goals and policies of the Comprehensive Plan:

Goal 3C-8 “Provide for the siting of Master Planned Resorts, consistent with the requirements of the Growth Management Act, in locations that are appropriate from both an economic and environmental perspective.”

Policy 3C-8. “Designation of Master Planned Resorts requires amending the Comprehensive Plan and Zoning Maps, prior to, or concurrent with an application for master plan review. The comprehensive plan amendment process should evaluate all the probable significant adverse environmental impacts from the entire proposal, even if the proposal is to be developed in phases, and these impacts shall be considered in determining whether any particular location is suitable for a Master Planned Resort.”

The proposal to amend Skagit County Code to ensure all language refers to Master Planned Resorts as a zoning designation and not an allowed use within a zone is consistent with the language in the referred Comprehensive Plan goal and policy above.

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

The proposal will not have an impact on the Capital Facilities Plan or other functional plans.

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

The Growth Management Act states, “Counties that are required or choose to plan under RCW 36.70A.040 may include existing resorts as master planned resorts which may constitute urban growth outside of urban growth areas as limited by this section. An existing resort means a resort in existence on July 1, 1990, and developed, in whole or in part, as a significantly self-contained and integrated development that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries in a setting of significant natural amenities. An existing resort may include other permanent residential uses, conference facilities, and commercial activities supporting the resort, but only if these other uses are integrated into and consistent with the on-site recreational nature of the resort.” (RCW 36.70A.362)

The GMA allows for the County to designate current or new master planned resorts, if they meet certain requirements, in the Comprehensive Plan. The proposal will ensure development regulation language matches both the Comprehensive Plan and GMA requirements for master planned resorts.

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

This proposal does not bear a substantial relationship to the public general health, safety, morals, or welfare.

C23-5 Fire Marshal Code Amendment

Summary

This petition seeks to amend [SCC 14.16.850\(6\)](#) to remove the requirement for foam applicators on fire hoses in a building located outside of a Skagit County fire district. Firefighting foam has been known to have carcinogenic elements and many sources have been recalled due to the hazardous impacts on users and the surrounding environment. Water is now the accepted standard for fire suppression in wildland environments.

History

This is a new petition that has not been docketed in the recent past.

Recommendation

The Department recommends **approval** of this docket item.

Analysis

Nineteen fire districts have jurisdiction over most of unincorporated Skagit County's fire service; however, there are some areas, particularly small islands, where there is no fire district to provide service (See Figure 6 below). Building permits shall not be permitted for residential and/or commercial structures if the applicant is not located within the boundaries of a fire district unless they qualify for an exception. A resident may apply for a building permit outside of a fire district, if they are not zoned Industrial Forest-Natural Resource Lands or on a saltwater island that does not contain land designated Natural Resource Lands or Public Open Space of Statewide/Regional Importance, if they are able to meet several alternative fire protection requirements as determined by the Fire Marshal.

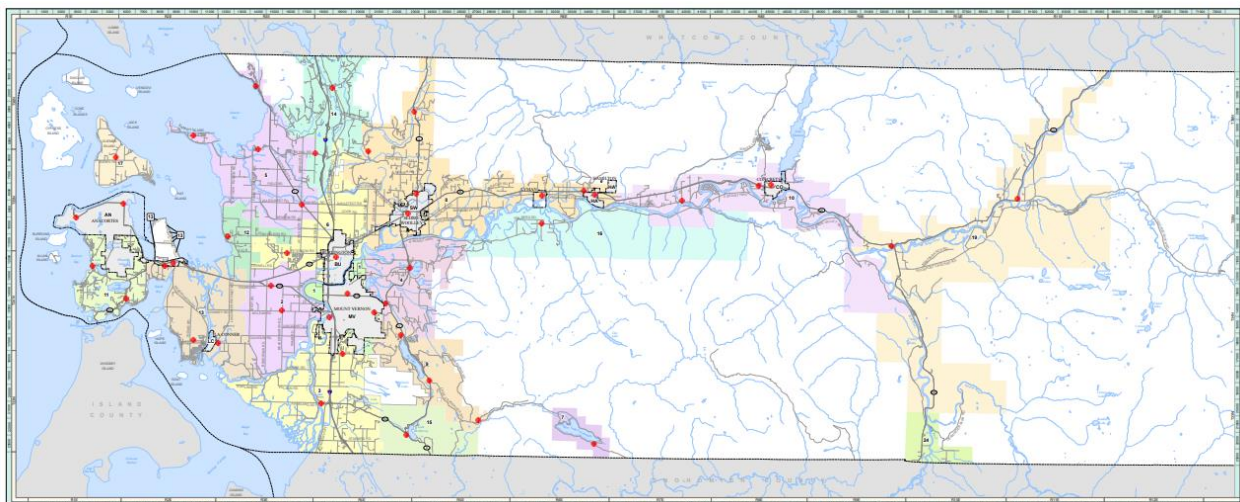


Figure 6 Skagit County Fire District Map

One of the requirements for a building permit in these areas is to have 300 gallons of water on-site, 400 feet of 1-inch fire hose with foam applicator, and an internal combustion engine powered pump, or an equivalent system as approved by the Skagit County Fire Marshal. The Department is requesting to remove the requirement for a foam applicator in these instances for the safety of both the user and the surrounding environment. The U.S. Fire Administration has issued a warning about firefighting aqueous film forming foam (AFFF) solutions, which can include two per- and polyfluoroalkyl substances (PFAS) compounds, perfluorooctane acid (PFOA) and perfluorooctanesulfonic acid (PFOS). These compounds can accumulate and stay in the human body for long periods of time and long-term exposure to PFAS/PFOA/PFOS can have negative health effects like a risk of thyroid disease and certain types of cancers.¹⁴ The National Fire Protection Association (NFPA) has also started a project to develop a strategy to transition the fire service from the use of fluorinated foam to fluorine-free foam technology.

Residents required to use firefighting foam under the current regulations are not trained on how to handle firefighting materials and the foam types are often recalled and will expire. The Department recommends the standard for Skagit County residents in these areas to use only water for firefighting rather than subjecting residents without training to dangerous materials.

Consistency Review with Skagit County Code 14.08

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?

The proposal is consistent with the following goals and policies of the Comprehensive Plan:

Policy 9A-8.2 “Water supply infrastructure expansion shall be designed to meet local needs and urban or rural levels or service standards and comply with this Comprehensive Plan’s land use densities.”

Policy 10A-1.4 “Rural water service provided by individual wells, community systems, or extensions of urban water systems shall be designed to meet the rural water supply needs of the rural area users consistent with the Skagit County Comprehensive Plan and the Coordinated Water System Plan for rural domestic water supply and fire protection [...] Facilities must maintain a WSRB public protection classification No. 8 or better, and fire flow in accordance with the CWSP Section 4, Minimum Design Standards.”

Goal 5A-5 “Skagit County shall, protect and conserve critical areas in cooperation with federal, state, local, and tribal jurisdictions.”

The Comprehensive Plan requires the County and rural residents to plan for minimum levels of water resources to ensure there is appropriate fire suppression available in areas without a fire district available. The proposed amendment will not remove or reduce the requirements for water resources

¹⁴ February 11, 2020, The Hidden Dangers in Firefighting Foam <https://www.usfa.fema.gov/blog/cb-021120.html#:~:text=Certain%20PFAS%20can%20accumulate%20and,testicular%2C%20kidney%20and%20bladder%20cancers>

for rural residential development but will ensure the fire suppression methods will not have a detrimental impact on the homeowner and the surrounding environment.

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

The proposal will not have an impact on the Capital Facilities Plan or other functional plans. This amendment only impacts developments which occur outside of a Skagit County fire district and the property owner is required to provide their own fire suppression facilities.

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

The Growth Management Act Goal 10 requires the County to protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.

The proposal is also consistent with the following Countywide Planning Policies:

CPP 10.2 “Land use decisions shall take into account the immediate and long-range cumulative effects of proposed uses on the environment, both on- and off-site.”

CPP 10.6 “Rural character shall be preserved by regulatory mechanisms through which development can occur with minimal environmental impact.”

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

The proposal to remove potentially hazardous fire suppression materials will have a positive impact on the general health and safety of the public.

C23-6 Temporary Manufactured Homes Title Notice Requirement

Summary

This petition would amend the code to require applicants for temporary manufactured homes to submit a title notice to the County. [SCC 14.16.900](#) details the regulations for special use permits. A special use permit is required to install a temporary manufacture home. Currently, only documentation of the need for nearby care by a doctor and/or physician is required for the special use permit application. The petition would add a title notice that the property has documentation which states the temporary manufactured home must be removed when there is no longer a need for nearby care.

History

This is a new petition that has not been docketed in the recent past.

Recommendation

The Department recommends **approval** of this docket item.

Analysis

Temporary manufactured homes are permitted in certain zones with a special use permit ([SCC 14.16.900\(2\)](#)). The extra dwelling unit can be used to accommodate the housing needs of disabled or elderly family members or to accommodate agricultural workers and their families employed on the premises. For an elderly or disabled family member, documentation of the need for nearby care by a doctor and/or physician is required for the special use permit application. For agricultural workers the property must meet the definition of farmland in RCW 84.34.020, demonstrate compliance with the temporary worker standards in Washington state law, and documentation that the nature of the employee's work requires said employee to be immediately available to the job site.

[SCC 14.04](#) states temporary manufactured homes must be removed from the property when the family member or farm employee is no longer using the manufactured homes. The Department has encountered numerous properties with temporary manufactured homes which were not removed when the use was completed. This has led to new homeowners continuing to utilize the manufactured homes for personal use or as additional rental properties. The intent of requiring a title notice for new temporary manufactured homes is to ensure that when the property is sold to a new owner, they are aware the manufactured home needs to be removed and cannot be used for other purposes. If the property owner does not already have an accessory dwelling unit, they may apply for a permit to make the mobile home permanent through this permitting process. However, the code provision for these mobile homes are temporary, and therefore the title process should reflect that.

Consistency Review with Skagit County Code 14.08

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?

The proposal is supported by the following goals and policies of the Comprehensive Plan:

Goal 3A(d) "Protect the rural landscape, character, and lifestyle by allowing land uses which are compatible and in keeping with the protection of important rural landscape features, resources, and values."

Policy 3A-2.1 "Manage development in rural areas through density requirements that protect and maintain existing rural character, natural resource lands, open space, critical areas, significant cultural resources, and water resources, and that manage traffic volumes."

The Comprehensive Plan requires the County to ensure rural densities are maintained and do not infringe on the rural character of the community. The proposal to require a title notice for all temporary manufactured homes will ensure that the structures are removed when the home is no longer being used in accordance with Skagit County Code.

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

The proposal is supported by the Capital Facilities Plan by ensuring development in the rural area remains rural and does not require additional resources and services from the County.

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

The Growth Management Act Goal 2 requires the County to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

The proposal is also consistent with the following Countywide Planning Policies:

CPP 2.1 “Contiguous and orderly development and provision of urban services to such development within urban growth boundaries shall be required.”

CPP 2.3 “Rural development shall be allowed in areas outside of the urban growth boundaries having limited resource production values (e.g. agriculture, timber, mineral) and having access to public services. Rural development shall have access through suitable county roads, have limited impact on agricultural, timber, mineral lands, critical areas, shorelands, historic landscapes or cultural resources and must address their drainage and ground water impacts.”

CPP 4.6 “Provisions in Comprehensive Plans for the location of residential development shall be made in a manner consistent with protecting natural resource lands, aquatic resources, and critical areas.”

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

This proposal will have a positive impact on the general health and welfare of the public by ensuring the protection of the rural character and reducing sprawl in the unincorporated areas of Skagit County.

C23-7 Flow Sensitive Basin Rules

Summary

This petition would amend SCC [14.24.350-370](#) to remove language in the Critical Areas Ordinance (CAO) which refers to flow-sensitive basins. The current language refers to limits on groundwater withdrawals in flow-sensitive basins; however, these regulations have been superseded by the Washington State Department of Ecology Skagit River and Stillaguamish River Instream Flow Rules. The CAO now only needs to refer residents to Washington Administrative Code 173-503 and 173-505 for regulations regarding groundwater withdrawal limits.

History

This is a new petition that has not been docketed in the recent past.

Recommendation

The Department recommends **approval** of this docket item.

Analysis

Ecology implemented the Skagit River Basin Instream Resources Protection Program rule (WAC 173-503) on April 14, 2001, to protect certain river functions and senior water rights. The WAC provided limits on how much groundwater could be pulled from each individual water source in the Skagit and Stillaguamish River basins. The rule was amended in 2006 in response to a lawsuit which stated the rule did not provide adequate water resources for future Skagit County property owners. The current language in Skagit County code refers to the 2006 Skagit Instream Flow rule for groundwater withdrawal limits. This petition would not change any current requirements for water usage in the Skagit and Stillaguamish River basins but would delete code language which is out of date.

Consistency Review with Skagit County Code 14.08

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?

