



# PLANNING & DEVELOPMENT SERVICES

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Building Official

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## DETERMINATION OF NONSIGNIFICANCE/NOTICE OF AVAILABILITY AND PUBLIC HEARING

### SKAGIT COUNTY PLANNING COMMISSION

#### REGARDING PROPOSED AMENDMENTS TO SKAGIT COUNTY CODE UNIFIED DEVELOPMENT CODE, TITLE 14, SECTIONS 14.04 DEFINITIONS AND 14.24 CRITICAL AREAS

**Description of Proposal:** A non-project legislative action to amend the Skagit County Unified Development Code regarding agricultural activities and critical areas. The proposal would make minor corrections of organization, fix logical and grammatical errors, and enroll the County, and each of its watersheds, in the ESHB 1886 Voluntary Stewardship Program. The proposal nominates the Samish Watershed as a priority watershed.

**Document Availability:** Copies of the proposed amendments may be viewed on the Skagit County website at [www.skagitcounty.net/agcao](http://www.skagitcounty.net/agcao) or may be reviewed at Skagit County Planning & Development Services, 1800 Continental Place, Mount Vernon, WA, during office hours (9:00-12:00 and 1:00-3:30 daily) beginning Friday, October 14, 2011.

**Notice of Public Hearing:** A public hearing on the proposal will be held by the Skagit County Planning Commission on Tuesday, November 1, 2011, in the Skagit County Commissioners' Administrative Building located at 1800 Continental Place, Mount Vernon, Washington, beginning at 6:00 p.m. or as soon thereafter as possible. Deliberations on the matter have been tentatively scheduled for November 15, 2011, at 6:00 p.m. in the same location.

**Public Comment:** Your views for or against the proposed modifications are invited by attendance, representation, or letter. Written correspondence, including facsimile transmittal or questions, may be submitted to: Skagit County Planning and Development Services, c/o Betsy Stevenson, 1800 Continental Place, Mount Vernon, Washington, 98273, (360) 336-9410 or FAX (360) 336-9416. Written comments (faxed, mailed, or delivered) will be received at the Planning & Development Services Department until 4:30 p.m. on Friday, October 28, 2011. Written comments may also be submitted at the public hearing. Written comments must be submitted on 8 ½" x 11" paper. Maps must be in black and white and also reduced to 8 ½" x 11" for reproduction purposes. Submittals not meeting these requirements will, unfortunately, not be considered.

Comments may also be submitted online via a standard form at [www.skagitcounty.net/pdscomments](http://www.skagitcounty.net/pdscomments). To ensure comments are received and processed properly, comments sent by email are not accepted.

**SEPA Threshold Determination:** Skagit County has determined that this proposal does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under the State Environmental Policy Act (SEPA) RCW 43.21C.030(2)(C).

This determination was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This determination is issued pursuant to WAC 197-11-340(2). Skagit County will not act on this proposal for fourteen calendar days from the date of issuance. Comments regarding this Determination of Non-significance must be submitted by Friday, October 28, 2011, and in the same manner as outlined above for public comments.

Pursuant to SCC 14.12.210, no administrative appeal process is available for this legislative action.

Pursuant to ESHB 1886 Sec. 19, decisions made by a county as to whether to enroll in the Voluntary Stewardship Program do not require SEPA environmental review. Skagit County has not performed such review on the subject of enrollment.

**Lead Agency:** Skagit County Planning & Development Services

**SEPA Responsible Official:** Gary R. Christensen, AICP, Planning Director

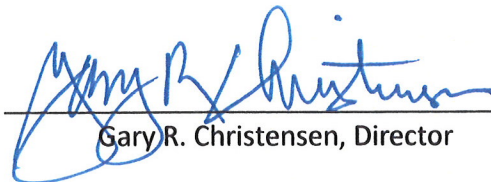
**Contact Person:** Betsy Stevenson, AICP, Senior Planner, Team Supervisor

**Address:** 1800 Continental Place, Mount Vernon, WA 98273

**Phone:** (360) 336-9410 **Fax:** (360) 336-9416

Date 10/13/11

Signature

  
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Gary R. Christensen, Director

## ENVIRONMENTAL CHECKLIST

### A. BACKGROUND

**1. Name of proposed project, if applicable:**

Proposed Amendments to existing Skagit County Code Title 14, Chapters 14.04 Definitions and 14.24 Critical Areas regarding agricultural activities and critical areas.

