CHAPTER 5

ENVIRONMENT

INTRODUCTION

The Environment Element provides the policy basis for the protection and regulation of critical areas as required by the GMA. Growth management, natural resource land conservation, and critical areas protection are interwoven in the framework intended to eliminate or minimize sprawl and the loss of environmental resources as well as to protect persons and property from unsafe conditions and sustain the quality of life. It is more costly to remedy the loss of critical areas than to conserve and protect them from loss or degradation. The inherent economic, social, and cultural values of critical areas should be considered in the development of strategies designed to conserve and protect lands.

In recognition of these common concerns, classification, and designation of critical areas is intended to preclude land uses and developments that are incompatible with critical areas. There are qualitative differences between and among critical areas. Not all areas and ecosystems are critical for the same reasons. Some are critical because of the hazard they present to public health and safety, some because of the values they represent to the public welfare. In some cases, the risk posed to the public by use or development of a critical area can be mitigated or reduced by engineering or design; in other cases that risk cannot be effectively reduced except by avoidance of the critical area. Hence, classification and designation of critical areas is intended to recognize the differences between these areas, and to provide appropriate regulatory and non regulatory actions.

Preparing development regulations that preclude uses and development incompatible with critical areas does not mean a prohibition of all uses or development. Rather, it means governing changes in land uses, new activities, or development that could adversely affect critical areas. For each type of critical area, the classification system and associated development regulations should prohibit inappropriate uses and provide a basis for the review and approval of other uses and activities in keeping with these goals and policies..

Critical areas designations overlay other land use designations. That is, if two or more land use designations apply to a given parcel or a portion of a parcel, both or all designations shall be made. Best management practices should be utilized where critical areas are designated. Future operations or expansion of existing operations should be done in consideration of protecting critical areas or reducing risks to public health, safety, and welfare.

There is a clear, positive association between strong environmental policies and a strong economy. It is the County's intent to enforce environmental policies that will conserve the natural environment and support appropriate growth and economic development.

GROWTH MANAGEMENT MANDATE

The following GMA Planning Goal is specific to the environment:

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

This Goal, taken in the context of the totality of the thirteen GMA Planning Goals, led to the following CPPs that provide specific guidance to the analysis and policies developed in this chapter:

- *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 10.1)*

- *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 10.2)*

- *The County shall reduce the loss of critical aquatic and terrestrial habitat by minimizing habitat fragmentation. (CPP 10.3)*

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

- *Skagit County shall recognize the river systems within the County as pivotal freshwater resources and shall manage development within the greater watershed in a manner consistent with planning practices that enhance the integrity of the aquatic resource, fish and wildlife habitat, and recreational and aesthetic qualities (CPP 10.5)*

- *Rural character shall be preserved by regulatory mechanisms through which development can occur with minimal environmental impact. (CPP 10.6)*

- *Development shall be directed away from designated natural resource lands, aquatic resource areas, and critical areas. (CPP 10.7)*

- *The conversion of tidelands to uplands by means of diking, drainage and filling shall be prohibited, except when carried out by a public body to*

implement a Comprehensive Plan for flood plain management or to respond to a natural disaster threatening life and property. (CPP 10.8)

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

- *When evaluating and conditioning commercial, industrial or residential development, Skagit County shall consider threatened or endangered wildlife (CPP 10.11)*

- *Skagit County shall enter into inter-agency agreements with appropriate state and local agencies and Native American Tribes for compliance with watershed protection, including but not limited to, the cumulative effects of construction, logging and non-point pollution in watersheds. (CPP 10.12)*

- *Skagit County and Cities and Towns, in cooperation with appropriate local, state and Federal agencies, shall develop and implement flood hazard reduction programs, consistent with and supportive of the Corps Feasibility Study. (CPP 10.13)*

- *The Skagit River Floodway and the Skagit River Floodplain shall be regulated to protect human life, property and the public health and safety of the citizens of Skagit County; minimize the expenditure of public money; and maintain flood insurance eligibility while avoiding regulations which are unnecessarily restrictive or difficult to administer.(CPP 10.14)*

- *Skagit County and Cities and Towns shall work together to provide ongoing public education about flooding in a coordinated and consistent program, and shall adopt a flood hazard reduction plan, that works together with the natural and beneficial functions of floodplains.(CPP 10.15)*

CRITICAL AREAS

The GMA requires local governments to designate and protect critical areas including wetlands, aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. Further, GMA requires counties and cities to develop policies and regulations that are based on “best available science”

WETLANDS

Wetlands are fragile ecosystems that serve a number of important beneficial functions. Wetlands assist in the reduction of erosion, siltation, flooding, ground and surface water pollution, and provide wildlife, plant, and fisheries habitats. Wetlands destruction or impairment may result in increased public and private costs or property losses.