The amendment is consistent with the following goals and policies of the Comprehensive Plan:

Goal 5A “Protect aquifer recharge areas, and well-head areas, ground and surface water quality and quantity for supplying all needs within Skagit County, including potable water for human use.”

Policy 5A-5.1 “Critical Areas shall be designated and protected to prevent their continued loss and degradation. Furthermore, priority shall be given to the avoidance of impacts to Critical Areas, followed by the minimization of impacts and full mitigation respectively.”

Policy 5A-5.2 “Land uses that are incompatible with critical areas shall be discouraged.”

Policy 5A-5.3 “Development allowed in critical areas shall be conducted without risk to lives, and with minimum risk to property, infrastructure, and resources.”

Policy 5A-5.4 “Impacts to critical areas should be monitored to ensure the long-term success of mitigation measures.”

Policy 5A-5.5 “Critical areas should be avoided, maintained, restored, acquired, replaced, or enhanced.”

The proposed amendment would ensure residents within the Skagit and Stillaguamish River basins are referred to the Washington State Ecology rules for water availability and withdrawal limits. These regulations protect current and future water availability for residents.

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

The proposal does not have an impact on the Capital Facilities Plan or other functional plans.

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

The Growth Management Act Goal 10 requires the County to protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.

The proposal is also consistent with the following Countywide Planning Policies:

CPP 10.1 “Natural resource lands, including aquatic resource areas and critical areas shall be classified and designated, and regulations adopted to assure their long-term conservation. Land uses and developments which are incompatible with critical areas shall be prohibited except when impacts from such uses and developments can be mitigated.”

CPP 10.2 “Land use decisions shall take into account the immediate and long-range cumulative effects of proposed uses on the environment, both on- and off-site.”

CPP 10.4 “Wetlands, woodlands, watersheds and aquifers are essential components of the hydrologic system and shall be managed to protect surface and groundwater quality.”

CPP 10.7 “Development shall be directed away from designated natural resource lands, aquatic resource areas, and critical areas.”

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

Yes, the proposal has a positive impact on the general health and welfare of the public because it is protecting the availability of water for current and future residents living in the Skagit and Stillaguamish River basins.

C23-9 Primitive Campground Definition

Summary

This petition seeks to update the definition for primitive campgrounds in [SCC 14.04](#) to clarify which amenities may be included in a campground and still be designated as primitive. The new definition limits the number of recreational vehicles permitted on site, pursuant to [SCC 14.16.945](#), and adds language to specify minimal amenities should be shared.

History

This is a new petition that has not been docketed in the recent past.

Recommendation

The Department recommends **approval** of this docket item.

Analysis

Skagit County Code 14.04 defines and regulates campgrounds with three levels of infrastructure:

- **Campground, primitive:** a campground with a minimal level of amenities, including, at a minimum, vault or chemical toilets and garbage service, and which may include running water.

- **Campground, developed:** a campground with a moderate level of amenities, including any of the following: plumbed restrooms, individual campsites or cabins with sewer and water, a dump station, laundry facilities, sports courts, on-site offices, or picnic shelters.
- **Campground, destination:** a campground with a high level of amenities, including the amenities of a developed campground and any of the following: snack bars, small retail shops, restaurants, recreation halls, or other similar activities to serve the campground patrons.

Certain zones allow for different levels of campgrounds to limit impact and ensure compatibility with surrounding land uses. Some zones allow for primitive campgrounds as an allowed use without the need for a special use permit. See chart below for an example of where camping is permitted under current zoning.

Zoning Designations that permit Camping

Code Section/Zone	Type of Campground	Use Requirements
14.16.120/Rural Freeway Service	Campground Developed And Campground Primitive	Administrative Special Use
14.16.130/Small Scale Recreation and Tourism	Campground Destination, Campground Developed, Campground Primitive	Outright Permitted
14.16.320/ Rural Reserve	Campground Destination (pre-existing 30 acres or less)	Administrative Special Use
14.16.320/ Rural Reserve	Campground Primitive	Administrative Special Use
14.16.320/ Rural Reserve	Campground Developed	Hearing Examiner
14.16.330 Residential District	Primitive and Developed Campgrounds	Hearing Examiner Special Use
14.16.385 Hamilton Urban Reserve	Campground Primitive as long as there is no conversion of natural resource land and the campground does not interfere with resource management	Permitted Outright
14.16.410/Industrial Forest Natural Resource Lands	Primitive Campgrounds as long as there is not permanent conversion of forest land and the campground does not interfere with resource management	Outright Permitted
14.16.420 Secondary Forest Natural Resource Lands	Campground primitive; provided that there is no permanent conversion of natural resource land and the campground does not interfere with resource management	Outright Permitted
14.16.430/Rural Resource Natural Resource Lands	Campground primitive; as long as there is no conversion of natural resource land and the	Permitted Outright

	campground does not interfere with resource management	
14.16.450 Urban Reserve Public Open Space	Campground primitive	Administrative Special Use
	Campground Developed	Hearing Examiner
14.16.500 OSRSI	Campground primitive; campground developed; campground destination	Administrative Special Use

With the current definition, it is unclear if recreational vehicles can or should be allowed on a primitive campground and the Department would like to ensure amenities are kept minimal for these sites. As the current definition reads, there is potential for landowners to have individual water and other hook ups for each campsite. The intent of the use would be for the campground to have minimal shared amenities to limit the number of utilities used for the activity. The proposed new language would be:

- Campground, primitive: a campground with a minimal level of shared amenities, including vault or chemical toilets and garbage service, and which may include running water; does not include any amenities listed in developed campground or destination campground; and which complies with SCC 14.16.945.

SCC 14.16.945 consists of uses prohibited in Skagit County, including limitations for recreational vehicles. SCC 14.16.945(3) prohibits using a recreational vehicle as a permanent dwelling unit, occupying a recreational vehicle for more than 180 days, maintaining more than one occupied recreational vehicle, and no more than two recreational vehicles on one lot. Requiring residents with a primitive campground to abide by SCC 14.16.945 will ensure campgrounds, which are intended to be low impact, do not include more than two recreational vehicles.

Consistency Review with Skagit County Code 14.08

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?

The proposal is consistent with the following goals and policies of the Comprehensive Plan:

Goal 3A(d) “Protect the rural landscape, character, and lifestyle by allowing land uses which are compatible and in keeping with the protection of important rural landscape features, resources, and values.”

Goal 5A “Minimize risk to life, property, infrastructure, and resources caused by disrupting geologically hazardous areas or by locating development in areas subject to naturally hazardous geologic processes.”

Policy 4D-7 “Recreational Interests: When feasible, access to local recreational activities, such as fishing, boating, hiking, and camping shall be preserved.”

The proposal will continue to allow for primitive campgrounds in zones which allow the activity; however, the amendment ensures the campgrounds stay the appropriate size and do not have a detrimental effect on the environment.

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

The proposal will not have an impact on the Capital Facilities Plan or other functional plans.

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

The Growth Management Act Goal 2 requires the County to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development. GMA Goal 9 states, “retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities. GMA Goal 10 requires the County to also protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.

The proposal is also consistent with the following Countywide Planning Policies:

CPP 5.2 “Home occupations that do not significantly change or impact neighborhood character shall be permitted.”

CPP 5.7 “Tourism, recreation and land preservation shall be promoted provided they do not conflict with the long-term commercial significance of natural resources and critical areas or rural lifestyles.”

CPP 6.2 “The rights of property owners operating under current land use regulations shall be preserved unless a clear public health, safety or welfare purpose is served by more restrictive regulation.”

CPP 10.2 “Land use decisions shall take into account the immediate and long-range cumulative effects of proposed uses on the environment, both on- and off-site.”

CPP 10.6 “Rural character shall be preserved by regulatory mechanisms through which development can occur with minimal environmental impact.”

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

This proposal will have a positive impact on the general health and welfare of the public by ensuring primitive campgrounds do not include multiple recreational vehicle hook ups and that amenities are shared to reduce the overall impact of the development.

C23-10 Countywide Planning Policies Update

Summary

This petition would amend the Countywide Planning Policies to direct the Board of County Commissioners to disband the Boundary Review Board by June 30, 2025, when the next periodic Comprehensive Plan update is due.

History

This is a new petition that has not been docketed in the recent past.

Recommendation

The Department recommends **approval** of this docket item.

Analysis

Countywide Planning Policies (CPPs) are “a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter.”¹⁵ CPPs are required for counties, in coordination with cities within their boundaries, planning under the Growth Management Act (GMA) to provide policies and guidance on how population growth and investment will be directed within a given county.

Boundary Review Boards (BRB) were established by Washington State to provide local independent review of certain actions proposed by cities, towns, and special purpose districts, most commonly annexations. The Skagit BRB consists of five members, all from Skagit County, appointed by elected officials of the cities, special purpose districts, the county, and the Governor. RCW 36.93.230 permits counties the power to disband boundary review boards when a county and the cities and towns have adopted a comprehensive plan and consistent development regulations pursuant to the provisions of chapter 36.70A RCW.¹⁶

Goal 12.17 of the Skagit CPPs currently includes language for when the Skagit BRB could be disbanded:

12.17 The Washington State Boundary Review Board for Skagit County should be disbanded pursuant to RCW 36.93.230 provided that the following tasks are accomplished: (a) that ALL cities and the County have adopted comprehensive plans and development regulations consistent with the requirements of these Countywide Planning Policies and RCW 36.70A, including appropriate urban levels of service for all public facilities and services; (b) that ALL cities and the County have adopted a concurrency ordinance that requires the adopted urban levels of service addressed in (a) above be accomplished in time frames that are consistent with RCW 36.70A.; (c) that special purpose districts that serve UGAs have adopted urban levels of service standards appropriate for their service areas; (d) that ALL cities and the County have an adopted capital facility plan for urban levels of service that indicates sources of revenue and a timeline for meeting such service; and (e) that ALL cities and special purpose districts have in place adopted “interlocal

¹⁵ RCW 26.70A.210(1) <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70A.210>

¹⁶ RCW 36.93.230 <https://app.leg.wa.gov/rcw/default.aspx?cite=36.93.230>

agreements” that discuss arrangements for transfer of assets and obligations that may be affected by transference of governance or annexation of the service area consistent with the requirements of applicable RCWs.

The Growth Management Act Steering Committee (GMASC) has determined Skagit County has met these requirements and voted in December 2021 to direct the County Commissioners to disband the Skagit BRB and provided the following new language for CPP 12.17:

12.17 Cities and towns are the appropriate purveyors of urban services. In the interest of facilitating the cost effective and orderly provision of urban services, the annexation of urban growth areas shall be encouraged and facilitated. The following policies are intended to promote municipal annexation, discourage urban growth in advance of annexation, and ensure that urban services can be provided in a logical cost-effective manner:

1. On or before June 30, 2025 the Board of County Commissioners shall, as authorized by RCW 36.93.230, take action to disband the Washington State Boundary Review Board for Skagit County. Subsequent to the disbandment of the boundary review board, municipal annexations shall be subject to the following:
 - a. Annexations of land recently included in an urban growth area shall not be final until any appeal periods, or any proceedings associated with the urban growth area change, have lapsed or concluded;
 - b. With the exception of existing non-municipal urban growth areas, Skagit County shall ensure that urban growth does not occur in advance of municipal annexation;
 - c. The area(s) to be annexed shall be contiguous with existing municipal boundaries and shall avoid irregular boundaries by following existing features such as parcel lines or roadways, provided that such boundaries remain consistent with Chapter 36.70A RCW;
 - d. Consistent with Washington state law, the annexation should include consideration of services and applicable infrastructure, as well as providing for the assumption of assets and obligations affected by the transfer of governance within the annexation area(s);
 - e. If a public hearing is required by Washington state law on the proposed annexation, it shall be held at least 60 days prior to the effective date of the annexation. Notice of the hearing shall be provided to Skagit County and any affected special purpose districts; and
 - f. Annexations shall be consistent with the Skagit County Countywide Planning Policies.

The 2002 Framework Agreement includes guidance for how draft CPPs are to be referred to member jurisdictions for public comment and input by cities and county commissioners. SCOG circulated the draft language for feedback prior to the December 2021 meeting. GMASC is the recommending authority to the Skagit Board of County Commissioners and then the County Commissioners may take one of two actions on any CPP recommendation from the GMASC:

1. Adopt any new CPP or CPP amendment proposed by the GMASC, but not change the proposed CPP or CPP amendment in any manner whatsoever; or
2. Decline to adopt any new CPP or CPP amendment proposed by the GMASC.

Consistency Review with Skagit County Code 14.08

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?

The Comprehensive Plan states, “All of the goals, objectives and policies of the Comprehensive Plan are based on theses community vision statements and are an expansion of the Countywide Planning Policies and State GMA goals.”

Goal 2A “Guide most future development into concentrated urban growth areas where adequate public facilities, utilities, and services can be provided consistent with the Countywide Planning Policies.”