**2. Name of Applicant:**

Skagit County Planning & Development Services

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

1800 Continental Pl.  
Mt. Vernon, WA 98273  
(360) 336-9410 ext 5879

**Contact:** Betsy Stevenson, Senior Planner

**4. Date checklist prepared:**

October 6, 2011

**5. Agency requesting checklist:**

Skagit County Planning & Development Services

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

There will be a public hearing before the Skagit County Planning Commission to take comments on the proposal. The date for the hearing has been set for November 1, 2011. Final Board of County Commissioner approval will be required prior to adoption of any permanent regulations. Final action is anticipated in December 2011.

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

Not at this time.

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

None prepared that is directly related to this proposal.

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

None known

**10. List any government approvals of permits that will be needed for your proposals, if known.**

Planning Commission review and recommendation, Board of Skagit County Commissioner approval and review by the State Department of Commerce.

**11. Give a complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist which ask you to describe certain aspects of your proposal. You do not need to repeat those answers of this page.**

A non-project legislative action to amend the Skagit County Unified Development Code Title 14, Sections 14.04 Definitions and 14.24. Critical Areas. The proposed amendments pertain to agricultural activities and critical areas. The proposal would also make minor corrections of organization, and fix logical and grammatical errors.

**12. Location of the proposal. Please give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any. If a proposal would occur over a range of area, please provide the range or boundaries of the site(s). Please provide a legal description, site plan, vicinity map, and topographic map if possible. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. (Indicate if maps or plans have been submitted as part of a permit application.)**

All unincorporated properties under Skagit County land use jurisdiction within Ranges 1-12 east and Townships 33-36 north, W.M., Skagit County, WA.

## **B. ENVIRONMENTAL ELEMENTS**

### **1. Earth**

**a. General description of the site (circle one): flat, rolling, hilly, steep, slopes, mountainous, other.**

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, please specify and note any prime farmland.**

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**e. Describe the purposes, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.**

Not applicable. This is a non-project proposal.

**f. Could erosion occur as a result of clearing, construction, or use? If so, general describe.**

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

## **2. Air**

**a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction, and when the project is completed? If any, generally describe and give approximate quantities if known.**

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**c. What are the proposed measures to reduce or control emissions or other impacts, if any:**

Not applicable. This is a non-project proposal.

## **3. Water**

### **a. Surface:**

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**4) Will surface water withdrawals or diversions be required by the proposal? Give general description, purpose, and approximate quantities if known.**

Not applicable. This is a non-project proposal.

**5) Does the proposal lie within a 100-year floodplain? Note location on the site plan, if any.**

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

### **b. Ground:**

**1) Will ground water be withdrawn or recharged? Give general description, purpose, and approximate quantities if known.**

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**c. Water Runoff (including storm water):**

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:**

Not applicable. This is a non-project proposal.

**4. Plants**

a. Check or circle types of vegetation found on the site: Not applicable. This is a non-project proposal.

deciduous tree: alder, maple, aspen, other  
evergreen tree: fir, cedar, pine, other  
shrubs  
grass  
pasture  
crop or grain  
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?

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**5. Animals**

a. Circle any birds and animals which have been observed on or known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other  
mammals: deer, bear, elk, beaver, other

**fish: salmon, trout, shellfish, other**

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

## **6. Energy and Natural Resources**

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**c. What kinds of energy conservation features are included in the plans of this proposal?**

Not applicable. This is a non-project proposal.

**d. What are the proposed measures to reduce or control energy impacts, if any?**

Not applicable. This is a non-project proposal.

## **7. Environmental Health**

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

Not applicable. This is a non-project proposal.

**b. Describe special emergency services that might be required.**

Not applicable. This is a non-project proposal.

**c. What are the proposed measures to reduce or control environmental health hazards, if any:**

Not applicable. This is a non-project proposal.

## **8. Land and shoreline Use**

**a. What is the current use of the site and adjacent properties?**

Not applicable. This is a non-project proposal.

**b. Has the site been used for agricultural purposes? If so, describe.**

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.**

Not applicable. This is a non-project proposal.

**i. What are proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**k. Approximately how many people would the completed project displace?**

Not applicable. This is a non-project proposal.