AQUIFER RECHARGE AREAS

Potable water is an essential life-sustaining element. Most of Skagit County's potable water comes from groundwater and surface water . Once the source of potable water is contaminated, it is difficult, costly, and sometimes impossible to clean up. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people.

FREQUENTLY FLOODED AREAS

Flood hazard areas and other areas subject to flooding perform hydrologic functions and may present a risk to persons or property.

GEOLOGICALLY HAZARDOUS AREAS

Geologically hazardous areas include areas susceptible to the affects 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.

FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Fish and wildlife habitat conservation means maintaining species in suitable habitats within their natural geographic distribution through cooperative and coordinated land use planning beyond political boundaries.

GOAL A

Preserve and protect wetlands to prevent their continual loss and degradation.

Encourage the voluntary restoration and enhancement of lost or degraded wetlands.

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

Protect hydrologic functions and reduce the potential for physical injury and property damage associated with flooding.

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.

Protect, restore where practical, and enhance fish and wildlife populations and their associated habitats.

CLASSIFICATION AND DESIGNATION OF CRITICAL AREAS

Classification and designation of critical areas establishes the general distribution, location, extent, and quality of critical areas. In the circumstances where critical areas (e.g., aquifer recharge areas, wetlands, significant wildlife habitat, etc.) cannot be readily identified, these areas should be designated by performance standards or definitions, so they can be specifically identified during the processing of a permit or development authorization. Classifying, inventorying, and designating lands or areas does not imply a change in a landowner's right to use his or her land under current law.

GOAL A1

In cooperation with local, state, federal, and tribal agencies and jurisdictions, Skagit County shall identify, classify, designate, and map critical areas to protect and conserve them.

Policies

5A-1.1 Critical areas shall be identified based on the best available science.

a. The National Wetland Inventory Maps, U.S.D.A. Soil Conservation Service Soil Survey, Washington Department of Fish and Wildlife

Priority Habitats and Species Database and aerial photo overlays are examples of the information that shall be utilized in determining the approximate distribution and extent of wetlands in Skagit County.

b. Soil logs and surveys, geological information, well logs, and geological reports shall be utilized in identifying aquifers and aquifer recharge areas.

c. Hydrologic information such as Washington Department of Natural Resources water type maps, United States Geological Services streamflow data, and Federal Emergency Management Agency maps should be utilized in identifying frequently flooded areas.

d. Soil, geologic, topographic, seismic, volcanic, and hydrologic data shall be utilized in identifying geological hazardous areas.

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

5A-1.2 Critical areas shall be designated by definition and site assessment for conservation and protection.

a. Critical Areas shall be designated and mapped from general sources of critical area information based on best available science.

b. Critical areas shall be designated by performance standards or definitions.

c. Critical areas shall be designated upon completion of a site assessment done by a qualified professional during the process of a permit or development application.

5A-1.3 Critical areas shall be classified for conservation, protection, and risk.

a. The Washington State Rating System for Western Washington (Second Edition) shall be utilized to classify wetlands according to the function, value and uniqueness of wetlands in Skagit County.

b. Aquifer recharge areas shall be classified based on their vulnerability, susceptibility to contamination, and potable water quality and quantity.

c. Frequently flooded areas should be classified utilizing the 100-year floodplain designations as adopted by the Federal Emergency Management Agency and the National Flood Insurance Program.

d. Geologically hazardous areas (areas subject to erosion, sliding, earthquakes, or other geologic events) shall be classified based on the degree of risk to health, life, property and resources.

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

(i) Areas with which endangered, threatened, and sensitive species have a primary association;

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

(iii) All public and private tidelands suitable for shellfish harvest;

(iv) Kelp and eelgrass beds, and herring and smelt spawning areas;

(v) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;

(vi) Waters of the state as defined by WAC 222-16;

(vii) Lakes, ponds, streams, and rivers planted with game fish by a government or Tribal entity;

(viii) Areas with which anadromous fish species have a primary association and;

(ix) State Natural Area Preserves and Natural Resource Conservation Areas.

EDUCATION

GOAL A 2

Provide educational opportunities and the involvement of a well-informed citizenry in developing programs and regulations for the conservation and protection of critical areas.