Policy 2A-1.2 “Proposals for Urban Growth Area expansions shall be evaluated for their consistency with the Urban Growth Area Modification Criteria developed and approved by the Growth Management Act Steering Committee. These criteria address issues including: land capacity analysis; ability to provide urban services; impacts on critical areas, natural resource lands, and hazard areas; and compliance with related Countywide Planning Policies. Urban Growth Area expansion proposals shall demonstrate that expansion is necessary within the 20-year planning period, that public facilities and services can be provided concurrent with development, and that reasonable efforts have been made to encourage infill and redevelopment within existing Urban Growth Area boundaries before those boundaries can be expanded.”

The Comprehensive Plan is based on the goals of the Countywide Planning Policies so the amendment is consistent with all of the goals and vision statements of the Comprehensive Plan.

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

The amendment to the Countywide Planning Policies will not have an impact on the Capital Facilities Plan or other functional plans.

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

The Growth Management Act Goal 1 requires the County to encourage development in areas where adequate public facilities and services exist or can be provided in an efficient manner.

CPP Goal 12.17 currently includes language for when the Skagit BRB could be disbanded:

“The Washington State Boundary Review Board for Skagit County should be disbanded pursuant to RCW 36.93.230 provided that the following tasks are accomplished: (a) that ALL cities and the County have adopted comprehensive plans and development regulations consistent with the requirements of these Countywide Planning Policies and RCW 36.70A, including appropriate urban levels of service for all public facilities and

services; (b) that ALL cities and the County have adopted a concurrency ordinance that requires the adopted urban levels of service addressed in (a) above be accomplished in time frames that are consistent with RCW 36.70A.; (c) that special purpose districts that serve UGAs have adopted urban levels of service standards appropriate for their service areas; (d) that ALL cities and the County have an adopted capital facility plan for urban levels of service that indicates sources of revenue and a timeline for meeting such service; and (e) that ALL cities and special purpose districts have in place adopted “interlocal agreements” that discuss arrangements for transfer of assets and obligations that may be affected by transformance of governance or annexation of the service area consistent with the requirements of applicable RCWs.”

The Growth Management Act Steering Committee (GMASC) has determined Skagit County has met these requirements.

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

The proposal does not bear a substantial relationship to the public general health, safety, morals, or welfare.

C23-11 General Code Language Clean Up

Summary

The Department updated the Skagit County stormwater, land disturbance, and wireless facilities code in 2022. After the approved new code language was implemented, staff found several inconsistencies which need to be fixed. Below is a table with updated code language.

Project	Code Section	New Language		
Ordinance O20220003	SCC 14.16.340(c)(i)(A)	Front Setback	House	Garage
		Road classes 09 and 19 (local neighborhood streets)	20	25
		Roads other than classes 09 and 19	35	40
Ordinance O20220006	SCC 14.22.020(3)(a)	(3) Exemptions. The following activities are exempt from the requirements of this Chapter: (a) Except as provided in Subsections (3)(b) and (3)(c) of this Section, cumulative land disturbing activity, over a five-year period, totaling: (i) Less than 7,000 square feet within the NPDES permit area; and		

		(ii) Less than 14,000 Fourteen thousand square feet outside the NPDES permit area cumulatively.
	SCC 14.32.060(2)(a)(i)	(2) Modified Minimum Requirements for Residential Projects Wholly Outside of the NPDES Permit Area. (a) Minimum Requirement No. 1, Stormwater Site Plan. (i) The infiltration test for the stormwater site plan <u>may</u> be performed consistent with the simplified procedure provided by the Department.
	SCC 14.32.060(2)(e)(iii)	(2) Modified Minimum Requirements for Residential Projects Wholly Outside of the NPDES Permit Area. (e) Minimum Requirement No. 5, On Site Stormwater Management. (iii) Geotechnical Analysis. A geotechnical analysis <u>must be required</u> when: (A) Grading or the construction of retention facilities, detention facilities, or other stormwater and drainage facilities is proposed within 200 feet of slopes steeper than 15 percent; or (B) The Administrative Official deems that the proposed construction poses a potential hazard due to its proximity to a geologically hazardous area or Category I aquifer recharge area.
Ord. O20220012	14.16.100(3)(g) and (5)(c)(i), 14.16.110(3)(e) and (5)(c)(i), 14.16.120(3)(i) and (5)(c)(i), 14.16.130(5)(f) and (6)(c)(i), 14.16.140(5)(d) and (6)(d)(i), 14.06.100, 14.06.210, 14.16.150 through 14.16.200, 14.16.300 through 14.16.340, 14.16.370, 14.16.385, 14.16.400 through 14.16.430, 14.16.450, 14.16.500,	Strike reference to “personal wireless service towers” and “personal wireless services” and replace with “wireless facilities” and “wireless facility services”

	14.16.810, 14.16.850 and 14.18.00.	
	14.04.020	Strike definitions for personal wireless facilities services and personal wireless service facilities

History

This is a new petition that has not been docketed in the recent past.

Recommendation

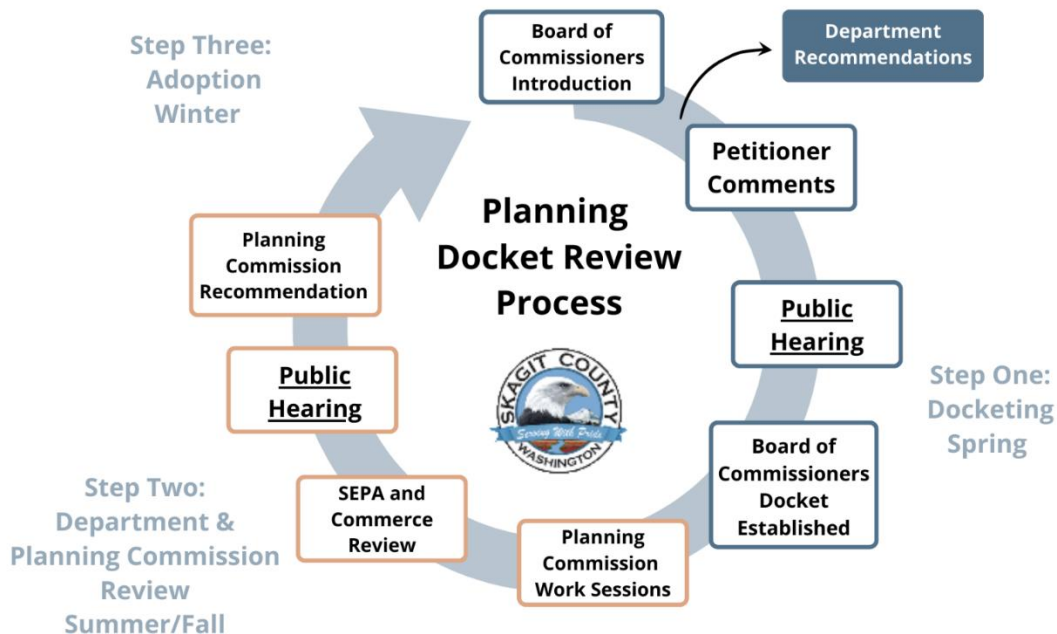
The Department recommends **approval** of this docket item.

Next Steps

There will be an opportunity to hear from the petitioners and the public regarding the items in this staff report following work sessions with the Planning Commission. See the tentative schedule below for more information or go to the link below for more information on the work session on the docket.

<https://www.skagitcounty.net/Departments/PlanningCommission/PCminutes.htm>

Date	Hearing Body	Meeting Type	
September 12, 2023	Planning Commission	Work Session	Present Staff Recommendations for the Docket
October 24, 2023	Planning Commission	Public Hearing	Accept testimony on the proposals included in the Docket.
November 14, 2023	Planning Commission	Review of Comments	Staff presents public comments on the proposals
December 12, 2023	Planning Commission	Deliberations	Recorded motion with recommendations to the BoCC.
January 2024	BoCC	Deliberations	Deliberate on whether to adopt, not adopt, or defer amendments on the Docket.



2023 Petitions and Supporting Documents can be found at:

www.skagitcounty.net/2023CPA

How to Comment

The public may submit written comments via email to pdscomments@co.skagit.wa.us (preferred) or via US mail. All paper comments must be submitted on 8½" x 11" paper to the address below:

Skagit County Planning & Development Services
re: Comments "Skagit County's 2023 Docket of Proposed Policy, Code, and Map
Amendments"
1800 Continental Place
Mount Vernon, WA 98273

All comments must be received by **October 26, 2023, at 4:30 p.m.** and include (1) your full name, (2) your mailing address. Comments not meeting these requirements will not be considered.

You may also provide verbal comments at the Public Hearing. The public hearing is scheduled for **October 24, 2023, at 6:00 p.m.** in the Skagit County Commissioners Hearing Room at 1800 Continental Place, Mount Vernon, WA 98273.

If you wish to provide testimony via the online meeting option, please send an email to pdscomments@co.skagit.wa.us, with your name, phone number, and include a request to be added to the speakers list in the body of the email. All requests must be received 24 hours prior to the public hearing date. Public hearing testimony is usually limited to three minutes, so written comments are preferred.

Attachment 1 - Amendments to Skagit County Comprehensive Plan and Development Regulations
(Published under a separate cover)

Staff Report Attachment 1

Amendments to 2023 Comprehensive Plan and Development Regulations

<p><u>Key to changes:</u></p> <p>Plain text = existing writing with no changes</p> <p>Strikethrough = existing writing to be deleted</p> <p><u>Underlined</u> = new writing to be added</p> <p>Double Strikethrough = existing writing moved to another location</p> <p><u>Double Underline</u> = existing writing moved from another location</p> <p><i>Italics</i> = instructions to writing reviser</p>
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C23-1 Seawater Intrusion Area Well Drilling Requirements

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 a hydrogeologist engaged or employed by the County, the elevation of the well must be surveyed by a licensed surveyor; [and](#)
 - (D) Depth and chloride levels of surrounding wells;
- (ii) A drilling plan; [and](#)
- (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; [and](#)
- (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.

[\(d\) For Wells in a Sole Source Aquifer Area. Prior to drilling any new well in an area designated a sole source aquifer area, the information set forth in subsection \(2\)\(a\) must be submitted to the Department.](#)

(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.

(4) Development Standards for Wells.

(a) **Generally.** For both existing and new wells, a well driller must:

- (i) Install a wellhead source meter;
- (ii) Install a sounding tube to allow water level measurements;
- (iii) Set the maximum pumping rate consistent with Table 14.24.380-1;
- (iv) Conduct a pump test under the supervision of a licensed well driller or licensed hydrogeologist, consistent with the following:

(A) Use the conservative maximum pumping rate defined in Table 14.24.380-1, or if the well driller proposes to use more than the maximum pumping rate in Table 14.24.380-1, include a hydrogeological assessment (including pump tests) using observation wells;

(B) Pump a minimum of 350 gallons from the formation during the test;

(C) Continue the pump test for at least four hours after water level stabilization has occurred, or for the timespan determined by a hydrogeologist engaged or employed by the County.

(b) **Documentation of Installation.** The well driller must submit the following after the pump test:

- (i) Well ID;
- (ii) Proof of the sounding tube installation;
- (iii) The maximum pumping rate set;
- (iv) A record of the static water level depth prior to starting the pump test;
- (v) Pumping rates during the pump test;
- (vi) Drawdown measurements recorded throughout the pumping test in intervals as approved by a hydrogeologist engaged or employed by the County;
- (vii) The time of day when the drawdown measurement was observed;
- (viii) Exact time of pump start and stop;
- (ix) Any changes in pumping rate during the test;

(x) Measurement of water level following pump shutoff until the water level in the well recovers to at least 95 percent of its pre-pumping level, including time of measurement.

(c) **Documentation of Elevation.** Before final inspection, the applicant must submit a land elevation of the well as surveyed by a licensed surveyor.

(d) **Maximum Pumping Rates.**

(i) The maximum pumping rate for wells must be set consistent with the following table.

(ii) A maximum pumping rate other than that in the table may be set if approved by a hydrogeologist engaged or employed by the County.

Table 14.24.380-1. Maximum pumping rates.

Location	Chloride level		
	0—24 ppm	25—99 ppm	100—250* ppm
less than 1/2 mile from the coast for areas in (1)(a)	as determined or approved by a hydrogeologist engaged or employed by the County		
less than 1/2 mile from the coast for islands in (1)(b)	3 gpm	2 gpm	1 gpm
greater than 1/2 mile from the coast for islands in (1)(b)	3 gpm	3 gpm	3 gpm

(Ord. O20160004 § 6 (Att. 6))

C23-2 Qualified Professional Definition

Qualified professional: a person with training and ~~two~~four years of work experience in the applicable field or critical area.

(1) A qualified professional for ~~watercourses~~, wetlands, ~~and wildlife habitat conservation areas~~ must have a bachelor’s degree or equivalent in biology, ecology, soil science, botany, or related field and relevant professional experience in functional assessment and mitigation techniques in Western Washington or comparable systems.

(2) A qualified professional for watercourses and wildlife habitat conservation areas must have a bachelor's degree or equivalent in wildlife biology, ecology, fisheries, or closely related field and relevant professional experience in functional assessment and mitigation techniques.

