

Re PL 11-0250 from  
Backing his request.

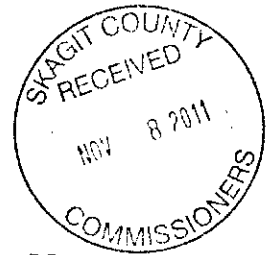
Carol Ehlers  
3558 Windcrest Ln  
Anacortes WA

## Chapter 14.08

### LEGISLATIVE ACTIONS

#### Sections:

- 14.08.010 Intent.
- 14.08.020 Petition for amendments to the Comprehensive Plan/rezones.
- 14.08.030 Initiation of review of amendments to the Comprehensive Plan.
- 14.08.040 Environmental review.
- 14.08.050 Adoption of community (subarea) plans, functional plans, and Shoreline Master Program amendments and review of open space current use applications.
- 14.08.060 Initiation of review of development regulations/amendments to SCC Title 14.
- 14.08.070 Public participation requirements.
- 14.08.080 Review by Planning Commission.
- 14.08.090 Review and decisions by Board.
- 14.08.100 Emergency or interim regulations.
- 14.08.110 Appeal.



#### 14.08.010 Intent.

The intent of this Chapter is to establish roles and responsibilities of Planning and Development Services staff ("Department"), the Planning Commission ("Commission") and the Board of County Commissioners ("Board") relating to adoption of the Comprehensive Plan, subarea plans, functional plans, development regulations found in SCC Title 14 and amendments thereto pursuant to the requirements of Chapters 36.70 and 36.70A RCW. This Chapter shall not apply to review of development permits, or the amendment of County-wide Planning Policies. The responsibilities and procedures for review of development permits are governed by the provisions of Chapter 14.06 SCC. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

#### 14.08.020 Petition for amendments to the Comprehensive Plan/rezones.

- (1) Comprehensive Plan amendments consist of 2 types: policy amendments and map amendments. Rezones shall be processed in conjunction with map amendments with the exception of rezones of those lands located within an urban growth area.
- (2) Comprehensive Plan policy amendments or map amendments may be initiated by the County or by other entities, organizations, or individuals through petitions filed with the Department by the following dates:
  - (a) On or before the last business day of July of each year, except when the proposal is to modify a municipal urban growth area boundary; or
  - (b) When a Comprehensive Plan/Zoning Map amendment is proposed to modify a municipal urban growth area boundary, then the amendment petitions must be submitted to the Department by the last business day of March. The Department shall forward a copy of the amendment petition to the relevant municipality for their review. The municipality must respond in writing to the Department, by the last business day of July, with a recommendation for modification, approval, or denial. Such a recommendation must include appropriate findings of fact and conclusions in support of the recommendation, and in particular, how the recommendation conforms to the criteria set forth in Subsection (5)(b) of this Section.
- (3) All proposed amendments to the Comprehensive Plan shall be considered on an annual basis (no more frequently than once per year), according to the schedule provided in this Chapter so that the cumulative effect of all proposed amendments may be considered; provided, however, the County may adopt amendments more frequently than once per year if the proposal is the initial adoption of subarea plan or functional plan, if the amendment is to the County's Shoreline Master Program under the procedures set forth in Chapter 90.58 RCW, if the amendment is to the capital facilities element

- that occurs concurrently with the adoption or amendment of the County budget, if a declared emergency exists, or in response to a court order or an order of the Growth Management Hearings Board. An emergency amendment may only be adopted if the Board finds that the amendment is necessary to address an immediate situation of Federal, State, subarea, or County-wide concern as opposed to a personal emergency on the part of the applicant or property owner and the situation cannot adequately be addressed by waiting until the annual Comprehensive Plan amendment process.
- (4) A petition for a policy amendment shall include, at a minimum, the following information:
    - (a) A detailed statement of what is proposed to be changed and why.
    - (b) A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.
    - (c) A demonstration of why existing Comprehensive Plan policies should not continue to be in effect or why existing policies no longer apply.
    - (d) A statement of how the amendment complies with the Comprehensive Plan's community vision statements, goals, objectives, and policy directives.
    - (e) A statement of how adopted functional plans and Capital Facilities Plans support the change.
    - (f) A statement of how the change affects implementing development regulations SCC Title 14 and the necessary changes to bring the implementing development regulations into compliance with the plan.
    - (g) A summary of any public review of the recommended change.
  - (5) A petition for a map amendment shall include, at a minimum, all of the requirements for a policy amendment, plus the following additions:
    - (a) A detailed statement describing how the map amendment complies with Comprehensive Plan land use designation criteria.
    - (b) Any proposed urban growth area boundary changes shall be supported by and dependent on population forecasts and allocated urban population distributions, existing urban densities and infill opportunities, phasing and availability of adequate services, proximity to designated natural resource lands and the presence of critical areas.
    - (c) Any proposed rural areas and natural resource land map designation changes shall 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.
    - (d) Any proposed natural resource land map designation changes shall recognize that natural resource land designations were intended to be long-term designations and shall further be dependent on 1 or more of the following:
      - (i) A change in circumstances pertaining to the Comprehensive Plan or public policy.
      - (ii) A change in circumstances beyond the control of the landowner pertaining to the subject property.
      - (iii) An error in initial designation.
      - (iv) New information on natural resource land or critical area status.
  - (6) Rezones.
    - (a) All rezones shall be processed in conjunction with Comprehensive Plan amendments with the exception of rezones of those lands located within an urban growth area. The procedures for application, notice, etc., shall follow those for the Comprehensive Plan amendments in Subsection (2) of this Section.
    - (b) Petitions for rezones shall include at a minimum, all of the requirements for policy and map amendments, plus the following additions:
      - (i) A detailed development proposal that is consistent with the applicable designation criteria; and
      - (ii) A 1-inch equals 100 feet map showing the subject property and property lines and land use designations for all properties within 500 feet of the site.
    - (c) Approval Criteria for Rezones.

- (i) The property can meet the detailed standards in Chapter 14.16 SCC applicable to the proposed zone.
- (ii) The lot(s) shall be reviewed for compliance with SCC 14.16.850(4) for the purposes of determining development potential.
- (iii) All Comprehensive Plan amendments/rezones to a commercial or industrial zone shall require a development project be commenced for the entire redesignated/rezoned area within 2 years of the redesignation/rezone, unless development is phased. For the purposes of this Section, "commenced" shall mean either (A) a commercial or industrial operation permitted by the redesignation/rezone has been established or (B) a complete building permit has been filed with Planning and Development Services for the principal building which will allow the commercial or industrial operation. Upon building permit approval, the principal building shall be completed (i.e., final inspections completed) within 3 years. Those portions of the redesignated/rezoned property which are not included within the development area and where the above time frames are not met shall automatically revert to the original designation and zoning, unless a phasing plan is approved pursuant to Subsections (6)(c)(iii)(A) and (B) 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.
  - (A) If an applicant desires to phase development of a commercial or industrial rezoned property, a phasing plan shall be submitted and reviewed as part of the Comprehensive Plan amendment/rezone application. When an amendment/rezone includes a phasing plan, the initial phase shall be commenced and completed within the time frames articulated above. Subsequent phases shall be commenced and/or constructed within the time frames established in the phasing plan, or within a 6-year period. Otherwise, the commercial designation/zoning shall expire and the redesignation/rezoning shall revert to its previous designation for those portions of the property where these requirements are not met.
  - (B) Where a redesignation/rezone did not initially include a phasing plan, but prior to the automatic designation/zone 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 rezone criteria.
  - (C) 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.
- (d) Approved rezones shall be shown on the official zoning map.
- (7) The petition for a Comprehensive Plan policy or map amendment and/or rezone shall be on forms provided by the Department and shall contain suggested amendatory language, where appropriate. If the proposed amendment is a site-specific amendment that applies to a specific number of parcels which are in readily identifiable ownership and is in conjunction with an identifiable development proposal, then the petitioner shall pay a fee with the petition as prescribed by the approved fee schedule as now or hereafter amended. (Ord. O20070009 (part); Ord. O20030023; Ord. 17938 Atch. F (part), 2000)