Policies

5A-2.1 Educational opportunities should be encouraged that increase public and governmental understanding of the economic, social, cultural, and environmental values of critical areas.

a. Public access to publicly owned critical areas for scientific, educational and limited recreational use should be encouraged.

b. Educational programs should improve the understanding of storm water management, groundwater recharge, and groundwater and surface water quality and quantity issues, and encourage citizens to be water resource stewards.

c. Educational opportunities should increase public understanding of stream hydrology and the potential for major flooding in the Skagit River Basin.

5A-2.2 Readily available information should be assembled and distributed to educate and inform the public about: risks of known frequently flooded areas and geologic hazards; development practices that increase the risks to lives, property, infrastructure, resources and measures to minimize these risks.

INCENTIVES

GOAL A 3

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

Policies

5A-3.1 Areas of native vegetation and riparian corridors that connect wetland systems should be conserved and protected whenever feasible through incentive programs.

5A-3.2 Public and private programs should be encouraged and utilized to support the ability of wetlands to function naturally and provide landscape diversity.

5A-3.3 Public and private acquisition of critical areas should be encouraged for permanent conservation.

a. Critical areas of local and regional uniqueness and significance should be prioritized for acquisition.

5A-3.4 Economic incentive programs shall be implemented to encourage private participation in protecting and enhancing aquifer recharge and surface and ground water quality.

a. Reuse of water shall be encouraged and incentives provided for use of best management practices.

b. Incentives shall be developed that encourage industries, businesses and homes to use water conservation technologies and practices.

c. Incentive programs shall be established to maintain and restore conveyance capacity and natural water storage areas.

5A-3.5 Incentives shall be developed to protect critical areas in agriculture and forestry land.

5A-3.6 The protection of Habitat Conservation Areas shall be encouraged through acquisition, incentives, and other techniques.

5A-3.7 Native plant communities and fish and wildlife habitat enhancement shall be promoted through voluntary incentive programs.

INTERGOVERNMENTAL COORDINATION / COOPERATION

GOAL A 4

Improve communication and seek cooperation and coordination among county, city, state, tribal, federal agencies, and the public to avoid duplication and achieve efficiency and effectiveness in development of standards, policies, regulations, programs, projects, planning and funding efforts that conserve and protect critical areas.

Policies

5A-4.1 The use of inter-agency agreements among county, city, state, federal and tribal agencies shall be encouraged for conservation and protection of critical areas when developing regulations, incentives, and monitoring/enforcement strategies.

a. Local, state, federal and tribal governments shall be consulted in the development of land use plans and development review to identify and protect habitat networks on an inter-jurisdictional basis.

b. Local, state, federal agencies, tribes and private interests shall be encouraged to plan and implement methods to protect and enhance water quality at commercial, recreational, and subsistence shellfish beds, including controlling potential new pollution sources, reducing pollution from existing sources, and establishing shellfish protection districts. Three watershed specific, nonpoint action plans currently exist and are incorporated as a part of this chapter:

(i) Nookachamps Watershed Nonpoint Action Plan, May 18, 1995

(ii) Bayview/Padilla Bay Watershed Nonpoint Action Plan, May 30, 1995

(iii) Samish Watershed Nonpoint Action Plan, December, 1995

c. In coordination with the Washington Department of Ecology, and based in part, on information obtained through aquifer recharge investigations, Skagit County shall recommend areas where exemptions for ground water withdrawal be eliminated.

d. Coordination with state and tribal programs to protect plant species and communities listed in the Natural Heritage Program, the Priority Habitats and Species (PHS) Program and plant species of cultural (tribal) significance should be maintained.

5A-4.2 Wetland inspections/delineation training requirements should be coordinated with other Federal and State agencies.

5A-4.3 Critical area conservation and protection strategies shall be coordinated with watershed planning efforts and watershed implementation plans.

5A-4.4 All existing county land use regulations shall be reviewed and, where appropriate, modified to eliminate redundancies or conflicts with other county, state or federal requirements for conserving and protecting critical areas and the public to promote a consistent and more efficient regulatory framework.

5A-4.5 Annual evaluations and prioritized recommendations for non-point source pollution control (such as from Watershed Action Plans and Water Quality Management Plans) shall be implemented where found to be feasible and most cost-effective.

5A-4.7 Skagit County shall continue to work cooperatively with the cities, towns, and the Army Corps of Engineers to in flood hazard mitigation planning and projects.

5A-4.8 The County shall encourage the restoration of appropriate degraded critical areas through coordinated cooperative public and private efforts.