(32) A qualified professional for preparing geotechnical reports and geotechnical design recommendations must be a professional engineering geologist or civil geotechnical engineer, licensed in the State of Washington, with relevant professional experience in geotechnical engineering, including experience with landslide evaluation.

(43) A qualified professional for critical aquifer recharge areas must be a hydrogeologist, geologist, or professional engineer, licensed in the State of Washington, who has relevant professional experience is trained and qualified to analyze analyzing geologic, hydrologic, and groundwater flow systems.

(4) A qualified professional for stormwater management must be a geologist licensed in the State of Washington or a professional engineer and meet the applicable requirements specified in the Skagit County Stormwater Manual. professional engineer, licensed in the State of Washington, who is trained and qualified to design stormwater facilities.

C23-3 OSRSI Allowed Uses Amendment

(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) Maintenance, drainage.

(i) Net metering system, solar.

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

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

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

(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.
- (5) Hearing Examiner Special Uses.
- (a) Animal preserve.
 - (b) Impoundment.
 - (c) Marinas not greater than 20 slips.
 - (d) Major public use and expansions of existing major public use, 3,000 square feet and greater.
 - (e) Major utility development.
 - (f) Parks, community.
 - (g) Shooting club, outdoor.

C23-4 Master Planned Resort Designation

14.16.900 Special use permit requirements.

- (1) Special Uses.
- (a) Purpose. To provide a means to recognize and approve land uses not specifically identified as allowed uses. A special use permit must demonstrate that the proposed activity will not adversely affect or prevent those uses normally allowed within the respective district.
 - (b) Process/Authority for Special Use Permit.
 - (i) Administrative special uses shall be reviewed as a Level I permit, pursuant to Chapter 14.06 SCC.
 - (ii) Hearing Examiner special uses shall be reviewed as a Level II permit, pursuant to Chapter 14.06 SCC.
 - (iii) The Hearing Examiner shall have authority to order that a special use permit be revoked, suspended, or modified based on a finding that the conditions have not been satisfied by the applicant. The Administrative Official or party of record may request a review by the Hearing Examiner on a special use permit pursuant to a Level II action, pursuant to Chapter 14.06 SCC.

(iv) The approving authority's decision may be to grant or to deny an application.

(v) The burden of proof shall be on the applicant to provide evidence in support of the application. The criteria for approval or denial shall include the following:

(A) The proposed use will be compatible with existing and planned land use.

(B) The proposed use complies with the Skagit County Code.

(C) The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.

(D) The proposed use will not generate intrusions on privacy of surrounding uses.

(E) The proposed use will not cause potential adverse effects on the general public health, safety, and welfare.

(F) For special uses in Industrial Forest—Natural Resource Lands, Secondary Forest—Natural Resource Lands, Agricultural—Natural Resource Lands, and Rural Resource—Natural Resource Lands, the impacts on long-term natural resource management and production will be minimized.

(G) The proposed use is not in conflict with the health and safety of the community.

(H) The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

(I) The proposed use will maintain the character, landscape and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts.

(c) Approved special uses identifiable through the Department's permit tracking system shall be mapped upon request.

(d) All special uses, ~~including master planned resorts,~~ shall require a development project be commenced for the entire parcel within 2 years of the permit approval, unless development is phased. For the purposes of this Section, "commenced" shall mean either (1) the use permitted by the permit has been established or (2) a complete building permit has been filed with Planning and Development Services for

the principal building which will allow the use. Upon building permit approval, the principal building shall be completed (i.e., final inspections completed) within 3 years. Those portions of the property, which are not included within the development area and where the above time frames are not met, shall automatically be removed from the special use approval, unless a phasing plan is approved pursuant to Subsections (1)(d)(i) and (iii) of this Section. For purposes of this Subsection, “development area” shall mean all portions of the site needed to meet UDC requirements, such as lot coverage and setbacks.

(i) If an applicant desires to phase development of a special use, a phasing plan shall be submitted and reviewed as part of the special use permit application. When a special use includes a phasing plan, the initial phase shall be commenced and completed within the time frames articulated above, ~~except that for master planned resorts,~~ development in the initial phase must be commenced consistent with the approved phasing plan. Subsequent phases for special uses, ~~except for master planned resorts,~~ shall be commenced and/or constructed within the time frames established in the phasing plan, or within a 6-year period. ~~Subsequent phases for master planned resorts shall be commenced and/or constructed within the time frames established in the approved phasing plan.~~ Otherwise, the special use shall expire for those portions of the property where these requirements are not met.

(ii) Where a special use did not initially include a phasing plan, but prior to the automatic permit reversion an applicant desires the phasing of the operation, a phasing plan may be submitted to the County for consideration. This plan shall be reviewed through a Level II review process and be reviewed for compliance with the special use criteria.

(iii) The time limits established above shall be tolled pending resolution of any appeals, and may be extended by the Board of County Commissioners upon a showing that the applicant is diligently taking actions to obtain necessary permits and approvals to establish the use.

(2) Special Uses with Specific Criteria.

(a) Temporary Manufactured Home—Disabled or Elderly Family Members.

A temporary manufactured home to accommodate the housing needs of disabled or elderly family members, as provided:

(i) Documentation of the need for nearby care is required by a doctor and/or physician.

(b) Temporary Manufactured Home—Accessory to Farm Dwelling Unit. A temporary manufactured home accessory to a farm dwelling unit on property meeting the definition of farmland in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises, as provided:

(i) The property must meet the definition of farmland in RCW 84.34.020 (Open Space Taxation).

(ii) Demonstrate compliance with the temporary worker standards in Washington State Law including Chapters 19.27, 43.22, 43.70, 49.17 and 70.114A RCW.

(iii) Documentation that the nature of the employee's work requires said employee to be immediately available to the job site is required by the farm owner/operator.

(c) Bed and Breakfast. Bed and breakfast special use permits are subject to the following requirements:

(i) They are owner-occupied and managed.

(ii) Parking is on-site and a minimum of 10 feet away from neighboring residences.

(iii) All lighting is directed away from neighboring residences.

(iv) It is demonstrated that the impacts will be no more obtrusive than a residence.

(v) Five bedrooms or less are available for guest use.

(d) Outdoor Outfitters Enterprises. Special use permits for outdoor outfitters enterprises shall be subject to the following requirements:

(i) Temporary lodging may be allowed at temporary primitive campgrounds as regulated in each district, existing lodges/cabins, or approved bed and breakfasts.

(ii) No more than 5 self-contained RVs shall be allowed with such enterprises at any one time.

(iii) Temporary lodging in a single location shall not exceed 14 days for any 1 individual, group or party.

(iv) At least 7 days must pass before registered guests may return for lodging.

(v) A site plan showing the location, size, access of proposed primitive campsites, existing lodges/cabins, and RV sites is required to be submitted with the special use application.

(e) Home-Based Business 2. See SCC 14.16.730.

(f) Home-Based Business 3. See SCC 14.16.730.

~~(g) Master planned resorts pursuant to Chapter 14.20 SCC. Special use permits for master planned resorts are also subject to the following criteria:~~

~~(i) Compliance with the requirements of Chapter 14.20 SCC, Master Planned Resorts; and~~

~~(ii) Consistency with the resort master plan as approved or amended pursuant to Chapter 14.20 SCC, Master Planned Resorts, in conjunction with the master planned resort Comprehensive Plan Land Use Map amendment.~~

C23-5 Fire Marshal Code Amendment

(6) Nonissuance of Building Permits Outside of a Fire District.

(a) Within any zoning district, building permits shall not be issued for residential and/or commercial structures that are not determined to be within an official designated boundary of a Skagit County Fire District.

(b) Exceptions:

(i) A building permit may be approved if the Administrative Official determines that the building is a necessary component of the resource base of the zone.

(ii) A nonresidential, noncommercial building may be approved if for miscellaneous structures necessary to convey utilities, radio transmission, etc. (i.e., radio towers or transmission or water lines).

(iii) Outside of a fire district, with the exception of lands zoned Industrial Forest-Natural Resource Lands, a single-family dwelling or accessory building permit may be applied for if it meets all of the following or comparable alternative fire protection requirements as determined by the Fire Marshal:

(A) The lot was a lot of record prior to the adoption of interim controls on June 11, 1990.

(B) Approved noncombustible roofing materials must be used.

(C) Slash abatement within 200 feet of any portion of the exterior of the structure.

(D) A safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of the structure on level ground and 100 feet downhill on sloped ground.

(E) Building sprinklers installed per National Fire Protection Association 13D (NFPA 13D).

(F) Exception: Buildings of 800 square feet or less, which are:

(I) Unheated separate accessory structures to a full-time dwelling unit 20 feet from all other buildings; or

(II) A building used as a vacation cabin and not as a full-time residence.

(G) There is availability of 300 gallons of water on-site, 400 feet of 1-inch fire hose ~~with foam applicator~~, and an internal combustion engine powered pump.

(iv) On saltwater islands that do not contain any land designated Natural Resource Lands (NRLs) or Public Open Space of Statewide/Regional Importance (OSRSI), and that are not within a fire district, a single-family dwelling or accessory building permit may be applied for if it meets all of the following or comparable alternative fire protection requirements as determined by the Fire Marshal:

(A) Approved noncombustible roofing materials must be used.

(B) Slash abatement within 200 feet of any portion of the exterior of the structure.

(C) A safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of the structure on level ground and 100 feet downhill on sloped ground.

(D) There is availability of 300 gallons of water on-site, 400 feet of 1-inch fire hose ~~with foam applicator~~, and an internal combustion engine powered pump, or an equivalent system as approved by the Skagit County Fire Marshal.

(E) Building sprinklers installed per National Fire Protection Association 13D (NFPA 13D).

Exceptions from the sprinkling requirement in this Subsection may be provided if:

(I) The lot was a legal lot of record prior to the adoption of interim controls on June 11, 1990; and

(II) The proposed single-family dwelling or accessory building does not exceed 1,500 square feet of heated structure.

C23-6 Temporary Manufactured Homes Title Notice Requirement

14.16.900 Special use permit requirements.

(1) *[No change]*

(2) Special Uses with Specific Criteria.

(a) Temporary Manufactured Home—Disabled or Elderly Family Members. A temporary manufactured home to accommodate the housing needs of disabled or elderly family members, as provided:

(i) Documentation of the need for nearby care is required by a doctor and/or physician.

(ii) Title Notice. The applicant must record a title notice with the County Auditor that contains the following language:

The above-referenced property contains a temporary manufactured home to accommodate the housing needs of disabled or elderly family member. This second temporary dwelling unit was approved by a special use permit pursuant to the Skagit County Code and must be removed from the property when the family member is no longer using the manufactured home.

(b) Temporary Manufactured Home—Accessory to Farm Dwelling Unit. A temporary manufactured home accessory to a farm dwelling unit on property meeting the definition of farmland in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises, as provided:

(i) The property must meet the definition of farmland in RCW 84.34.020 (Open Space Taxation).

(ii) Demonstrate compliance with the temporary worker standards in Washington State Law including Chapters 19.27, 43.22, 43.70, 49.17 and 70.114A RCW.

(iii) Documentation that the nature of the employee's work requires said employee to be immediately available to the job site is required by the farm owner/operator.

(iv) Title Notice. The applicant must record a title notice with the County Auditor that contains the following language:

The above-referenced property contains a temporary manufactured home to accommodate agricultural workers and their families employed on the premises. This second temporary dwelling unit was approved by a special use permit pursuant to the Skagit County Code and must be removed from the property when the farm employee is no longer using the manufactured home.

(c) – (j) [No Changes]

(3) [No Changes]

C23-7 Flow Sensitive Basin Rules

14.24.340 Aquifer recharge areas impact mitigation

(3) Surface Water Source Limited (SWSL) Stream Mitigation

(e) Samish River Basin. There shall be no density bonus for CaRD developments that relay on groundwater as the water source and where the well is located within ½ mile of the Samish River or Friday Creek.