#### **14.08.030 Initiation of review of amendments to the Comprehensive Plan.**

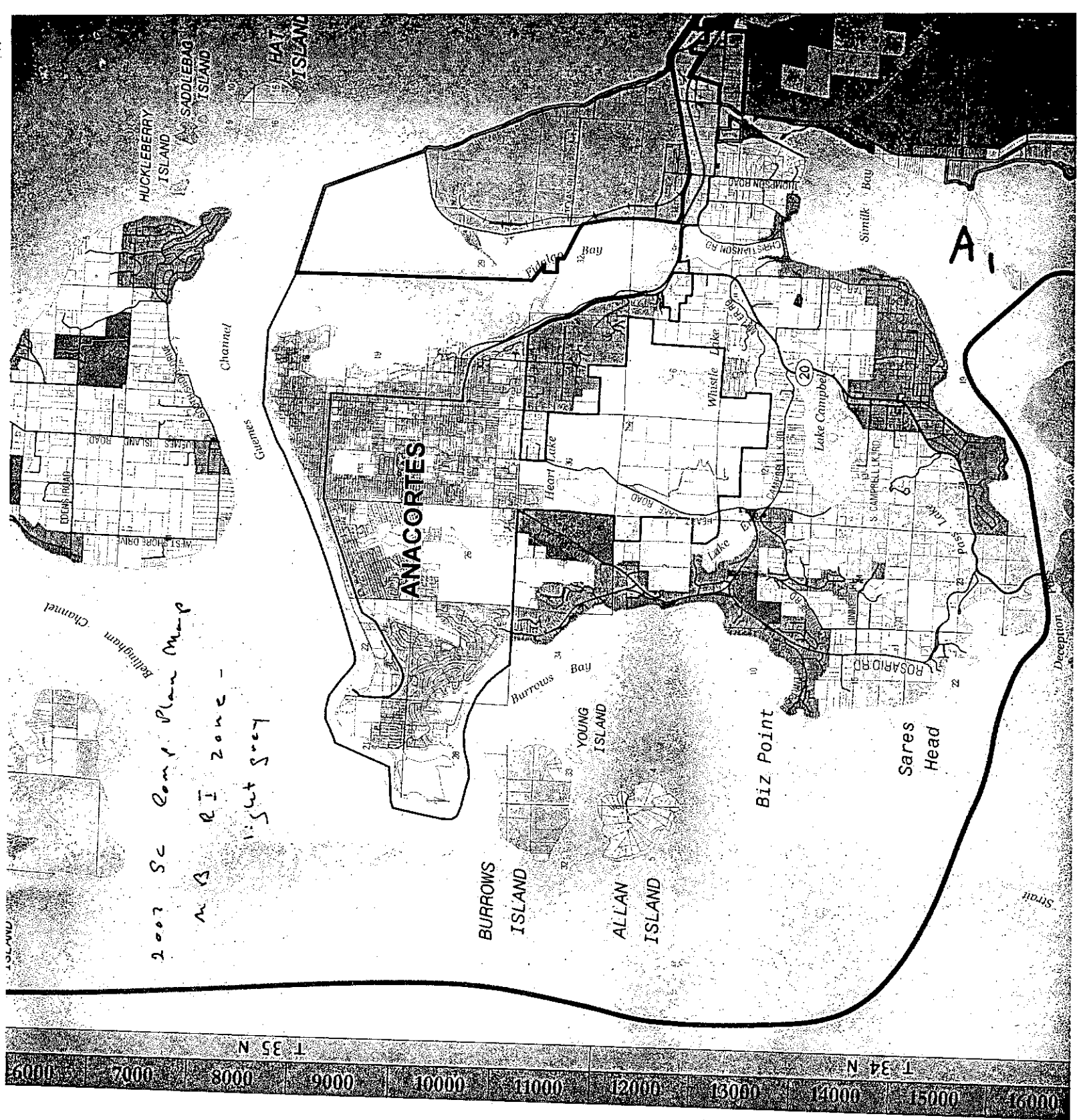
- (1) All amendment petitions, unless exempted by this Chapter, are to be considered in a single annual docket so that the cumulative impacts of the proposed amendments can be reviewed.
- (2) Within 45 days from the last business day of July of each year, the Department shall review all new petitions for Comprehensive Plan amendments, any petitions deferred from the docket of amendments for the previous year, together with any new amendments suggested by the Department,

and shall forward a recommendation to the Board as to which of the petitions the Department recommends for inclusion in the current year's docket of amendments, requiring further consideration by the County.

- (3) In making its docket recommendation the Department shall consider whether:
  - (a) The proposed amendment, in light of all proposed amendments being considered for inclusion in the year's docket, can be reasonably reviewed within the staffing and operational budget allocated to the Department by the Board;
  - (b) A proposed amendment, to be adopted, would not require additional amendments to the Comprehensive Plan or development regulations not addressed in the petitioner's application, and is consistent with other goals, objectives and policies adopted by the Board;
  - (c) A proposed amendment raises policy, land use, or scheduling issues that would more appropriately be addressed as part of an ongoing or planned work program, or as part of a regular review cycle; or
  - (d) Some legal or procedural flaw of the proposal would prevent its legal implementation.
- (4) Within 30 days of receipt of the Department's docket recommendation, the Board shall hold a public hearing to allow applicants and the general public to comment on the Department's recommendation. During its next available public meeting, the Board shall consider the Department's recommendation and public testimony and decide which petitions will be reviewed further as part of the annual docket.
  - (a) A decision by the Board to include a particular proposed amendment as part of the current year's docket of amendments is procedural only and does not constitute a decision by the Board as to whether the amendment will ultimately be approved.
  - (b) A decision by the Board to deny further review of a particular petition terminates that petition without prejudice to the applicant or the proposal. The applicant may request a refund of the unused portion of any application fees, and may request the same, or similar amendment as part of a future amendment or review cycle.
- (5) Those petitions forwarded for further review shall be processed according to the remaining sections of this Chapter, including public review and comment and Planning Commission recommendation. Final action by the Board shall be taken to approve, approve with conditions or deny each petition. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

#### **14.08.040 Environmental review.**

- (1) After the Board establishes the current year's docket of Comprehensive Plan amendments, the County shall complete environmental review of all of the proposed amendments, consistent with the requirements of Chapter 43.21C RCW and Chapter 14.12 SCC, SEPA. For any site-specific Comprehensive Plan amendments, the proponent of those amendments shall submit a complete environmental checklist to the County within 20 days of the Board's decision to consider the proposed site-specific amendment.
- (2) Within 15 days from receipt of the environmental checklist(s) for the proposed Comprehensive Plan amendments, the Department shall issue a threshold determination on the docket of amendments. If necessary, a Draft Environmental Impact Statement (DEIS) should be published no later than the first business day of April of the year following the submitted petition.
- (3) Any environmental review shall consolidate, as much as practical, site-specific SEPA review with review of the entire docket of proposed Comprehensive Plan amendments to ensure adequate consideration of cumulative effects of the proposed amendments. SEPA fees shall be in accordance with SCC 14.12.270.
- (4) Amendment petitions that are carried over from a previous year's docket to the current docket do not require a new SEPA checklist and fee, and are not required to be considered in the same environmental document as other proposals in the same docket. However, the Department may require additional SEPA analysis to assess the cumulative impacts of the various proposals constituting a docket. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)




I find no policy protecting the value  
or existence of existing well built houses.