PROTECTION AND CONSERVATION MEASURES

GOAL A5

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

Policies

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.

Wetlands

a. The greatest level of protection should be provided to wetlands of exceptional resource value which are defined as those wetlands that include rare, sensitive or irreplaceable systems, as referenced in Washington State Wetland Rating System (Second Addition) August 1993.

b. Measures shall be taken to protect the natural ability of wetlands to improve the quality of surface water runoff, hold and gradually release storm water, function as primary producers of plant matter, provide habitat for fish and wildlife, provide recreational opportunities, and provide historical and cultural values.

c. Mitigation projects shall, whenever feasible, contribute to an existing wetland system or restore an area that was historically a wetland.

d. A wetland buffer zone of adequate width should be maintained between a wetland and any adjacent development to protect the functions and integrity of the wetland. Where buffers are required, adequate buffer widths and protective mechanisms, using best management practices to sustain the buffer functions, shall be established.

e. Wetland buffer zones should be retained in their natural condition to the greatest extent possible. Re-vegetation may be required to restore the functional value of the buffer zone.

f. Regulated wetlands and their associated buffer zones shall be protected from adverse wetland impacts to their overall functions. No wetland or buffer zone alteration should be authorized unless it can be shown that the impact is unavoidable and that the adverse impacts are offset by deliberate restoration, creation or enhancement of wetlands and buffer zones.

Aquifer Recharge Areas

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

h. 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.

i. Seawater Intrusion Policies will be formulated by the Skagit County Department of Health for the islands and those coastal areas of the mainland where seawater intrusion has been documented.

Frequently Flooded Areas

j. Undisturbed natural rivers, streams, lakes, wetlands, and floodplains shall be protected to avoid increases in flood elevations, to reduce flood damage, and to allow proper conveyance of flood flows.

Fish and Wildlife Habitat Conservation Areas

k. Stream and wetland buffers shall be set so as to protect habitats associated with riparian dependent species.

l. Habitat fragmentation shall be minimized to enhance wildlife diversity by protecting important wildlife areas, open space, and interconnecting corridors that form a continuous habitat network.

m. Protective measures will be required in all areas that have the potential to introduce sediments into fish bearing streams, unless the applicant can adequately demonstrate that other mitigating measures will avoid impacts to instream resources.

n. Habitats or species that have been identified as priority species or priority habitats by the state, federal or tribal governments should not be reduced and should be preserved through regulation, acquisition, incentives and other techniques. The County should determine which habitats are of local importance.

o. The level of protection for HCAs shall be commensurate with the resource population status and management objectives as determined by appropriate resource managers.

p. Native vegetation shall be preferred and retained over exotic species in Fish and Wildlife Conservation Areas.

q. Native plant communities should be integrated with land uses wherever possible.

5A-5.2 Land uses that are incompatible with Critical Area designation shall be limited.

Frequently Flooded Areas

a. Low intensity land use activities such as agricultural, forestry, and recreational land uses should be encouraged in floodplain areas and other land uses in these areas should be discouraged.

b. Land uses, densities, and development activities in the floodplain and coastal high hazard areas should be limited to protect public health, safety, and welfare, to minimize expenditure of public money and costly flood control projects, and to maintain hydrologic systems.

Geologically Hazardous Areas

c. Low land use densities and intensities or open space shall be preferred in geologically hazardous areas where this practice can provide site specific mitigation.

d. Land use regulations and practices for geologically hazardous areas shall be established so that development does not cause or exacerbate natural processes that endanger lives, property, infrastructure, and resources on or off site.

Fish and Wildlife Habitat Conservation Areas

e. Fish and Wildlife Habitat Conservation Areas shall be protected against habitat degradation to the fullest extent possible while allowing reasonable use of property.

f. Urban density development in the County and adjacent to Habitat Conservation Areas shall be sited such that HCA functions and values are protected.

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

Wetlands

a. Development adjacent to wetlands should be sited such that wetland and buffer functions are protected and an adequate buffer around the wetland is left undisturbed.

b. Alterations to wetlands that are allowed in order to maintain or enhance specific wetland functions and values, shall consider all quantitative and qualitative functions of the wetlands and required buffers.

Aquifer Recharge Areas

c. Consistent with state and federal laws and regulations, the County shall develop in unincorporated areas and facilitate on a county-wide basis performance standards and regulate uses for activities which can adversely impact water quality or quantity in aquifers, watersheds, and surface waters.

d. Performance standards shall be established to maintain aquifer recharge and protection and require that new developments meet these performance standards and that existing facilities be retrofitted, where feasible, to meet the standards.