14.24.350 Flow-sensitive basins.

~~(1) Except as provided in Subsection (2) of this Section, average daily groundwater withdrawals for projects initiated after the effective dates indicated below shall be limited in each flow-sensitive basin to the amounts indicated below. The Health Officer, in coordination with the Washington Department of Ecology, shall be responsible for tracking water uses in flow-sensitive basins in accordance with Chapter 12.48 SCC.~~

~~(a) Skagit River Basin.~~

~~(i) Flow Sensitive Basins.~~

Lower Skagit Flow-Sensitive Basins	Groundwater Withdrawal Limit (gallons per day)
Alder Creek	81,430
Anderson/Parker/Sorenson Creeks	20,034
Careys Creek	11,633
Carpenter/Fisher Creeks	11,633
Childs/Tank Creeks	18,096
Coal Creek	18,742
Cumberland Creek	25,851
Day Creek	131,839
Gilligan Creek	25,851

Lower Skagit Flow-Sensitive Basins	Groundwater Withdrawal Limit (gallons per day)
Hansen Creek	38,130
Jones Creek	67,212
Loretta Creek	11,633
Mannser Creek	15,511
Morgan Creek	13,572
Muddy Creek	28,436
Nookachamps Creek— East Fork	14,218
Nookachamps Creek— Upper	12,279
O'Toole Creek	23,266
Red Cabin Creek	42,653
Salmon/Stevens Creek	5,170
Wiseman Creek	18,095

Upper Skagit Flow-Sensitive Basins	Groundwater Withdrawal Limit (gallons per day)
Aldon Creek	25,851
All Creek	25,851
Bacon Creek	25,851
Barr Creek	25,851
Big Creek	25,851
Boulder Creek	25,851
Boyd Creek	25,851
Clark Creek	25,851

Upper Skagit Flow-Sensitive Basins	Groundwater Withdrawal Limit (gallons per day)
Corkindale Creek	25,851
Diobsud Creek	25,851
Everett Creek	25,851
Finney Creek	25,851
Flume Creek	25,851
Grandy Creek	147,350
Gravel Creek	25,851
Hilt Creek	25,851
Hobbit Creek	25,851
Hlabot Creek	25,851
Irene Creek	25,851
Jackman Creek	25,851
Jordan Creek	25,851
Mill Creek	25,851
Miller Creek	25,851
O'Brian Creek	25,851
Olson Creek	25,851
Ossterman Creek	25,851
Prairie Creek	25,851
Pressentin Creek	25,851
Rinker Creek	25,851
Rocky Creek	25,851
Savage Creek	25,851

Upper Skagit Flow-Sensitive Basins	Groundwater Withdrawal Limit (gallons per day)
Sutter Creek	25,851
Tenas Creek	25,851
White Creek	25,851

~~(ii) Effective Date. Groundwater withdrawals from the flow-sensitive basins listed in Subsection (1)(a)(i) of this Section that were established after April 14, 2001, will be debited from the respective groundwater withdrawal limits.~~

~~(b) Samish River Basin. There shall be no density bonus for CaRD developments that rely on groundwater as the water source and where the well is located within 1/2 mile of the Samish River or Friday Creek.~~

~~(c) Stillaguamish River Basin.~~

~~(i) Flow Sensitive Basins.~~

Flow Sensitive Basin	Groundwater Withdrawal Limit (gallons per day)
Stillaguamish River and tributaries	302,400

~~(ii) Effective Date. Groundwater withdrawals from the flow-sensitive basins listed in Subsection (1)(c)(i) of this Section that were established after September 26, 2005, will be debited from the respective groundwater withdrawal limits.~~

~~(2) The Administrative Official shall report to the Health Officer the number of new residential connections or the estimated amount of consumptive water use for non-residential projects that will be created for each building permit or lot that relies on a groundwater withdrawal in a flow-sensitive basin. Groundwater withdrawals shall not be debited from the groundwater withdrawal limits established in Subsection (1) of this Section, where:~~

~~(a) The proposed groundwater withdrawal is exempt from permitting in RCW 90.44.050; and~~

~~(i) The Health Officer, using criteria developed in coordination with the Washington Department of Ecology, determines that the groundwater withdrawal will not adversely impact stream flows deemed critical to salmonids in a flow-sensitive basin; or~~

~~(ii) The applicant adopts mitigation measures approved by the Health Officer, using criteria developed in coordination with the Washington Department of Ecology, to prevent the groundwater withdrawal from adversely impacting stream flows deemed critical to salmonids in flow-sensitive basins; or~~

~~(b) The proposed groundwater withdrawal is not exempt from permitting in RCW 90.44.050 and the proposed withdrawal for a project is included in a water right permit issued by the Washington Department of Ecology and is covered by a mitigation plan approved by the Washington Department of Ecology; or~~

~~(c) The groundwater withdrawal is from an interruptible source and the applicant provides measures to supply adequate water at all times necessary for the project applied for, subject to the approval of the Health Officer; or~~

~~(d) Groundwater use for projects initiated prior to the effective date of the corresponding flow-sensitive basin designated in SCC 14.24.350, by:~~

~~(i) The applicant filing with the Administrative Official a complete application for a building permit pursuant to Chapter 15.04 SCC or for approval of a land division pursuant to Chapter 14.18 SCC prior to the effective date of the corresponding flow-sensitive basin groundwater withdrawal limit; or~~

~~(ii) The applicant filing a well log with the Washington Department of Ecology prior to the effective date of the corresponding flow-sensitive basin groundwater withdrawal limit indicating the applicant's intent to rely on a groundwater withdrawal that is exempt from permitting in RCW 90.44.050; or~~

~~(iii) The Washington Department of Ecology issuing a water right permit or certificate with a priority date that is earlier than the effective date of the respective flow-sensitive basin groundwater withdrawal limit designated in this Section.~~

~~(3) — In addition to the provisions for public notice provided under SCC 14.06.150 and notice of decision under SCC 14.06.200, the Administrative Official shall provide electronic notice to the public, by use of the County's official website or otherwise, of all building permit and short subdivision applications and approvals in flow sensitive basins. (Ord. O20080014 (part))~~

~~**14.24.360 Flow sensitive basin water withdrawal mitigation.**~~

~~If a project hydrologically is located within a flow sensitive basin, in addition to conditions imposed by the Health Officer pursuant to Chapter 12.48 SCC, mitigation measures required in SCC 14.24.340 and groundwater withdrawal mitigation measures required by the Washington State Department of Ecology, the total impervious surface area of the project containing the project shall be limited to 20%, unless:~~

~~(1) — The applicant implements mitigation measures that collect stormwater runoff from the proposed development, treat that runoff, if necessary to protect groundwater quality, and discharge that collected runoff into a groundwater infiltration system on site, providing that the project is located in an area that the Administrative Official or Health Officer determines is suitable for stormwater infiltration; or~~

~~(2) — The project will be served by a public water system the source for which is located hydrologically outside of a flow sensitive basin, and wastewater will be disposed in an approved on-site wastewater treatment system that the Health Officer or Administrative Official determines will provide adequate compensating recharge to the aquifer for the total amount of impervious surface proposed; or~~

~~(3) — The applicant demonstrates, through an appropriate hydrogeological characterization, that the placement of the proposed impervious surfaces will not adversely impact stream base flows in the subject tributary basin; or~~

~~(4) — The applicant demonstrates that the project is located in an area where groundwater and/or surface water is influenced by tidal fluctuation. (Ord. O20080014 (part))~~

~~**14.24.370 Delineation of flow sensitive basins.**~~

~~The Administrative Official shall produce maps delineating the boundaries of flow sensitive basins, which are hereby incorporated by reference. The Administrative Official shall update maps of flow sensitive basins as provided in SCC 14.24.050 and WAC 173 503 116. (Ord. O20080014 (part))~~

C23-9 Primitive Campground Definition

14.04.020 Definitions

Campground, primitive: a campground with a minimal level of [shared](#) amenities, including, ~~at a minimum~~ vault or chemical toilets and garbage service, and which may include running water; ~~does not include any amenities listed in developed campground or destination campground, and which complies with SCC 14.16.945.-~~

C23-11 General Code Language Clean Up

14.16.340 Bayview Ridge Residential

(5) Density and Dimensional Standards

(c) Setbacks

(i) Primary Structures

(A) Front.

Front Setback	House	Garage
Road classes 09 and 19 (local neighborhood streets)	20	25
Roads other than class 09 and 19	35	40

14.22.020 Applicability

(3) Exemptions. The following activities are exempt from the requirements of this Chapter:

(a) Except as provided in Subsections (3)(b) and (3)(c) of this Section, cumulative land disturbing activity, over a five-year period, totaling:

(i) Less than 7,000 square feet within the NPDES permit area; and

(ii) ~~Less than 14,000~~ ~~Fourteen thousand~~ square feet outside the NPDES permit area cumulatively.

14.32.060 Residential Projects outside the NPDES permit area.

(2) Modified Minimum Requirement No. 2, Construction Stormwater Pollution and Protection Plan, is required for all projects.

(a) Minimum Requirement No. 1, Stormwater Site Plan.

(i) The infiltration test for the stormwater site plan [may](#) be performed consistent with the simplified procedure provided by the Department.

(e) Minimum Requirement No. 5, On Site Stormwater Management.

(iii) Geotechnical Analysis. A geotechnical analysis [must be required](#) when:

(A) Grading or the construction of retention facilities, detention facilities, or other stormwater and drainage facilities is proposed within 200 feet of slopes steeper than 15 percent; or

(B) The Administrative Official deems that the proposed construction poses a potential hazard due to its proximity to a geologically hazardous area or Category I aquifer recharge area.

14.06.100 Determination of completeness.

(3) For applications determined to be incomplete, the Administrative Official or designee shall identify, in writing, the specific requirements or information necessary to constitute a complete application and inform the applicant that the required information must be submitted to the Department within 180 days. If the applicant does not submit all of the required information within the 180-day period, the application shall lapse. The applicant may request in writing an extension of time if the request is made at least 14 days prior to the expiration of the 180-day period. The Administrative Official or designee may grant one or more (although not exceeding three) three-month extensions if the required studies or information warrants additional time. Upon submittal of the additional information, the Administrative Official or designee shall, within 14 days, issue a determination of completeness or identify what additional information is required except for eligible collocation and modification requests for [wireless facility services](#)~~personal wireless services facilities~~ which require a response within 10 days of receipt of additional information. An application will not be deemed complete for purposes of vesting until all information requested for a complete application is received by the Department, unless Subsection (4) of this Section applies.

14.06.210 Timing of decisions.

(1) In general, all development permit decisions shall be issued within 120 days of the date the letter of completeness is issued.

(a) Final decision on preliminary subdivisions and binding site plans shall generally be issued within 90 days from the date the letter of completeness is issued.

(b) Final decisions on final plats and short plats shall generally be issued within 30 days from the date the letter of completeness is issued.

(c) Final decisions on eligible collocation and modification requests for [wireless facility services](#)~~personal wireless services facilities~~ must be issued within 60 days of the date a letter of completeness is issued.

(4) The provisions of this Section notwithstanding, the failure to issue a final decision within the time frames specified shall not be considered an implicit approval or denial of the development permit, nor shall it be reason in and of itself for the County to be liable for damages for failure to meet the specified time frames.

(a) Exception. If the County fails to issue a final decision for an eligible collocation or modification request for a ~~personal wireless services facility~~ [wireless facility](#) within 60 days (accounting for any tolling) the application is deemed granted. The approval does not become effective until the applicant notifies the County in writing after the review period has expired that the application has been deemed granted. The County may challenge this determination in a court of competent jurisdiction. (Ord. O20160004 § 6 (Att. 6); Ord. O20110007 Attch. 1 (part); Ord. 17938 Attch. F (part), 2000)

14.16.100 Rural Village Commercial (RVC)

(3) Administrative Special Uses

(g) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720

(5) Dimensional Standards

(c) Maximum height: 40 feet

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.110 Rural Center (RC)

(3) Administrative Special Uses

(e) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720

(5) Dimensional Standards

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers, and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.120 Rural Freeway Service

(3) Administrative Special Uses

(i) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.130 Small Scale Recreation and Tourism (SRT)

(5) Hearing Examiner Special Uses.

(f) [Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(c) Maximum height: 50 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.140 Small Scale Business (SSB).

(5) Hearing Examiner Special Uses.

(d) [Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(d) Maximum height: 50 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.150 Rural Business (RB)

(3) Administrative Special Uses.

(d) [Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.160 Natural Resource Industrial (NRI).

(4) Administrative Special Uses.

(e) ~~Wireless facilities~~[Personal wireless services towers](#), subject to SCC 14.16.720.

(6) Dimensional Standards.

(e) Maximum height: 50 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities\[personal wireless services towers\]\(#\) is regulated in SCC 14.16.720.](#)

14.16.170 Rural Marine Industrial (RMI)

(4) Administrative Special Uses.

(b) ~~Wireless facilities~~[Personal wireless services towers](#), subject to SCC 14.16.720.

(6) Dimensional Standards.

(c) Maximum height: 50 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities\[personal wireless services towers\]\(#\) is regulated in SCC 14.16.720.](#)

14.16.180 Bayview Ridge Light Industrial

(4) Administrative Special Uses.

(e) ~~Wireless facilities~~[Personal wireless services towers](#), subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 50 feet, except within the buffer area to a residential zone (Subsection (7) of this Section), or as limited by the Airport Environs Overlay, SCC 14.16.210, whichever is less.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of [wireless facilities\[personal wireless services towers\]\(#\) is regulated in SCC 14.16.720.](#)

14.16.190 Bayview Ridge Heavy Industrial (BR-HI).

(4) Administrative Special Uses.

(e) ~~Wireless facilities~~[Personal wireless services towers](#), subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 50 feet or shall conform to the applicable Federal Aviation Administration regulations concerning height restrictions when located within the Airport Environs Overlay, SCC 14.16.210, whichever is less.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.195 Urban Reserve Commercial-Industrial (URC-I)

(3) Administrative Special Uses.

(g) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.200 Aviation Related (AVR)

(4) Hearing Examiner Special Uses.

(e) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

14.16.300 Rural Intermediate (RI).

(4) Hearing Examiner Special Uses.