## CHAPTER 7 A<sub>2</sub>

# HOUSING

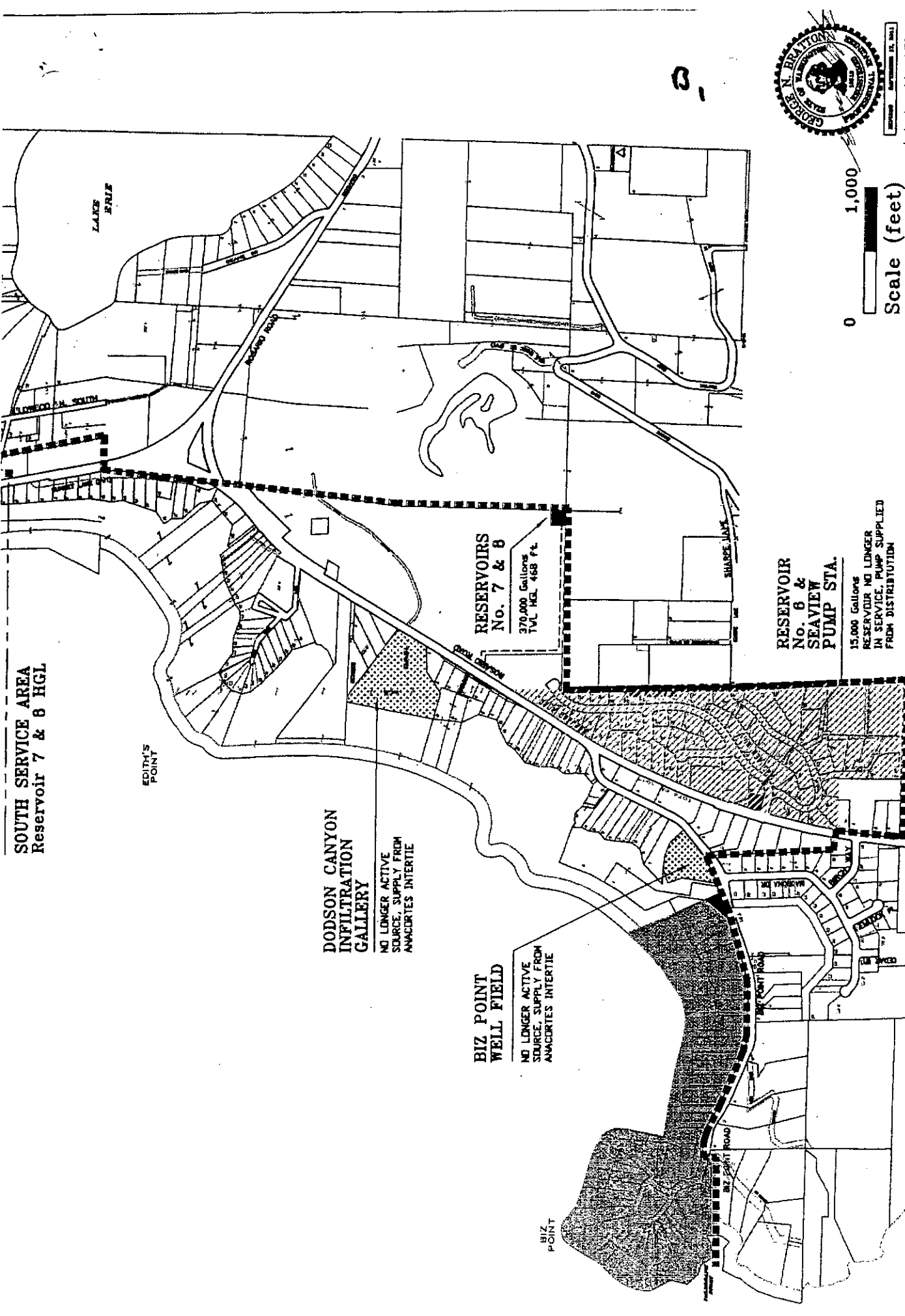
## INTRODUCTION

Housing is one of the most important needs in our lives and communities.

- 
- It provides shelter and a link to the neighborhood and the larger community.
  - It is the single largest purchase made by most households.
  - As an industry, housing is a major partner in the economic life of the community both as a consumer of goods and services and producer of dwelling units, jobs, and income.
  - As a major economic activity, housing depends on local government. While taxes on housing are a principal source of local government revenue, services to housing and to the inhabitants of this housing comprise a major portion of local government expenditures.

Skagit County faces challenges and opportunities as it works toward providing housing options for present and future generations. Every community has low and moderate income households. Since a community benefits from its residents, it has a responsibility to ensure they have a desirable place to live. The Comprehensive Plan's Rural Element seeks to provide for a variety of rural residential densities and housing opportunities within the confines of the Growth Management Act (GMA). And although the majority of unincorporated Skagit County is restricted by GMA mandates from providing higher density (urban) housing, such housing may be made provided in the Swinomish, Bayview Ridge, and municipal Urban Growth Areas.

The Housing Profile contains detailed information describing the demographic and economic conditions pertaining to housing needs for the next 20 years. This Housing Chapter contains the goals and policies through which Skagit County encourages the availability and affordability of housing for its citizens.



**GEORGE BRATTON, CIVIL ENGINEER**  
 1252 S. Farragut Drive  
 Coupeville, Washington 98239  
 Job 520

**WATER DISTRIBUTION SYSTEM**  
**RETAIL WATER SERVICE AREA MAP**  
 Major Facilities / Pressure Zones

**DEL MAR COMMUNITY SERVICES Inc.**  
 1004 Commercial Ave., Box 1111  
 Anacortes, Washington 98221

Del Mar is part of both Plans B<sub>2</sub> marked with "X." This site is part of the Del Mar Plan. So ignored this in the Wooding zone.