Frequently Flooded Areas

e. Development regulations shall be adopted that prohibit intensive uses such as urban subdivisions, multi-family dwellings, commercial buildings, and industrial parks in the floodplain.

f. The construction of critical facilities (i.e. schools, hospitals, policies, fire, emergency response installations, nursing homes, and installations which produce, use or store hazardous materials or hazardous waste) should be prohibited within the 100 year floodplain.

g. Development shall protect water quality and minimize run-off by limiting impervious surfaces, grading and filling, as well as maximizing vegetative cover and other best management practices.

h. Flood-proofing of substantial improvements and new structures in frequently flooded areas shall be required.

i. Where the effects of hazards can be mitigated, appropriate design standards shall be required for site development livestock sanctuary areas within the 100-year floodplain.

j. Best management practices shall be required for maintaining the river channel configurations during dredging and gravel removal.

Geologically Hazardous Areas include erosion hazards, landslide hazards, mine hazards, volcanic hazards and seismic hazards

k. Critical facilities (i.e., schools, hospitals, police, fire, emergency response installations, nursing homes, and installations which produce, use or store hazardous materials or hazardous waste) should be prohibited in geologically hazardous areas.

l. Development proposals in designated geologically hazardous areas, where applicable, shall include a geotechnical report and a mitigation plan for development activities, with the amount of information required based on the severity of the geologic hazard and the susceptibility of the development on or off site.

m. Independent third party review of geotechnical reports for development in designated geologically hazardous areas may be required by the planning director when the report is found to be deficient with the review to be paid for by the applicant as a way of expediting development permits.

n. Any development should be carried out in a way that will not cause or exacerbate hazardous geological conditions.

o. Public or private utility service or extensions (sewer, water, natural gas, and electric) should be discouraged in geologically hazardous areas and carefully sited to avoid potential damage to the utility or properties.

p. When residential development is proposed in areas subject to geologic hazards it should be clustered and the development designed to minimize risk to human life, property, and the natural environment.

Fish and Wildlife Habitat Conservation Areas

q. New development within or adjacent to HCAs should incorporate design elements that protect wildlife habitat values.

r. All development that may significantly adversely impact HCAs shall require a mitigation plan, prior to any permit approval. A threshold shall be established on a case by case basis by a qualified professional.

s. Storm water runoff, flow rates, flow volumes and pollution caused by site development shall be managed so that detrimental impacts to water resources and property are maintained at pre-development levels.

t. Clearing and grading ordinances shall be developed to avoid impacts of erosion on critical areas.

u. Impacts to fish and wildlife resources associated with instream flows shall be considered in the Comprehensive Plan and development regulations.

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

a. Performance standards shall be adopted through appropriate codes and administrative procedures for development in critical areas; including, but not limited to:

(i) Critical area report information and analysis;

(ii) Site inspections and development review of construction within critical areas;

(iii) The use of critical area designations to prohibit, restrict, or otherwise control land uses within short subdivisions, subdivisions, and residential cluster developments;

(iv) The use of protective covenants or conservation easements to protect critical areas in non-land division developments.

b. Land used for critical area mitigation should be preserved in perpetuity. Monitoring and maintenance of critical area mitigation sites shall be provided until the success of the site is established.

c. Monitoring of the mitigation site should take appropriate measures utilizing one or more of the following:

(i) Applicants should develop comprehensive mitigation plans in order to ensure long term success of the mitigation project. Such plans should provide for sufficient monitoring, maintenance, and contingencies to ensure mitigation persistence.

(ii) Applicants should demonstrate sufficient scientific expertise, supervisory capability and financial resources to complete and monitor mitigation projects and address cumulative impacts to the surrounding area.

(iii) Applicants should restore critical areas that are temporarily impacted by development upon project completion.

(iv) During development review, applicants should identify potential erosion and sedimentation impacts and submit appropriate mitigation plans that shall be monitored during construction and assessed periodically thereafter.

d. Critical area mitigation proposals should improve overall critical area functions, recognizing that it may be inappropriate to impact certain critical areas. All critical area functions shall be considered.