**l. What are proposed measures to avoid or reduce displacement or other impacts, if any:**

Not applicable. This is a non-project proposal.

**9. Housing**

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.



**c. What are proposed measures to reduce or control housing impacts, if any:**

Not applicable. This is a non-project proposal.

**10. Noise**

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**c. What are the proposed measures to reduce or control noise impacts, if any:**

Not applicable. This is a non-project proposal.

**11. Aesthetics**

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**c. What area the proposed measures to reduce or control aesthetic impacts, if any?**

Not applicable. This is a non-project proposal.

**12. Light and Glare**

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**d. What are the proposed measures to reduce or control light and glare impacts, if any:**

Not applicable. This is a non-project proposal.

**13. Recreation**

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**c. What are the proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

Not applicable. This is a non-project proposal.

**14. Historic and Cultural Preservation**

**a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.**

Not applicable. This is a non-project proposal.

**b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on the site.**

Not applicable. This is a non-project proposal.

**c. What are the proposed measures to reduce or control impacts, if any.**

Not applicable. This is a non-project proposal.

**15. Transportation**

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

Not applicable. This is a non-project proposal.

**b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?**

Not applicable. This is a non-project proposal.

**c. How many parking spaces would the completed project have? How many would the project eliminate?**

Not applicable. This is a non-project proposal.

**d. Will the proposal require any new roads or streets, or improvements to any existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).**

Not applicable. This is a non-project proposal.

**e. Will the project use or occur in the immediate vicinity of water, rail, or air transportation? If so, generally describe.**

Not applicable. This is a non-project proposal.

**f. How many vehicular trips per day would be generated by the completed projects? If known, indicate when peak volumes would occur.**

Not applicable. This is a non-project proposal.

**g. What are proposed measures to reduce or control transportation impacts, if any:**

Not applicable. This is a non-project proposal.

**16. Public Services**

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

Not applicable. This is a non-project proposal.

**b. What are proposed measures to reduce or control direct impacts on public services, if any.**

Not applicable. This is a non-project proposal.

**17. Utilities**

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

Not applicable. This is a non-project proposal.

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

Not applicable. This is a non-project proposal.

**C. SIGNATURE**

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

Signature: Betsy Stevenson

Date: October 6, 2011

**D. SUPPLEMENT SHEET FOR NON-PROJECT ACTIONS**

(do not use this sheet for project actions)

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

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

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

The proposed amendments to SCC are not likely to result in any increase in discharge, emission, production or release of the above beyond what is already occurring with permitted development. Any specific development resulting from the proposed amendments will be subject to all applicable codes, regulations and statutes from the local, state and federal jurisdictions.

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

The proposed amendments to SCC are not likely to have any affect on any of the above beyond what is already occurring . Any specific development resulting from the proposed amendments will be subject to all applicable codes, regulations and statutes from the local, state and federal jurisdictions.

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

The proposed amendments to SCC will not facilitate any depletion of energy or natural resources beyond what is already occurring.

**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?**

The proposed amendments to SCC are not likely to have any effects. One of the purposes of the proposed code changes is to address the protection of critical areas. Any specific development resulting from these Code amendments shall be subject to all applicable codes, regulations and statutes from the local, state and federal jurisdictions.

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

The proposed code amendments are designed to protect critical areas. Any possible use or effect from any specific development resulting from the Skagit County Code amendments will be subject to all applicable codes, regulations and statutes from the local, state and federal statutes.

**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?**

Another purpose of the proposed amendments is to ensure the viability of agricultural activities, while protecting critical areas. All proposed changes are consistent with existing plans and will not encourage uses which are incompatible. Any specific development resulting from the Skagit County Code amendments will be subject to all applicable codes, regulations and statutes from the local, state and federal statutes including the Shoreline Management Master Program.

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

Any possible use or effect from any specific development resulting from the Skagit County Code amendments will be subject to all applicable codes, regulations and statutes from the local, state and federal jurisdictions including the Shoreline Management Master Program.

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

The proposed amendments to SCC are not likely to result in an increase in demands on transportation or public services and utilities beyond what already exists or what is already permissible.

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

Any possible use or effect from any specific development resulting from the Skagit County Code amendments will be subject to all applicable codes, regulations and statutes from the local, state and federal jurisdictions.

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

The proposed amendments will not conflict with local, state, or federal laws or requirements for the protection of the environment.