## CHAPTER 9

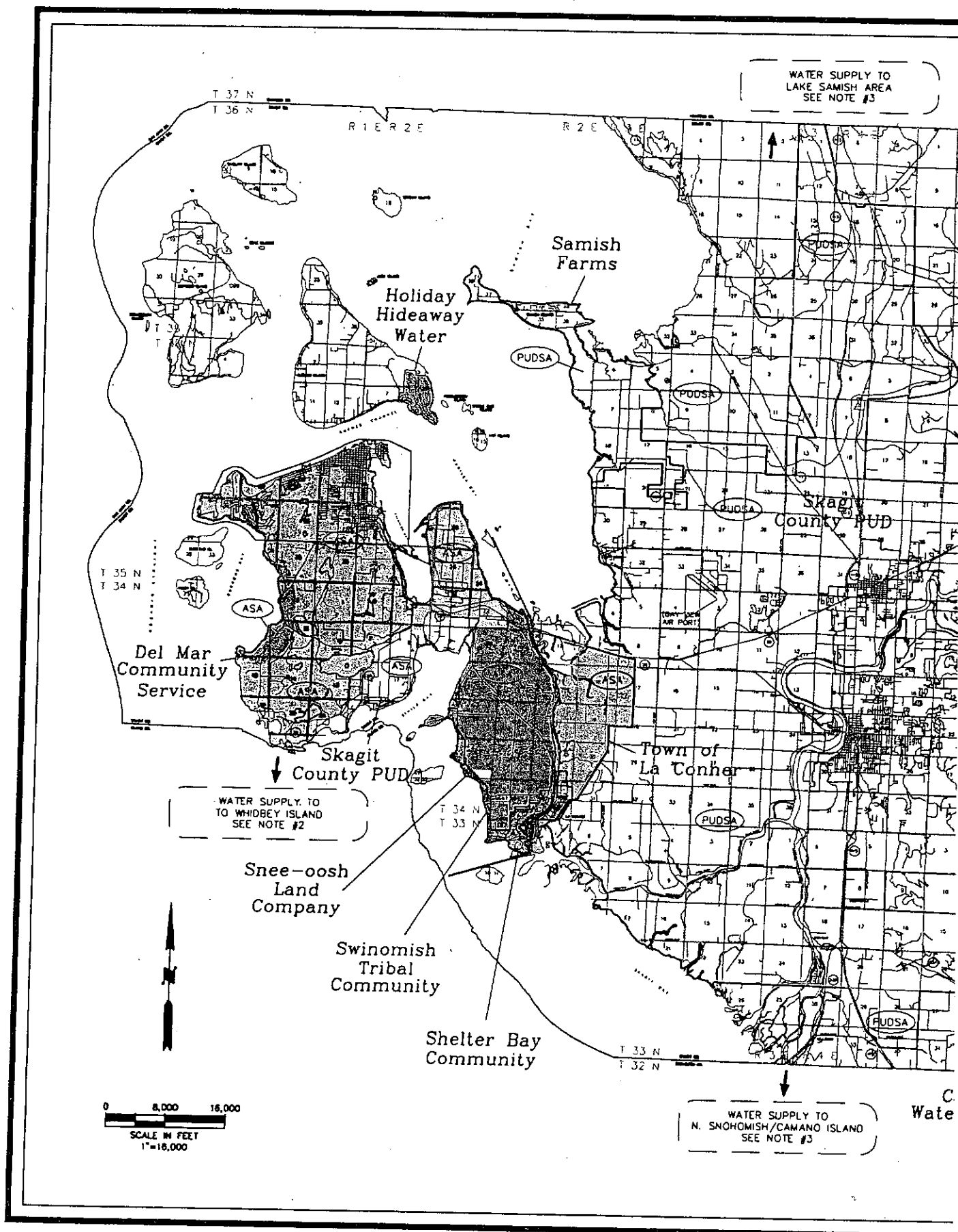
# UTILITIES

### INTRODUCTION

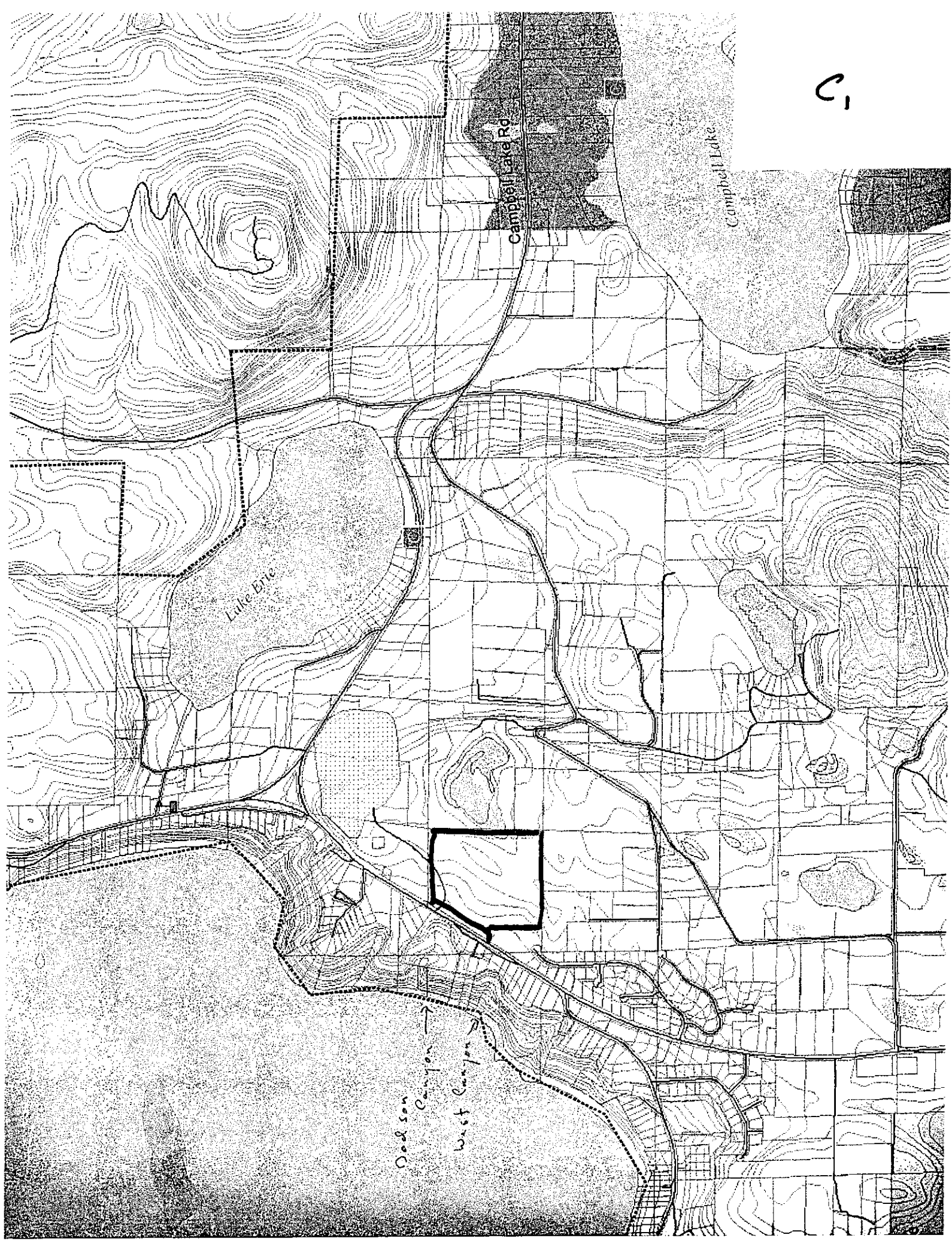
The GMA requires the utility element to describe locations, capacities, and need for utilities. The policies in this element cover private natural gas, telecommunications, electric utilities; and public solid waste, sewer, water, and surface water utilities. The information relating to utility service providers contained in this Plan is a summary only. More detailed discussions of the topics covered in this chapter are found under separate cover in utility service provider capital functional plans and in the following documents:

- *The Skagit County Comprehensive Plan supplemental Map Portfolio.* The portfolio includes maps illustrating the locations of major utility facilities, including water, sewer, electrical, natural gas, drainage and dike districts, telecommunications, and transit service areas.
- X • *Skagit County Coordinated Water System Plan - Regional Supplement, 2000.* This document provides information on existing water facilities, management and conservation strategies, a needs forecast through 2040, and the availability of water rights to meet those needs, all within the framework of growth management.
- X • *Anacortes-Fidalgo Island Coordinated Water System Plan* April 1985
- *The Capital Facilities Plan (CFP) 2000-2005 - Goals and Policies, Capital Improvements, and Implementation Programs.* This plan contains information and policies regarding financing, level of service and implementation of capital improvement projects.
- *Comprehensive Economic Development Strategy (CEDS) for Skagit County (Updated 2005).* The plan contains specific information regarding various sewer service and treatment projects, surface water projects, and utility corridor improvements, as well as estimated costs and potential funding sources.





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(WAC)

# SEPA issues re Wooding rezoning

## SEPA Rules

C2

or for shoreline or land use plans shall be limited to a general discussion of the impacts of alternate proposals for policies contained in such plans, for land use or shoreline designations, and for implementation measures. The lead agency is not required under SEPA to examine all conceivable policies, designations, or implementation measures but should cover a range of such topics. The EIS content may be limited to a discussion of alternatives which have been formally proposed or which are, while not formally proposed, reasonably related to the proposed action.

[Statutory Authority: RCW 43.21C.110. 84-05-020 (Order DE 83-39), § 197-11-442, filed 2/10/84, effective 4/4/84.]

**WAC 197-11-443 EIS contents when prior nonproject EIS.** (1) The provisions for phased review (WAC 197-11-060(5)) and use of existing environmental documents, Part Six, apply to EISs on nonproject proposals.

(2) A nonproject proposal may be approved based on an EIS assessing its broad impacts. When a project is then proposed that is consistent with the approved nonproject action, the EIS on such a project shall focus on the impacts and alternatives including mitigation measures specific to the subsequent project and not analyzed in the nonproject EIS. The scope shall be limited accordingly. Procedures for use of existing documents shall be used as appropriate, see Part Six.

(3) When preparing a project EIS under the preceding subsection, the lead agency shall review the nonproject EIS to ensure that the analysis is valid when applied to the current proposal, knowledge, and technology. If it is not valid, the analysis shall be reanalyzed in the project EIS.

[Statutory Authority: RCW 43.21C.110. 84-05-020 (Order DE 83-39), § 197-11-443, filed 2/10/84, effective 4/4/84.]

**WAC 197-11-444 Elements of the environment.** (1) Natural environment

- (a) Earth
  - (i) Geology
  - (ii) Soils
  - (iii) Topography
  - (iv) Unique physical features
  - (v) Erosion/enlargement of land area (accretion)
- (b) Air
  - (i) Air quality
  - (ii) Odor
  - (iii) Climate
- (c) Water
  - (i) Surface water movement/quantity/quality
  - (ii) Runoff/absorption
  - (iii) Floods
  - (iv) Ground water movement/quantity/quality
  - (v) Public water supplies
- (d) Plants and animals
  - (i) Habitat for and numbers or diversity of species of plants, fish, or other wildlife
  - (ii) Unique species
  - (iii) Fish or wildlife migration routes

- (e) Energy and natural resources
  - (i) Amount required/rate of use/efficiency
  - (ii) Source/availability
  - (iii) Nonrenewable resources
  - (iv) Conservation and renewable resources
  - (v) Scenic resources
- (2) Built environment
  - (a) Environmental health
    - (i) Noise
    - (ii) Risk of explosion
    - (iii) Releases or potential releases to the environment affecting public health, such as toxic or hazardous materials
  - (b) Land and shoreline use
    - (i) Relationship to existing land use plans and to estimated population
    - (ii) Housing
    - (iii) Light and glare
    - (iv) Aesthetics
    - (v) Recreation
    - (vi) Historic and cultural preservation
    - (vii) Agricultural crops
  - (c) Transportation
    - (i) Transportation systems
    - (ii) Vehicular traffic
    - (iii) Waterborne, rail, and air traffic
    - (iv) Parking
    - (v) Movement/circulation of people or goods
    - (vi) Traffic hazards
  - (d) Public services and utilities
    - (i) Fire
    - (ii) Police
    - (iii) Schools
    - (iv) Parks or other recreational facilities
    - (v) Maintenance
    - (vi) Communications
    - (vii) Water/storm water
    - (viii) Sewer/solid waste
    - (ix) Other governmental services or utilities

(3) To simplify the EIS format, reduce paperwork and duplication, improve readability, and focus on the significant issues, some or all of the elements of the environment in WAC 197-11-444 may be combined.