(q) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.310 Rural Village Residential

(5) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.320 Rural Reserve

(4) Hearing Examiner Special Uses.

(y)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.330 Residential District (R).

(6) Dimensional Requirements.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.340 Bayview Ridge Residential (BR-R)

(5) Density and Dimensional Standards.

(e) Maximum height: 40 feet or shall conform to the applicable Federal Aviation Administration regulations concerning height restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210, whichever is less.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.370 Urban Reserve Residential (URR).

(4) Hearing Examiner Special Uses.

(q)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Requirements.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.385 Hamilton Urban Reserve (H-URv)

(4) Hearing Examiner Special Uses.

(h)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.400 Agricultural-Natural Resource Lands (Ag-NRL).

(3) Administrative Special Uses.

(h)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.410 Industrial Forest-Natural Resource Lands (IF-NRL)

(4) Administrative Special Uses.

(e)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.420 Secondary Forest-Natural Resource Lands (SF-NRL)

(3) Administrative Special Uses.

(f)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.420 Secondary Forest-Natural Resource Lands (SF-NRL)

(3) Administrative Special Uses.

(f)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.430 Rural Resource (Natural Resource Lands (RRc-NRL)

(3) Administrative Special Uses.

(i)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.450 Urban Reserve Public-Open Space (URP-OS)

(3) Administrative Special Uses.

(f)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards. The following dimensional requirements shall apply, unless the project receives an urban reserve development permit, pursuant to SCC 14.16.910, in which case the development standards, any design review standards, landscaping, parking, and signage standards from the applicable city code in whose UGA the project is located shall apply.

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

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

(4) Administrative Special Uses.

(i) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards. No minimum lot size where the proposed development can meet the requirements of the Skagit County Code.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.810 Setback requirements.

(4) Administrative Reduction of Setbacks. An applicant may request a variance to reduce the standard setbacks per SCC Chapter 14.10. This provision may not be used in locations where 100 percent height of tower setbacks are required per SCC 14.16.720(22)e for ~~wireless facility services~~~~personal wireless services facilities~~.

14.16.850 General Provisions

(4) Development of Lots of Record.

(d) In the following zones, if the proposed use for the substandard lot of record is one of the following nonresidential uses and otherwise meets all requirements for the use in the zone, it may be allowed regardless of the determination pursuant to SCC 14.06.045(1)(b):

(i) Rural Village Residential.

(B) Hearing Examiner special uses: cemetery; community club/grange hall; expansion of existing major public uses up to 3,000 square feet; historic sites open to the public; minor public uses; parks, community; ~~wireless facilities~~~~personal wireless services towers~~, subject to SCC 14.16.720.

(ii) Rural Intermediate.

(C) Hearing Examiner special uses: cemetery; community club/grange hall; expansion of existing major public uses up to 3,000 square feet; historic sites open to the public; impoundments greater than 1-acre feet in size; minor public uses; outdoor recreational facilities; parks, community; ~~wireless facilities~~~~personal wireless services towers~~, subject to SCC 14.16.720.

(iii) Rural Reserve.

(C) Hearing Examiner special uses: animal preserve; cemetery; community club/grange hall; expansion of existing major public uses up to 3,000 square feet; historic sites open to the public; impoundments greater

than 1-acre feet in volume; manure lagoon; minor public uses; natural resources training/research facility; outdoor outfitters enterprises; outdoor recreational facilities; parks, community; ~~wireless facilities~~~~personal wireless services towers~~, subject to SCC 14.16.720.

(iv) Urban Reserve Residential.

(B) Hearing Examiner special uses: cemetery; community club/grange hall; display gardens; historic sites open to the public; parks, community; ~~personal wireless services towers~~~~wireless facilities~~, subject to SCC 14.16.720.

(v) Urban Reserve Commercial-Industrial.

(B) Administrative special uses: expansion of existing major public uses up to 3,000 square feet; minor utility developments; parks, specialized recreational facility; ~~wireless facilities~~~~personal wireless services towers~~ subject to SCC 14.16.720; temporary events; trails and primary and secondary trailheads.

(vi) Urban reserve Public Open Space.

(B) Administrative special uses: natural resources training/research facility, outdoor recreation facilities, ~~wireless facilities~~~~personal wireless services towers~~, subject to SCC 14.16.720, Water diversion structure.

14.18.000 General

(2) Applicability/Exemptions. This Chapter shall apply to all divisions and redivisions of land for the purposes of sale, lease, or other transfer except:

(d) A division for the purpose of leasing land for facilities providing ~~wireless facility services~~~~personal wireless services~~ while used for that purpose.

14.04.020 Definitions

Cell site or site: a tract or parcel of land that contains the ~~wireless facility services~~~~personal wireless service facilities~~, including any antenna, support structure, accessory buildings and parking, and may include other uses associated with and ancillary to ~~wireless facilities~~~~personal wireless services~~.

Mount: the structure or surface upon which personal wireless service facilities are mounted. There are generally 3 types of mounts:

- (1) Building-Mounted. A ~~personal~~ wireless ~~facility services~~~~service facility~~ mount fixed to the roof or side of a building;
- (2) Ground-Mounted. A ~~personal~~ wireless ~~facility service~~~~service facility~~ mount fixed to the ground, such as a tower;

(3) Structure-Mounted. A ~~personal-wireless~~ facility service ~~service facility~~ fixed to a structure other than a building, such as light standards, utility poles and bridges.

~~Personal wireless services and personal wireless service facilities: shall be defined in the same manner as in 47 U.S.C. 332(e)(7)(e), and as they may be amended.~~

Provider: a wireless facility services ~~personal wireless services~~ provider or wireless infrastructure provider and includes any person that owns or operates wireless facilities within or outside of the right-of-way.

Tower: any structure that is designed and constructed primarily for the purpose of supporting 1 or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses wireless facilities ~~personal wireless service facilities towers~~, microwave towers, common-carrier towers, cellular telephone towers, personal communications services towers, alternative tower structures, and the like.

Skagit County's 2023 Docket of Proposed Policy, Code, and Map Amendments Determination of Non-Significance (DNS) and Incorporation by Reference of Existing Environmental Documentation

Description of Proposal: The 2023 docket consists of amendments to the Skagit County Comprehensive Plan, Land Use and Zoning Map, and Development Regulations under consideration through the 2021 Docket. This DNS does not include the petition for (LR23-01) Dunlap Comprehensive Plan & Zoning Map Amendment and (LR23-03) Port of Skagit Comprehensive Plan & Zoning Map Amendment. This DNS only includes the following petitions:

- **C23-1 Seawater Intrusion Area Well Drilling Requirements:** amend the critical areas ordinance to require applicants to submit an application and supporting materials for review by the Planning Department prior to drilling a well in a seawater intrusion area with a sole source aquifer.
- **C23-2 Qualified Professional Definition:** update the definition of “Qualified Professional” in SCC 14.04 to ensure consistency with surrounding jurisdictions and competency of consultants for Skagit County.
- **C23-3 OSRSI Allowed Uses Amendment:** amend SCC 14.16.500(3) to allow trails to be a permitted use in the OSRSI zone, while trailheads are kept as an administrative special use.
- **C23-4 Master Planned Resort Designation:** amend code language to refer to Master Planned Resort as a zone designation, not a special use, to remain consistent with the Comprehensive Plan and Growth Management Act.
- **C23-5 Fire Marshal Code Amendment:** amend SCC 14.16.850(6) to remove the requirement for a foam applicator for firefighting in a building located outside of a Skagit County fire district.
- **C23-6 Temporary Manufactured Homes Title Notice Requirement:** require a title notice for temporary manufactured homes.
- **C23-7 Flow Sensitive Basin Rules:** update and remove flow sensitive basin regulations which have been superseded by the Skagit and Stillaguamish Instream Flow Rules.
- **C23-9 Primitive Campground Definition Amendment:** amend the primitive campground definition to clarify which amenities would qualify a site as a primitive campground.
- **C23-10 Countywide Planning Policies Update:** adopt amended Countywide Planning Policies recommended by the Growth Management Act Steering Committee.
- **C23-11 General Code Language Clean Up:** amend stormwater and wireless facilities code language to correct inconsistencies found by code revisers during updates in 2022.

Proponent: Skagit County

Location of Proposal: Applies to areas within the unincorporated areas of Skagit County, WA.

Lead Agency: Skagit County Planning & Development Services.

Threshold Determination: Skagit County has determined that this non-project proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of completed environmental checklists and other information on file with the lead agency. This information is available to the public on request and at www.skagitcounty.net/Departments/PlanningAndPermit/communplan.htm

This determination of non-significance is issued under WAC 197-11-340(2); Skagit County will not act on this proposal for at least 14 days from the date of this notice. **Written comments on this threshold determination must be submitted by 4:30 pm, October 26, 2023**

Appeals process: Pursuant to SCC 16.12.210, no administrative appeal process is available for this DNS on this legislative action. Appeals may be filed with the Western Washington Growth Management Hearings Board, following final Board of County Commissioner action on the proposal, based on written comments submitted on the DNS by the deadline noted above.

Comments: Comments are accepted digitally or on paper, please include (1) your full name, (2) your mailing address, and (3) the proposal name in the subject line. Email comments are preferred and must be sent to pdscomments@co.skagit.wa.us. Include your comments in the body of your email message rather than as attachments. Please direct any comments concerning this threshold determination to:

Sarah Ruether, Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, Washington 98273
(360) 416-2025

SEPA Responsible Official: Jack Moore, Director/Administrative Official,
Skagit County Planning & Development Services

Signature 

Jack Moore, Director/Administrative Official
Skagit County Planning & Development Services

Date of Decision: October 3, 2023

Publication Date: October 5, 2023

CC:

SEPA Register
City of Anacortes
City of Burlington
City of Mount Vernon
City of Sedro-Woolley
Skagit County Drainage and Irrigation District Consortium
WA Department of Archeology and Historical Preservation
WA Department of Commerce
WA Department of Ecology
WA Department of Health
WA Department of Natural Resources
WA Department of Transportation
Parks and Recreation Commission
Port of Skagit County
Samish Indian Nation
Sauk-Suiattle Tribal Council
Skagit River Systems Cooperative
Stillaguamish Tribe of Indians
Swinomish Tribal Community
Town of Hamilton
Town of La Conner
Town of Lyman
Upper Skagit Tribal Council
WDFW

**LR23-01 Dunlap Comprehensive Plan & Zoning Map Amendment
Determination of Non-Significance (DNS) and Incorporation by
Reference of Existing Environmental Documentation**

Description of Proposal: Skagit County Comprehensive Plan and Zoning Map amendment. This proposal will rezone approximately 21 acres of Agricultural-Natural Resource Land designation to Rural Reserve. The property is not farmable and is currently being used for residential purposes. The applicant hopes to build new residential buildings if the rezone is approved.

Proponent: James L. Dunlap

Location of Proposal: 11316 and 11320 Conner Way, La Conner, WA 98257

Lead Agency: Skagit County Planning & Development Services.

Threshold Determination: Skagit County has determined that this non-project proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of completed environmental checklists and other information on file with the lead agency. This information is available to the public on request and at www.skagitcounty.net/Departments/PlanningAndPermit/communplan.htm

This determination of non-significance is issued under WAC 197-11-340(2); Skagit County will not act on this proposal for at least 14 days from the date of this notice. **Written comments on this threshold determination must be submitted by 4:30 pm, October 26, 2023.**

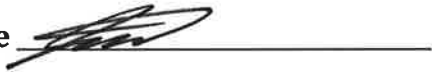
Appeals process: Pursuant to SCC 16.12.210, no administrative appeal process is available for this DNS on this legislative action. Appeals may be filed with the Western Washington Growth Management Hearings Board, following final Board of County Commissioner action on the proposal, based on written comments submitted on the DNS by the deadline noted above.

Comments: Comments are accepted digitally or on paper, please include (1) your full name, (2) your mailing address, and (3) the proposal name in the subject line. Email comments are preferred and must be sent to pdsccomments@co.skagit.wa.us. Include your comments in the body of your email message rather than as attachments. Please direct any comments concerning this threshold determination to:

Sarah Ruether, Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, Washington 98273
(360) 416-2025

SEPA Responsible Official: Jack Moore, Director/Administrative Official,
Skagit County Planning & Development Services

Signature _____



Jack Moore, Director/Administrative Official
Skagit County Planning & Development Services

Date of Decision: October 3, 2023

Publication Date: October 5, 2023

CC:
SEPA Register
City of Anacortes
City of Burlington
City of Mount Vernon
City of Sedro-Woolley
Skagit County Drainage and Irrigation District Consortium
WA Department of Archeology and Historical Preservation
WA Department of Commerce
WA Department of Ecology
WA Department of Health
WA Department of Natural Resources
WA Department of Transportation
Parks and Recreation Commission
Port of Skagit County
Samish Indian Nation
Sauk-Suiattle Tribal Council
Skagit River Systems Cooperative
Stillaguamish Tribe of Indians
Swinomish Tribal Community
Town of Hamilton
Town of La Conner
Town of Lyman
Upper Skagit Tribal Council
WDFW

**LR23-03 Port of Skagit Comprehensive Plan & Zoning Map Amendment
Determination of Non-Significance (DNS) and Incorporation by
Reference of Existing Environmental Documentation**

Description of Proposal: Skagit County Comprehensive Plan and Zoning Map amendment. This proposal will rezone approximately 7.5 acres of Bayview Ridge-Residential (BR-R) designation to Bayview Ridge-Light Industrial (BR-LI). The property currently has a split zoning designation between both BR-R and BR-LI. This rezone would designate the entire parcel as BR-LI to allow the Port of Skagit to use the entire property for industrial uses.