[Statutory Authority: RCW 43.21C.110. 84-05-020 (Order DE 83-39), § 197-11-444, filed 2/10/84, effective 4/4/84.]

**WAC 197-11-448 Relationship of EIS to other considerations.** (1) SEPA contemplates that the general welfare, social, economic, and other requirements and essential considerations of state policy will be taken into account in weighing and balancing alternatives and in making final decisions. However, the environmental impact statement is not required to evaluate and document all of the possible effects and considerations of a decision or to contain the balancing judgments that must ultimately be made by the decision makers. Rather, an environmental impact statement analyzes environmental impacts and must be used by agency decision

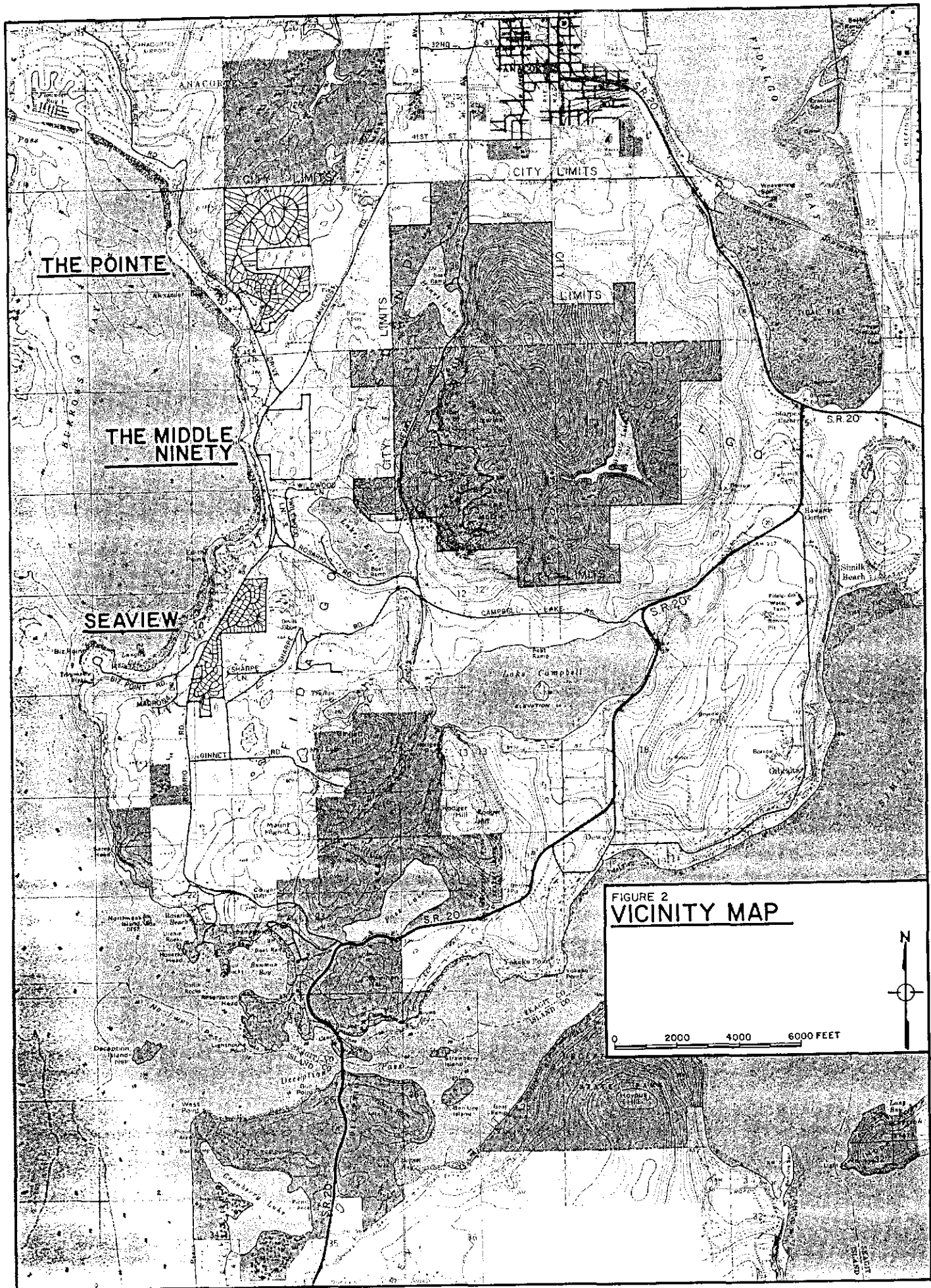


FIGURE 2  
VICINITY MAP

1 of 5

**DRAFT  
ENVIRONMENTAL IMPACT  
STATEMENT  
FOR  
LONG-TERM DEVELOPMENT  
PLAN CONCEPT  
AND SHORT-TERM SUBDIVISION  
PROPOSAL FOR  
SAN JUAN-FIDALGO PROPERTIES**

*Re: San Juan 5, 6 + 7 in all 5*

*Prepared in Compliance with the  
State Environmental Policy Act of 1971  
Chapter 43.21c, Revised Code of Washington*

*SEPA Rules effective April 14, 1984  
Washington Administrative Code*



2 0 4 5

**FINAL  
ENVIRONMENTAL IMPACT  
STATEMENT  
FOR  
LONG-TERM DEVELOPMENT  
PLAN CONCEPT  
AND SHORT-TERM SUBDIVISION  
PROPOSAL FOR  
SAN JUAN-FIDALGO PROPERTIES**

*Prepared in Compliance with the  
State Environmental Policy Act of 1971  
Chapter 43.21c, Revised Code of Washington*

*SEPA Rules effective April 14, 1984  
Washington Administrative Code*

# Draft Supplemental Environmental Impact Statement

## San Juan-Fidalgo Properties

Skagit County

City of Anacortes



July 1991

Supplement to the 1991  
Draft Supplemental Environmental Impact Statement

## **San Juan Fidalgo/McCorkle Trust Development Project**

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San Juan Fidalgo Holding Company  
The McCorkle Trust, U.S. Bank of Washington, Trustee



Department of Planning  
and Community Development

March 1994

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**Parametrix, Inc.**



# Final Supplemental Environmental Impact Statement

## **San Juan Fidalgo/McCorkle Trust Development Project**

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San Juan Fidalgo Holding Company

The McCorkle Trust, U.S. Bank of Washington, Trustee



Department of Planning  
and Community Development

September 1994

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**Parametrix, Inc.**

*no idea of downhill risk*

## WHEN IS A FOREST PRACTICES PERMIT REQUIRED?

USE THIS FORM TO HELP YOU TO DETERMINE IF A FOREST PRACTICES PERMIT  
WILL BE REQUIRED BEFORE YOU BEGIN YOUR OPERATION

Start Here  
With This  
Question:



Do any of the following circumstances listed below apply to the site where you will be operating?

- Any activity on forestlands that are:
  - ☐ Designated as "Critical Wildlife Habitat" ☒ On potentially unstable slopes or landforms
  - ☐ Within national, state, or local government parks ☐ Affecting archaeological or historic sites
  - ☐ Within areas designated as a "high avalanche hazard" ☐ Designated areas in the Columbia River Gorge National Scenic Area (CRGNSA)
- Any activity on forestland that will require a Hydraulic Project Approval (HPA) from Washington State Department of Fish and Wildlife
- Aerial application of chemicals on forestland or ground application in a Type A or B Wetland.
- Filling or draining more than 1/2 acre of a wetland.
- Any activity that would be a deviation from a watershed analysis prescription.
- Opening a new rock or gravel pit or extending an existing pit.

If you answered "Yes" to any of the above, a Forest Practices permit may be required. Contact the nearest DNR Region office (call 1-800-527-3305) before commencing any operations.  
Sedro-Woolley (360) 856-3500

If you answered "No" to all parts of the question above, then continue to the next question below to determine if a Forest Practices permit will be required.

Will your project be located on property that totals 2 acres or more of contiguous ownership?

If the answer is Yes, use Column A. If the answer is No, use Column B.

### COLUMN A:

#### ACTIVITY LOCATED ON PROPERTY THAT IS 2 ACRES OR MORE OF CONTIGUOUS OWNERSHIP

You will need a Forest Practices permit if you will be doing any of the following:

- ☐ Selling any timber, regardless of the amount, that will be harvested (including firewood). Selling timber includes bartering or trading wood for other products or services.
- ☐ Harvesting 5,000 board feet (about one log truck load) or more of timber (including live, dead, and down material) for personal use in any 12 month period (personal use includes firewood, fence posts, etc.).
- ☐ Road construction on forest land that is 600 or more feet in length.
- ☐ Road construction of forest land of any length that is located within the shoreline area of a Type 1 water, or the riparian management zone of a Type 2 or 3 water, or the ordinary high-water mark of a Type 4 water, or within a wetland or wetland management zone.

### COLUMN B:

#### ACTIVITY LOCATED ON PROPERTY THAT IS LESS THAN 2 ACRES OF CONTIGUOUS OWNERSHIP

You will need a Forest Practices permit if you will be operating, road building or doing landing construction within or involving any of the following:

- ☐ The shoreline areas of a Type 1 water or riparian management zone of a Type 2 or 3 water (Call DNR for more information if you think you will be within 200 feet of any water or channel migration zone.)
- ☐ The ordinary high-water mark of a Type 4 water or flowing Type 5 water.
- ☐ Off-road operation of tractor or wheeled skidding systems on sideslopes of greater than 40 percent.

contamination and depletion, avoid exorbitant clean up costs, hardships and potential physical harm to people.

- (4) Geologically hazardous areas include areas susceptible to the effects of erosion, sliding, earthquake, or other geologic events. They pose a threat to the health and safety of citizens when incompatible residential, commercial, industrial, or infrastructure development is sited in areas of a hazard. Geologic hazards pose a risk to life, property, and resources when steep slopes are destabilized by inappropriate activities and development or when structures or facilities are sited in areas susceptible to natural or human caused geologic events. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices so that risks to health and safety are acceptable. When technology cannot reduce risks to acceptable levels, building and other construction within identified geologically hazardous areas shall be prohibited.
- (5) Fish and Wildlife Habitat Conservation Areas. Skagit County currently supports the highest wildlife species diversity and population numbers of any county in Washington State. In addition to their intrinsic value, certain species of fish and wildlife represent important historic, cultural, recreational and economic resources. Many species serve as indicators of the condition of the environment and the quality of life that Skagit County residents have invested in, enjoy and respect. It is the purpose of this Chapter to protect, restore where practical, and enhance fish and wildlife populations and their associated habitats. It is also the purpose of this Chapter to address requirements associated with listing of wild salmonid species under the Federal Endangered Species Act. (Ord. 17938 Attch. F (part), 2000)

#### **14.24.030 Authority.**

The ordinance codified in this Chapter is adopted under the authority of Chapters 36.70 and 36.70A RCW, and Article 11 of the Washington State Constitution. (Ord. 17938 Attch. F (part), 2000)

#### **14.24.040 Applicability, jurisdiction and coordination.**

- (1) Applicability. This Chapter shall be consistently applied to any land use or development under County jurisdiction within the geographical areas that meet the definitions and criteria for critical areas regulation as set forth in this Chapter.
- (2) Relationship to Other Federal, State and Local Jurisdictional Agencies' Regulations. Many State, Federal and regional regulations apply to projects conducted within critical areas. Uses otherwise allowed by County codes do not eliminate other agency regulatory requirements.
  - (a) Federal regulations include:
    - (i) Clean Water Act, Section 404, 401.
    - (ii) Coastal Zone Management Act.
    - (iii) Endangered Species Act.
    - (iv) Federal Water Pollution Control Act.
    - (v) Food Security Act - Swampbuster.
    - (vi) National Environmental Policy Act.
    - (vii) National Floodplain Insurance Program.
    - (viii) River and Harbor Act, Section 10.
  - (b) State regulations include:
    - (i) Chapter 43.21C RCW, State Environmental Policy Act.
    - (ii) Chapter 75.20 RCW, Hydraulic Project Approval.
    - (iii) Chapter 76.09 RCW, Forest Practices Regulations.
    - (iv) Chapter 77.12 RCW, Bald Eagle Protection Rules.
    - (v) Chapter 78.44 RCW, Surface Mining Act.
    - (vi) Chapter 90.03 RCW, State Water Code.
    - (vii) Chapter 90.48 RCW, State Water Pollution Control Act.
    - (viii) Chapter 90.58 RCW, Shoreline Management Act.
  - (c) Regional regulations include:

**Skagit County**  
**SOUTH FIDALGO ISLAND**  
**STORMWATER MANAGEMENT PLAN**

JULY 2010

*Prepared for:*  
Skagit County Public Works  
Surface Water Section  
1800 Continental Place  
Mount Vernon, WA 98273

*Prepared by:*



**TETRA TECH**

Engineering & Architecture Services  
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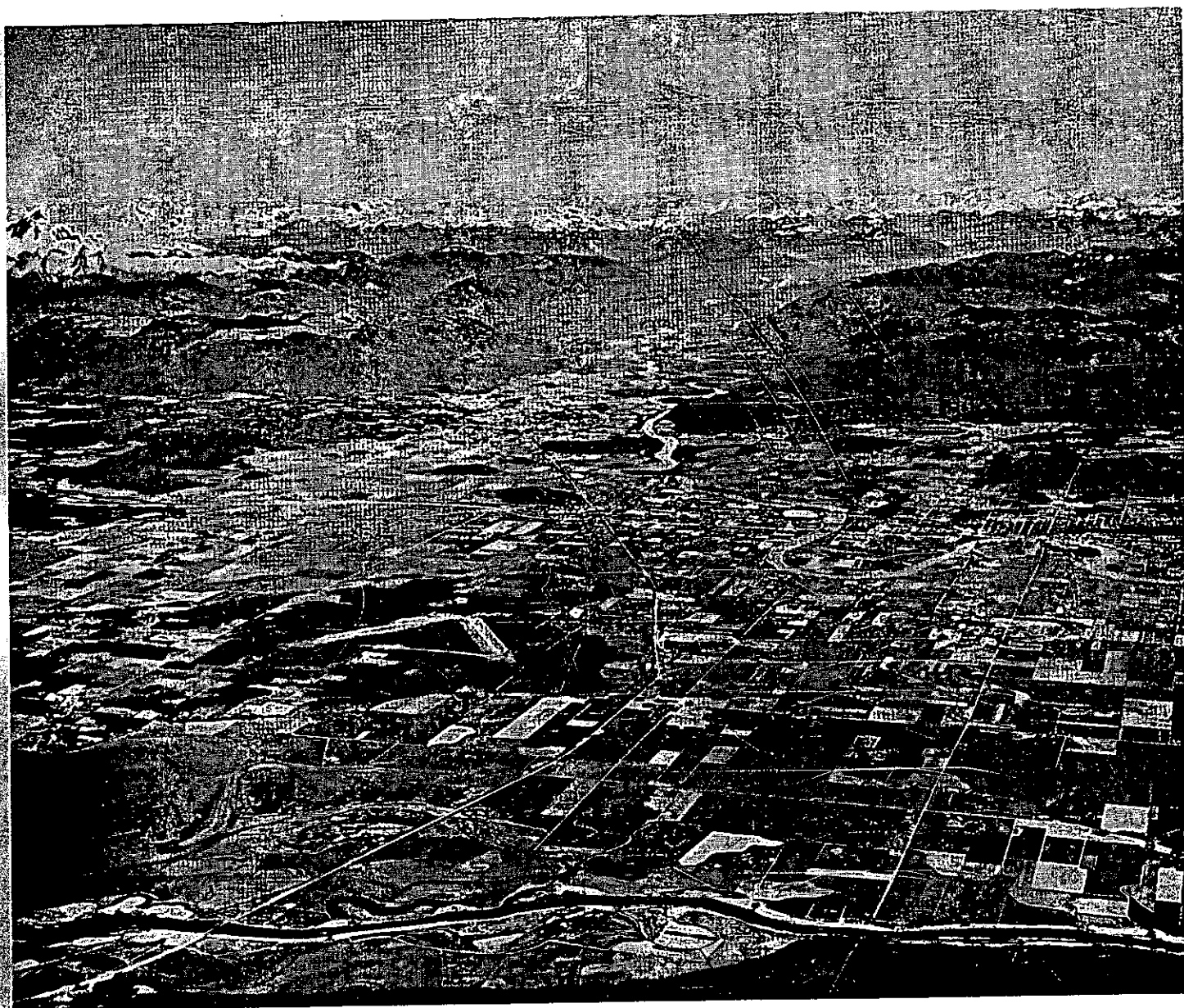
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United States  
Department of  
Agriculture