Proponent: Heather Rogerson

Location of Proposal: P21003 Peterson Road, Burlington, WA 98233

Lead Agency: Skagit County Planning & Development Services.

Threshold Determination: Skagit County has determined that this non-project proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of completed environmental checklists and other information on file with the lead agency. This information is available to the public on request and at www.skagitcounty.net/Departments/PlanningAndPermit/communplan.htm

This determination of non-significance is issued under WAC 197-11-340(2); Skagit County will not act on this proposal for at least 14 days from the date of this notice. **Written comments on this threshold determination must be submitted by 4:30 pm, October 26, 2023**

Appeals process: Pursuant to SCC 16.12.210, no administrative appeal process is available for this DNS on this legislative action. Appeals may be filed with the Western Washington Growth Management Hearings Board, following final Board of County Commissioner action on the proposal, based on written comments submitted on the DNS by the deadline noted above.

Comments: Comments are accepted digitally or on paper, please include (1) your full name, (2) your mailing address, and (3) the proposal name in the subject line. Email comments are preferred and must be sent to pdscomments@co.skagit.wa.us. Include your comments in the body of your email message rather than as attachments. Please direct any comments concerning this threshold determination to:

Sarah Ruether, Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, Washington 98273
(360) 416-2025

SEPA Responsible Official: Jack Moore, Director/Administrative Official,
Skagit County Planning & Development Services

Signature  _____

Jack Moore, Director/Administrative Official
Skagit County Planning & Development Services

Date of Decision: October 03, 2023

Publication Date: October 05, 2023

CC:
SEPA Register
City of Anacortes
City of Burlington
City of Mount Vernon
City of Sedro-Woolley
Skagit County Drainage and Irrigation District Consortium
WA Department of Archeology and Historical Preservation
WA Department of Commerce
WA Department of Ecology
WA Department of Health
WA Department of Natural Resources
WA Department of Transportation
Parks and Recreation Commission
Port of Skagit County
Samish Indian Nation
Sauk-Suiattle Tribal Council
Skagit River Systems Cooperative
Stillaguamish Tribe of Indians
Swinomish Tribal Community
Town of Hamilton
Town of La Conner
Town of Lyman
Upper Skagit Tribal Council
WDFW

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the [Supplemental Sheet for Nonproject Actions \(Part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in “Part B: Environmental Elements” that do not contribute meaningfully to the analysis of the proposal.

A. Background [Find help answering background questions](#)

1. Name of proposed project, if applicable:

ReZone Portion of Skagit County Parcel 21003

2. Name of applicant:

Port of Skagit

3. Address and phone number of applicant and contact person:

Port of Skagit
Attn: Heather Rogerson, Director of Planning and Development
15400 Airport Dr.
Burlington, WA 98233
(360) 757-0011

4. Date checklist prepared:

August 28, 2023

5. Agency requesting checklist:

Skagit County

6. Proposed timing or schedule (including phasing, if applicable):

Rezone proposal to be considered on the 2023 docket.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

The Port plans to include this parcel in a Binding Site Plan and develop as part of Watershed Business Park Project 1. Development of the parcel anticipated to commence in 2024.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

SEPA Checklist for Watershed Business Park, Binding Site Plan Projects #1, #2, #3 was prepared 05/30/2023. Mitigated Determination of Nonsignificance was issued 06/15/2023.

Subsurface Exploration, Geologic Hazard, and Preliminary Geotechnical Engineering Report prepared by Associated Earth Sciences Inc. (2023)

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None pending currently.

10. List any government approvals or permits that will be needed for your proposal, if known.

The Port has applied for a Comprehensive Plan and Zoning amendment for P21003. The Port will submit applications for binding site plan approval and permits for development of Watershed Business Park Project 1, which will include the subject parcel.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Skagit County Parcel 21003 is a total of 7.5 acres, of which approximately 6.29 acres is zoned Bayview Ridge Light Industrial (BR-LI) and approximately 1.17 acres is zoned Bayview Ridge Residential (BR-R). The Port proposes to revise the Comprehensive Plan Maps and corresponding zoning to change the 1.17 acres from BR-R to BR-LI, removing the split zoning on this parcel.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Parcel P21003 is located within the Bayview Ridge Subarea within Skagit County, Washington. The parcel is on the southside of Peterson Rd, approximately 3,750 feet west of the Peterson Rd/Avon-Allen Rd intersection. The parcel is located in the NW quarter of Section 2, Township 34N, Range 3E, Willamette Meridian. The parcel is split zoned; it is the eastern-most portion of the parcel, currently zoned BR-R, that is the focus of this rezone proposal.

B. Environmental Elements

1. Earth [Find help answering earth questions](#)

a. General description of the site:

Parcel 21003 is currently an undeveloped lot with a surface of mowed grass.

Circle or highlight one **Flat**, rolling, hilly, steep slopes, mountainous, other:

b. What is the steepest slope on the site (approximate percent slope)?

2%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The NRCS Web Soil Survey identifies the soils in the area as Bow gravelly loam, which is considered a somewhat poorly drained soil. A geotechnical assessment of the entire Watershed Business Park site was completed in 2023. Core samples from P21003 (EP-3, 4, 5, 6, and 7) determined underlying soil to be Everson Glaciomarine Drift, a silt and clay soil with sand, gravel, and occasional cobbles and boulders.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

None with rezone. Following rezone the subject parcel will be developed as part of 40 acre Watershed Business Park Project 1 the total of which is estimated to include excavation of approximately 330,425 cy and approximately 182,650 cy of fill.

f. Could erosion occur because of clearing, construction, or use? If so, generally describe.

None due to rezone. Yes with development, as surface vegetation is removed and soils are exposed to rainfall there is potential for erosion to occur.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Development within Watershed Business Park Project #1 is anticipated to have building footprints of 25% of lot and additional impervious surface of 65%, resulting in open space of 10% of lot.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

Compliance with applicable regulations.

2. Air [Find help answering air questions](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

None from rezone. During development there will be limited emissions from construction equipment. If there are processes occurring in any onsite development that generate emission, the design of the equipment will be a component of the site's building design.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

c. Proposed measures to reduce or control emissions or other impacts to air, if any.

Best management practices during construction and compliance with existing regulation.

3. Water [Find help answering water questions](#)

a. Surface Water: [Find help answering surface water questions](#)

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No.

2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No.

3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None.

4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.

None.

5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No, the parcel is on the elevated plateau of Bayview Ridge.

6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground Water: [Find help answering ground water questions](#)

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.

No. Watershed Business Park will be served by public water purveyor.

2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None. Watershed Business Park will be served by public sanitary sewer, operated by the City of Burlington.

c. Water Runoff (including stormwater):

a) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Stormwater from Project #1, once developed, will be detained within a pond and released via a control structure at the location where water currently discharges from the project area, located to the southeast, conveying water to an existing ditch on Ovenell Road.

b) Could waste materials enter ground or surface waters? If so, generally describe.

No.

c) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No.

d) Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.

N/A

4. Plants [Find help answering plants questions](#)

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- orchards, vineyards, or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

None with rezone. The future development of the lot will likely result in complete disturbance of the existing grass and pasture. Along the easterly side of the lot, a 100-foot wide tract is proposed to retain as much of the existing vegetation as possible

c. List threatened and endangered species known to be on or near the site.

No priority habitats or species are listed for this location.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

Along the easterly side of the lot, a 100-foot wide vegetated screening will provide a visual barrier between residentially developed lots to the east and the development of light industrial lots within Watershed Business Park. Additional conifers that comply with the AEO height restriction will be planted within this buffer. All landscaping within the development will be in conformance with the requirements set forth in SCC 14.16.830 .

e. List all noxious weeds and invasive species known to be on or near the site.

None.

5. Animals [Find help answering animal questions](#)

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Examples include:

- Birds: hawk, heron, eagle, songbirds, other:
- Mammals: deer, bear, elk, beaver, other: coyote
- Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened and endangered species known to be on or near the site.

There are no known threatened or endangered species in the vicinity, nor is there suitable habitat present for any of the listed species known to be present in Skagit County. There are no priority habitats or species identified by WDFW at this location.

c. Is the site part of a migration route? If so, explain.

All of Skagit County is part of the Pacific Flyway. No significant perching, nesting, or foraging habitat is present at this location.

d. Proposed measures to preserve or enhance wildlife, if any.

None.

e. List any invasive animal species known to be on or near the site.

None.

6. Energy and Natural Resources [Find help answering energy and natural resource questions](#)

1. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

The parcel will be developed as part of Watershed Business Park Project #1. It is likely that electricity, natural gas, and solar will be used to meet the development's energy needs.

2. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

3. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

The design of future buildings will incorporate all applicable Energy and Building Code standards.

7. Environmental Health [Find help with answering environmental health questions](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

None from rezone. With development of the parcel construction equipment will operate on the property and must be maintained regularly to reduce potential for leaks and spills. Following construction businesses operating on the site must comply with applicable regulations and implement best management practices to address any risks.

1. Describe any known or possible contamination at the site from present or past uses.

None known.

2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

An existing Olympic pipeline is located along the east boundary of the parcel and an existing Transmountain pipeline runs diagonally across the SE corner of the parcel. The Port will coordinate with the pipeline owners to locate the pipelines and inform the design of the development to ensure no impact to the pipelines.

3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Individual lot development will be limited to compatible uses within the BR-LI zoning code.

4. Describe special emergency services that might be required.

None.

5. Proposed measures to reduce or control environmental health hazards, if any.

None for rezone. Development will comply with applicable regulations.

b. Noise

- 1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

None.

- 2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**

Noise related to development construction will generally occur weekdays, typically 7am to 5pm. Any noise generated by future occupants will be required to conform with Skagit County regulations. Skagit County code provides for buffering between industrial and residential lands.

- 3. Proposed measures to reduce or control noise impacts, if any.**

Development will comply with all Skagit County regulations.

8. Land and Shoreline Use [Find help answering land and shoreline use questions](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

The subject property is currently undeveloped. Generally, the parcel is surrounded on three sides by lands zoned BR-Light Industrial. A residential development lies immediately to the east.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

No. There is no known history of the property supporting working farmlands outside of occasional hay harvesting, nor any working forest lands.

- 1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

No.

- c. Describe any structures on the site.**

None.

- d. Will any structures be demolished? If so, what?**

N/A

e. What is the current zoning classification of the site?

P21003 is currently split-zoned; 84% of the parcel is zoned BR-LI. The eastern-most 1.17 acres is zoned BR-R.

f. What is the current comprehensive plan designation of the site?

The Parcel comprehensive plan designation of the parcel is the same as the zoning, split with majority BR-LI and approximately 1 acre Bayview Ridge-Residential.

g. If applicable, what is the current shoreline master program designation of the site?

N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

No.

i. Approximately how many people would reside or work in the completed project?

Future development of the parcel as light industrial use could be anticipated to support up to 8 jobs per acre.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any.

N/A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

The proposed amendment creates a small, but important, increase in Light Industrial zoned property and enables the Port to market and develop all of P21003, along with adjacent Light Industrial zoned property, for large-lot industrial development, all of which complies with Comprehensive Plan provisions. In addition to allowing more efficient use of the parcel, the amendment improves surrounding land use compatibility with Skagit Regional Airport; WSDOT aviation compatibility study has indicated that industrial land uses are generally more compatible with airport operations than residential uses.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.

N/A

9. Housing [Find help answering housing questions](#)

- a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

None.

- b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

N/A

- c. **Proposed measures to reduce or control housing impacts, if any.**

N/A

10. Aesthetics [Find help answering aesthetics questions](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Per Skagit County code, buildings within BR-LI are limited to a maximum height of 50'. Buildings within 100' of adjacent residential boundary lines are limited to a maximum height of 35'.

- b. What views in the immediate vicinity would be altered or obstructed?**

As with any development, views from adjacent properties will be altered.

- c. Proposed measures to reduce or control aesthetic impacts, if any.**

The vegetated buffer, required frontage landscaping, and open space requirements prescribed by in Skagit County Code will reduce aesthetic impacts.

11. Light and Glare [Find help answering light and glare questions](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

Street and building lighting within the development will provide illumination during nighttime hours.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?**

No., lighting will be designed to cast downward.

- c. What existing off-site sources of light or glare may affect your proposal?**

None.