Soil  
Conservation  
Service

In cooperation with  
Washington State  
Department of  
Natural Resources and  
Washington State  
University, Agriculture  
Research Center

# Soil Survey of Skagit County Area, Washington



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# Weyerhaeuser to increase landslide protection

*Agreement was spurred by severe slides and flooding in Dec. 2007*

## The Associated Press

OLYMPIA — Weyerhaeuser Co. will increase landslide protections on some forest lands under a voluntary agreement with Washington's Department of Natural Resources.

The company and state agency also will review watershed plans that set out logging rules for southwest Washington's Stillman Creek and Upper Chehalis River watersheds.

A severe storm in December 2007 caused widespread damage, landslides and flooding in much of western Washington.

A Weyerhaeuser study concluded that heavy rain was the primary cause of the 2007 slides, but conservation groups and others contend that too much timber harvesting on steep slopes was partly to blame.

"Weyerhaeuser is the first forest-products company willing to partner with the state of Washington and take steps to reduce the risk of landslides associated with major storm events," Commissioner of Public Lands Peter Goldmark said in a news release.

Goldmark added that he hopes other forest landowners will likewise review their watershed analyses and increase slide protection.

State forest practice rules require a watershed analysis for potentially unstable slopes. The studies are prepared by landowners and other interested parties, then approved by DNR.

However, the agency acknowledges that for nearly two decades it has not consistently reviewed most of the plans for 52 watersheds in the state to see if they include modern practices.

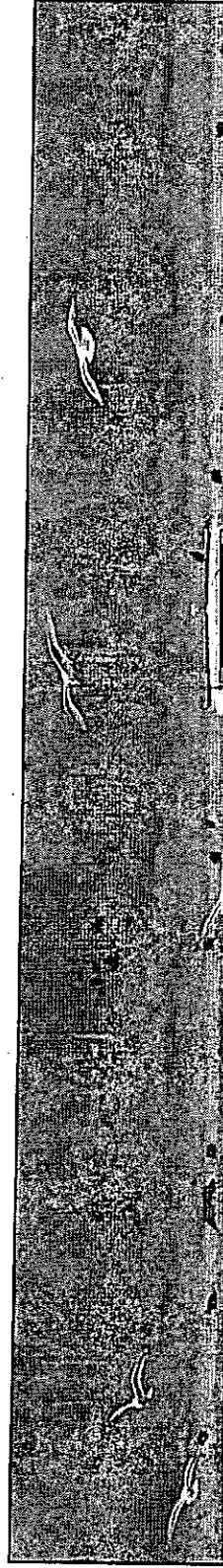
Under the agreement, Weyerhaeuser could choose not to log

some areas in the two basins, or put them through an extensive review with consultation by DNR and other state agencies.

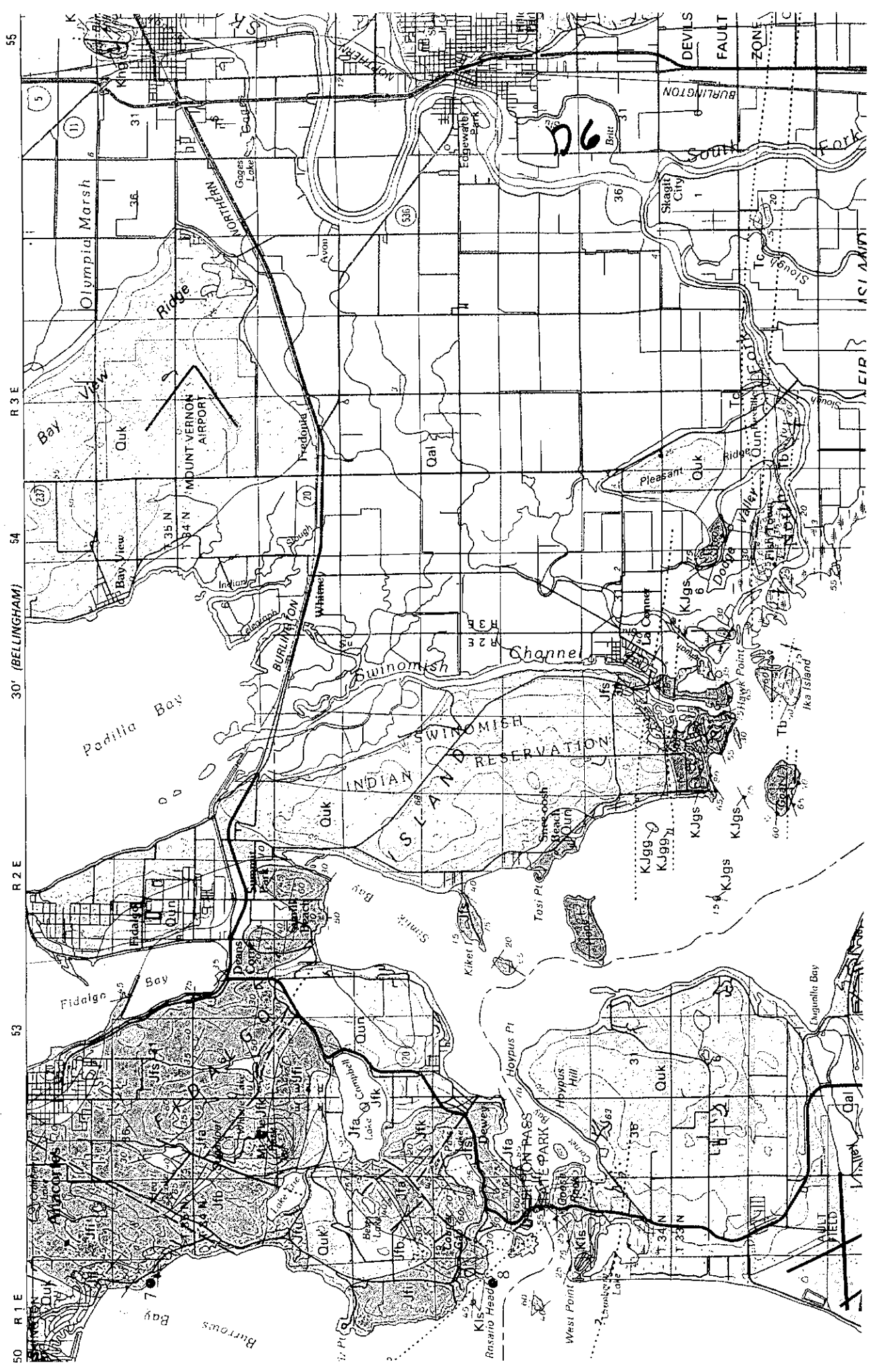
"It should lead to better detection of unstable slopes, and that may lead to some areas we may not harvest," Weyerhaeuser spokesman Anthony Chavez told The Seattle Times.

The 2007 storm, packing high winds and heavy rain, killed six people, closed Interstate 5 for three days, and flooded many river basins. The Chehalis River Valley was especially hard-hit, with water, mud and debris inundating homes and farms and causing millions of dollars in damage.

## A MEAL IN THE FIELD



USGS Map 1-1198 G Bedrock geologic map





E.



1" = 1/4 mile

Dec: SC Code 14.38

Parcel(s) - 96264d:

154 + 21

10 + 2 Reserve



## RIGHT-TO-MANAGE NATURAL RESOURCE LANDS

### Sections:

- 14.38.010 Policy and purposes.
- 14.38.020 Nuisance.
- 14.38.030 Disclosure.