- d. Proposed measures to reduce or control light and glare impacts, if any.**

Skagit County Code requires full cut-off lighting within 250' of a residential zone. Lighting throughout the development will be shielded and directed downward to avoid offsite impacts, including impacts to airplane operation at Skagit Regional Airport.

12. Recreation [Find help answering recreation questions](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?**

The Port of Skagit pedestrian circulation trails are on adjacent Port-owned property. The proposed development of Watershed Business Park will feature additional walking trails.

- b. Would the proposed project displace any existing recreational uses? If so, describe.**

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.**

Walking trails are planned to be incorporated into the future development of Watershed Business Park.

13. Historic and Cultural Preservation [Find help answering historic and cultural preservation questions](#)

- a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

No.

- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

No

- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

A Cultural Resources Report has been prepared for this project by ERCI. The associated field investigation found no protected cultural resources within the site.

The DAHP WISSARD predictive map tool identifies the area as being “moderately low risk” of archaeological resources being present.

- d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

An Inadvertent Discovery Plan will apply during all future development activities.

14. Transportation [Find help with answering transportation questions](#)

- a. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

The parcel lies on the south side of Peterson Road. New internal roads servicing the Watershed Business Park will connect to the existing road west of the subject parcel.

- b. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

There is an existing Skagit Transit stop at the intersection of Peterson Road and Higgins Airport Way,

approximately ½ mile from the parcel.

- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

A Traffic Study has been conducted and road improvements are being developed in consultation with Skagit County.

- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

There is no water or rail transportation services in the immediate area. It is possible that future developments may utilize air services at the adjacent Skagit Regional Airport.

- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

The quantity of traffic generated will be established at the time of the lot's development proposal to Skagit County.

f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

g. Proposed measures to reduce or control transportation impacts, if any.

Road improvements and modifications will be completed as required by Skagit County.

15. Public Services [Find help answering public service questions](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Any development requires public services whether residential or industrial. This lot is within the Urban Growth Area and the majority of the lot is already identified in the Skagit County Comprehensive Plan as appropriate for light industrial development.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None other than payment of applicable impact fees associated with the future development of this lot.

16. Utilities [Find help answering utilities questions](#)

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

Utilities are available in the adjacent right-of-way.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

The lot is included in Watershed Business Park Project #1 and will require infrastructure development, including utilities.

C. Signature [Find help about who should sign](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

X

Type name of signee: Heather Rogerson

Position and agency/organization: Director of Planning and Development

Date submitted: Click or tap to enter a date.

D. Supplemental sheet for nonproject actions [Find help for the nonproject actions worksheet](#)

IT IS NOT REQUIRED to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

While the amendment will have a large impact on the development potential of P21003 and adjacent Light Industrial zoned property, the impact of the small area rezone is anticipated to be small. If rezoned, the 1.17-acre portion of P21003 will be developed for light industrial uses as part of an approximately 3-acre lot within a 40-acre binding site plan, rather than residential use.

- **Proposed measures to avoid or reduce such increases are:**

With approval of the amendment, the entire P21003 and adjacent industrial zoned property will be served by a regional stormwater facility designed to the current Department of Ecology Stormwater Manual. New facilities will conform with local, state, and federal regulations governing development and operations. Buffers between Light Industrial and remaining Residential zones will apply pursuant to Skagit County Code to mitigate any impact of noise and or light from industrial uses.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal is unlikely to have a significant impact as the property is currently a vacant mowed field located out of the flood plain.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

None.

3. How would the proposal be likely to deplete energy or natural resources?

Light Industrial development will utilize energy resources including electricity and or natural gas for operations.

- **Proposed measures to protect or conserve energy and natural resources are:**

Compliance with applicable building and energy code requirements for future building development on the parcel.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

No impacts anticipated, as no environmentally sensitive areas are present on the subject parcel.

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

Not applicable.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed amendment creates a small, but important, increase in Light Industrial zoned property and enables the Port to market and develop all of P21003, along with adjacent Light Industrial zoned property, for large-lot industrial development. All of which complies with Comprehensive Plan provisions to encourage development within Urban Growth Areas, plan for compact industrial centers within Urban Growth Areas, and attract industry to these areas by ensuring an adequate supply of land.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

None other than compliance with County code including buffer between Bayview Ridge Light Industrial and Bayview Ridge Residential zoned property.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

With the rezone, traffic to and from the 1.17-acre portion of rezoned property will be industrial in nature rather than residential. Public utilities will be brought in to serve the subject parcel as part of Watershed BSP Project 1, designs will be coordinated with utility purveyors.

- **Proposed measures to reduce or respond to such demand(s) are:**

Heavy truck traffic will be required to travel west to Higgins Airport Way rather than east on Peterson Road. Necessary improvement will be made to Peterson Road with development of the subject parcel as part of Watershed BSP Project 1. The Skagit County 6 Year Transportation Improvement Program includes a project to widen Peterson Road from the Bayview residential development to Higgins Airport Way to meet urban standards, which supports increased industrial truck traffic.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Following rezone, development of the parcel will comply with exists with local, state, and federal laws and environmental requirements so no conflict exists.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable:
Dunlap, et al, Comprehensive Plan Amendment/Re-zone
2. Name of applicant:
James L. Dunlap

3. Address and phone number of applicant and contact person:

James L. Dunlap, Applicant
PO Box 172
La Conner WA 98257
Phone: (360) 466-3931

Contact:

Bruce G. Lisser, P.L.S.
Lisser & Associates, PLLC
PO Box 1109
Mount Vernon WA 98273
Phone: (360) 419-7442

4. Date checklist prepared:

July 12, 2022

5. Agency requesting checklist:

Skagit County Planning & Development Services

6. Proposed timing or schedule (including phasing, if applicable):

This is a Skagit County Planning process which will run from August 2023 through July 2024.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Future projects will be dependent upon approval of requested Comprehensive Plan Amendment change.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None required for the land-use designation.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None known.

10. List any government approvals or permits that will be needed for your proposal, if known.

Skagit County approval for Comprehensive Plan Amendment and associated zoning change.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The Property is located at 11316 and 11320 Conner Way in La Conner, Skagit County and is associated with Assessor's Parcel Numbers P-15190, P-15173, P-15174, P-15175 and P-95578. The property is in Section 1, Township 33 North, Range 2 East, W.M., The area of the requested map change is approximately 21.0 acres. Currently the property has two residences, several sheds, barn and out buildings, gravel driveways. The property is part of a large farmstead that has historically been in the Dunlap ownership. If the land-use change is approved a future application for a CaRD development on the property will be

submitted for approval which will include creating legal lots for parcels P-15175 and P-95578 together with the ability for additional residential sites based upon total acreage and allowable density. The subdivision will also set aside the farmland and create rural open space tracts. This SEPA is dealing with the change in land-use request only. See attached maps and aerial photos for a better understanding of the site and its features.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The parent property is described as being portions of Government Lots 2, 3 and 4, Section 1, Township 33 North, Range 2 East, W.M. and is specifically identified by Skagit County Assessor's Parcel Nos. P-15173, P-15174, P-15175, P-15177, P-15182 and P-95578. The re-zone site is located at 11316 and 11320 Conner Way, La Conner WA 98257.

B. Environmental Elements

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep **SLOPES**, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?

10 – 20%+/-

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

USDA Soils Survey of Skagit County shows the following soil types within the requested re-zone is mapped as having 55-Fidalgo-Lithic Xerochrepts – Rock outcrops complex 3 to 30% slopes

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None noticed.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

None with this application.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Yes, this application is limited to a change in land-use designation, no work will be performed in conjunction with the approval therefore no erosion will occur.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not known at this time, no development plans have been prepared for this site.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None with this land-use application.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

None, this application is only for a change in land-use designation.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None proposed.

3. Water

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not within the 21.0+/- acre re-zone site, the parent parcel is surrounded on two sides by tidelands.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not with this land-use application.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None proposed with this land-use application.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The area being requested for the re-zone change is out of the floodplain, the remainder of the property is within Zone A-7, elevation 8 per FIRM Map 530151/0425/C dated January 3, 1985.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None with this land-use application.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Precipitation which permeates into ground.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Not likely, there is no development.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

None proposed at this time.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None proposed at this time.

4. Plants

a. Check the types of vegetation found on the site:

deciduous tree: **ALDER, MAPLE**, aspen, other

evergreen tree: **FIR, CEDAR**, pine, other

shrubs

grass

pasture

crop or grain

Orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

None with this land-use application

c. List threatened and endangered species known to be on or near the site.

None known

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None proposed

e. List all noxious weeds and invasive species known to be on or near the site.

None known or researched as a part of this land-use application

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: **HAWK, HERON, EAGLE, SONGBIRDS**, other:

mammals: **DEER**, bear, elk, beaver, other:

fish: bass, **SALMON**, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site.

Salmon

- c. Is the site part of a migration route? If so, explain.

Entire property is within the Pacific Flyway, no migratory waterfowl have been observed on this site.

- d. Proposed measures to preserve or enhance wildlife, if any:

None proposed with this land-use designation change request.

- e. List any invasive animal species known to be on or near the site.

None known or observed

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

None with this land-use application

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None proposed with this land-use application change request

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

No

- 1) Describe any known or possible contamination at the site from present or past uses.

None known

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

There are no known hazardous chemicals or transmission lines in the vicinity of this project.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

None proposed.

- 4) Describe special emergency services that might be required.

None known as a part of this land-use change request, a higher density will impact the need for emergency services, typical with any rural residential development

- 5) Proposed measures to reduce or control environmental health hazards, if any:

None proposed, if land-use application is approved, any measures will be presented with a development plan.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Road traffic to north, farm equipment to south, boat traffic to west

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

None, if the land-use application is approved, this will be addressed with a development application.

- 3) Proposed measures to reduce or control noise impacts, if any:

None proposed with this land-use change request

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Site: Two single family residences, sheds, barn, outbuildings, forest land.

West: gravel drive and Swinomish Channel

North: Town of La Conner

East: Agriculture land

South: Agriculture land and tidelands

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Not the 21+/- acres being requested for re-zone.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No

- c. Describe any structures on the site.

See attached site map.

- d. Will any structures be demolished? If so, what?

Not as a part of the re-zone request.

- e. What is the current zoning classification of the site?

AG-NRL

- f. What is the current comprehensive plan designation of the site?

Natural Resource Lands, AG

- g. If applicable, what is the current shoreline master program designation of the site?

Not known or researched as it is not applicable to the re-zone site.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Not known.

- i. Approximately how many people would reside or work in the completed project?

If the area is re-zoned to RRv, using a CaRD development of the re-zoned site together with the contiguous AG-NRL property there could be 5 - 6 residences on the property.

- j. Approximately how many people would the completed project displace?

None

- k. Proposed measures to avoid or reduce displacement impacts, if any:
None with the land-use application, utilization of a CaRD subdivision process will help mitigate impacts.
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
None proposed with this land-use change request.
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:
None proposed with this land-use change request.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
No units are being proposed or provided with this land-use request.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
None
- c. Proposed measures to reduce or control housing impacts, if any:
None with this application, if approved the ability to create building sites will more than likely utilize the CaRD process.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
None proposed at this time.
- b. What views in the immediate vicinity would be altered or obstructed?
None
- c. Proposed measures to reduce or control aesthetic impacts, if any:
None at this time.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
This application will not produce any light or glare.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
Not applicable.
- c. What existing off-site sources of light or glare may affect your proposal?
None observed.
- d. Proposed measures to reduce or control light and glare impacts, if any:
None.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
Town of La Conner, Pioneer Park and boating
- b. Would the proposed project displace any existing recreational uses? If so, describe.
Not applicable.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

None known.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None observed.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

None observed.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None proposed with this land-use change request.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Property is accessed via Pioneer Parkway

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

No

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable, no project is proposed with this land-use application.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not pertinent to this application.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No

h. Proposed measures to reduce or control transportation impacts, if any:

None proposed, any project mitigations will take place with a development application.

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not at this time.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None proposed, any project mitigations will take place with a development application.

16. Utilities

a. Circle utilities currently available at the site:

ELECTRICITY, NATURAL GAS, WATER, REFUSE SERVICE, TELEPHONE,
sanitary sewer, **SEPTIC SYSTEM**, other _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not known at this time as no site development application can be submitted until the land-use change has been approved.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signer _____

Position and Agency/Organization _____

Date Submitted: _____

[Handwritten Signature]
BOBIE G. LISSER
LISSER & ASSOCIATES, PLLC
DATE SIGNED JULY 14, 2022

D. Supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Not applicable to this land-use application

Proposed measures to avoid or reduce such increases are:

None proposed

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Not applicable to the land-use application

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None proposed

3. How would the proposal be likely to deplete energy or natural resources?

Not applicable to the land-use application

Proposed measures to protect or conserve energy and natural resources are:

None proposed

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Not applicable to the land-use application

Proposed measures to protect such resources or to avoid or reduce impacts are:

None proposed

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Not applicable to the land-use application

Proposed measures to avoid or reduce shoreline and land use impacts are:

None proposed

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Not applicable to the land-use application

Proposed measures to reduce or respond to such demand(s) are:

None proposed

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Not applicable to the land-use application