### 14.38.010 Policy and purposes.

#### (1) Policies.

- (a) It is the declared policy of this County to enhance and encourage Natural Resource Land management within the County. It is the further intent of this County to provide to the residents of this County proper notification of the County's recognition and support through this Chapter of those persons and/or entities' right-to-manage Natural Resource Lands.
- (b) State planning goals encourage the conservation of productive Natural Resource Lands and discourage incompatible uses. This goal can be fulfilled by assuring that the use of lands adjacent to Natural Resource Lands do not interfere with the continued use, in the accustomed manner, for the production of food and agricultural products, timber, and extraction of minerals.

#### (2) Purposes.

- (a) Where non-Natural Resource Land uses extend into natural resource areas or exist side-by-side, natural resource management operations are frequently the subjects of nuisance complaints and on occasion have been forced to cease or curtail operations. Such nuisance complaints discourage investments in Natural Resource Land improvements to the detriment of adjacent Natural Resource Land uses and the economic viability of the County's Natural Resource Land industry as a whole. It is the purpose and intent of this Chapter to reduce the loss to the County of its Natural Resource Lands by limiting and defining the circumstances under which Natural Resource Lands management operations may be considered a nuisance. This Chapter is not to be construed as in any way modifying or abridging County, State or Federal laws; rather it is only to be utilized in the interpretation and enforcement of the provisions of this Code and County regulations.
- (b) An additional purpose of this Chapter is to promote a good neighbor policy between Natural Resource Lands and non-Natural Resource Land property owners by advising purchasers and users of property adjacent to or near Natural Resource Land management operations of the inherent potential problems associated with such purchase or residence, including, but not limited to, the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, odor and the hours of operation that may accompany Natural Resource Land management operations. It is intended that through mandatory disclosures purchasers and users will better understand the impact of living near Natural Resource Lands and be prepared to accept attendant conditions as the natural result of living in or near Natural Resource Lands and rural areas.
- (c) An additional purpose of this Chapter is to provide notice, through a disclosure statement, of the potential incompatibilities, inconveniences and discomforts that may arise from Natural Resource Land management activities. (Ord. 17938 Attch. F (part), 2000)

### 14.38.020 Nuisance.

No land-based Natural Resource Lands management activity, operation, facility or appurtenances thereof, shall be or become a nuisance as defined in Chapter 14.04 SCC, regardless of past or future changes in the surrounding area's land use or zoning designation, when conducted or maintained for commercial purposes, and in a manner consistent with current best management practices, not superseding local, State or Federal regulations and involving uses allowed under the Agriculture Natural

Resource Land (Ag-NRL), Industrial Forest Natural Resource Land (IF-NRL), Secondary Forest Natural Resource Land (SF-NRL), Rural Resource Natural Resource Land (RRc-NRL), or Mineral Resource Overlay (MRO-NRL) districts as set forth in SCC 14.16.400, 14.16.410, 14.16.420, 14.16.430, and 14.16.440, respectively. (Ord. 17938 Attch. F (part), 2000)

#### **14.38.030 Disclosure.**

- (1) The statement set forth in Subsection (2) of this Section ("disclosure") shall be used under the following circumstances and in the following manners:
  - (a) Skagit County shall mail a copy of the disclosure, with an explanatory informational attachment to all landowners whose parcel(s) lie within an area or within 500 feet of an area designated as a Natural Resource Land in Skagit County beginning in the year 1999 and every 3 years thereafter; provided that no liability shall attach to Skagit County for any actions or omissions under this Subsection.
  - (b) Upon transfer of real property by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or any other means, the seller shall be required to record with the County Auditor a statement containing the language set forth in Subsection (2) of this Section in conjunction with the deed conveying the real property; provided, however, that the real property is located within 1 mile of the Agriculture Natural Resource Land (Ag-NRL), or 1/4 mile of Industrial Forest Natural Resource Land (IF-NRL), Secondary Forest Natural Resource Land (SF-NRL), or Rural Resource Natural Resource Land (RRc-NRL), or Mineral Resource Overlay (MRO-NRL) districts, as set forth in SCC 14.16.400, 14.16.410, 14.16.420, 14.16.430, and 14.16.440, respectively.
- (2) The following shall constitute the disclosure required by this Section:

This disclosure applies to parcels designated or within 1 mile of designated agricultural land or designated or within 1/4 mile of rural resource, forest or mineral resource lands of long-term commercial significance in Skagit County. A variety of Natural Resource Land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated Natural Resource Lands, and area residents should be prepared to accept such incompatibilities, inconveniences or discomfort from normal, necessary Natural Resource Land operations when performed in compliance with Best Management Practices and local, State, and Federal law.

In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. If you are adjacent to designated NR Lands, you will have setback requirements from designated NR Lands. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

Balance urban uses and environmental protection: This plan promotes an efficient and effective land use pattern within urban growth areas that respects environmental values by balancing urban uses with nature and open space. This will be achieved through careful site planning that maximizes developable land while respecting natural systems. This plan also proposes that the County consider community and joint planning to ensure natural systems continue functioning at a smaller geographical level while allowing the economy to expand.

Protect and retain rural lifestyles: This plan seeks to maintain the unique rural lifestyle for which Skagit County is widely known and cherished. Skagit County's rural communities and open spaces require protection and conservation from urban sprawl and suburban development patterns. Rural community character and open spaces are a valued part of Skagit County's diversity.

Protect and conserve agriculture, forest and mineral resource lands: Natural resource lands, such as farms and timber lands, provide economic, social, cultural and environmental benefits. This plan ensures that these areas, including mineral resource lands, continue to be viable today and into the future.

Protect and conserve the environment and ecologically sensitive areas, and preclude development and land uses which are incompatible with critical areas: This plan recognizes that the environment is an important public resource. Protecting and conserving the environment and ecologically sensitive areas is in the community's best interest. Development of areas susceptible to natural hazards may lead to inefficient use of limited public resources, jeopardize environmental resource functions and values, subject persons and property to unsafe conditions, and affect the quality of life.

Respect Property Rights: This plan respects private property rights by assuring that regulatory and administrative actions do not result in an unconstitutional taking of private property. Skagit County, in exercising its land use regulatory authority to protect the public health, safety and general welfare (Article XI Section 11 of the State Constitution), must respect private property rights by not exceeding the constitutional limits on its authority. Planning, land use regulations and zoning protect individual and community rights in the following ways:

- by avoiding nuisances by insuring against incompatible neighboring land uses;
- by balancing public and private responsibilities that may have conflicting interests;
- by providing predictability that enhances the value of private property;
- by incorporating trends of population growth and resource availability to provide necessary public facilities;
- by providing codes, ordinances and regulations that organize a community's physical layout;

- by protecting and conserving the natural resources that provide us with clean air and water;
- by protecting our heritage by preserving both natural and man-made resources, and scenic and cultural areas that generate civic pride;
- by assuring that each generation has responsibilities as a trustee of the environment for future generations;
- by attaining the widest range of land uses without degradation, risk to health or safety, or other undesirable and unintended consequences; and
- by recognizing that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the protection and enhancement of the environment;
- by recognizing existing non-conforming land uses and the development rights associated with them.

Encourage Citizen Participation and Involvement: This plan derives its strength from the thousands of citizens who have participated throughout the planning process to develop a vision for Skagit County's future. Skagit County has a diverse and vocal population whose opinions continually shape public policy. The development of Skagit County's Comprehensive Plan is the product of a planning process that included extensive public participation. Procedures provided for broad dissemination of all plan proposals and alternatives, opportunities for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services and consideration of and response to public comments.

## STRENGTHENING COMMUNITIES THROUGH LOCAL PLANNING

To be successful, plans must address a broad spectrum of issues that affect a community. The plans must address social as well as physical infrastructure needs. Skagit County's community planning efforts were designed to strengthen communities at three geographic levels: countywide, community, and inter-jurisdictional (with cities, towns, tribes, and other institutions). Functional plans overlay all three community-planning levels. At each planning level, issues and needs vary widely. Each plan will be tailored to those unique characteristics and specific issues. Countywide plans are regional in nature, community plans are defined by watershed boundaries, existing development patterns, or other physical features, and joint plans primarily address cities, towns, and Tribal Reservations and their Urban Growth Areas. Community plans will address the full range of issues for a healthy community, such as public safety, health and human services as well as land use and infrastructure. This menu approach allows the geographic scope of a plan to be determined based on local physical and natural features, political boundaries, issues and concerns.