5A-5.5 Wetland, fish and wildlife habitat conservation areas, and aquifer recharge areas should be either maintained, restored, acquired, replaced or enhanced.

a. In-kind replacement of functions and values of critical area is preferred. Where in-kind replacement is not feasible or practical due to the characteristics of the existing critical area, substitute resources of equal or greater ecological value should be provided.

b. On-site replacement of critical area impact is preferred. Where on-site replacement is not feasible or practical due to characteristics of the existing critical area location, replacement should occur within the same watershed and proximity.

c. Critical area restoration, creation, and enhancement projects should be completed prior to alteration, where possible. In all other cases, replacement should be completed prior to use or occupancy of the development.

d. The County shall place a high priority on the proper placement or other correction of all identified county road culverts causing blockage of fish passage.

e. Acquiring additional natural water storage areas, drainage systems and conveyance capacity should be accomplished through public means.

f. Protection of aquifer recharge areas and potable water resources is preferred, and restoration should be supported where warranted by cost-benefit analysis or limited water supply.

g. Compensatory storage and a "no net loss" land use approach to maintaining flood water storage capacity and conveyance shall be required in frequently flooded areas.

5A-5.6 Develop enforcement procedures to ensure compliance with applicable Skagit County ordinances.

a. Enforcement action shall be taken whenever a person has violated the provisions of any applicable Skagit County ordinance used for critical area protection.

b. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or the public resources.

5A-5.7 With the exception of activities that are exempt under the Critical Areas Ordinance (CAO), any proposed alteration that adversely affects a critical area or its standard buffers' functions shall comply with the substantive and procedural requirements of the CAO regardless of whether such alteration requires a County development permit or approval.

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.

a. If any damage is caused to a critical area or buffer, in connection with an exempt activity, the critical area and its buffer shall be restored to the extent feasible.

~~GOAL A6~~

~~*Avoid intensification of hazards in Frequently Flooded Areas, and protect life, property, and sensitive lands including critical areas and Agricultural-Natural Resource Lands.*~~

~~**5A-6.1** To avoid intensification of hazards in Frequently Flooded Areas...~~

~~5A-6.2 Develop and implement means to enable the transfer of development…~~

DRAFT POLICY REMOVED. Goal A6 and policies 5A-6.1 and 5A-6.2 are not being considered for adoption due to the need for further information or development. To view the policy language, please refer to "Policies For Future Consideration," Page 20 of this chapter. Your comments regarding removed policies are also welcome and encouraged.

AIR QUALITY

Although not identified as a critical area under the Growth Management Act, air quality is a crucial component of a healthy environment. The livability of Skagit County is dependent upon good air quality, which is affected by the interrelationship of land use and the activities of people, industries, and natural resource enterprises.

Skagit County seeks to maintain a high level of air quality by working cooperatively with the Northwest Air Pollution Authority (NWAPA) to minimize individual and industrial impacts on air quality. The County will work with NWAPA to minimize public exposure to airborne pollutants and nuisance odors by assuring regulatory accountability. Skagit County will accomplish this by supporting transportation policies that reduce air pollution; encouraging alternatives to outdoor burning; promoting environmentally sound heating methods; and assuring that industrial growth utilizes environmentally sound business processes.

The Transportation Element and the Transportation Systems Plan address air quality.

[See next page for list of policies removed

pending more information or development]

Draft Goal and Policies Removed Pending More Information or Development

The goal and policies below were removed from the policy section of this chapter (where indicated), and are NOT proposed to be adopted as part of this updated Comprehensive Plan. More information or work is needed to determine the measures necessary to put these policies into practice.

Please comment: As you prepare your comments on this Comprehensive Plan, please include comments on any or all of the removed policies below. This will assist Skagit County policy makers in further developing or determining the appropriateness of these policies for possible future adoption. In your comments, please refer to policies by their full number below (for example, "REM-5A-6.1").

Removed Goal and Policies:

GOAL REM-A6

Avoid intensification of hazards in Frequently Flooded Areas, and protect life, property, and sensitive lands including critical areas and Agricultural-Natural Resource Lands.

REM 5A-6.1 To avoid intensification of hazards in Frequently Flooded Areas, as well as protect life, property, and sensitive lands including critical areas and Agricultural-Natural Resource Lands (Ag-NRL), the County will reduce development potential on Ag-NRL and/or 100-year floodplain lands through the following means:

a. Prohibit the creation of new lots for non-agricultural purposes on land designated Ag-NRL and other lands within the 100-year floodplain.

b. Implement code requirements allowing residences on Ag-NRL only as an accessory use to a farm operation. Consider alternative means to achieve this goal if the current code requirement is not enforceable.

c. Prohibit construction of critical public facilities in the 100-year floodplain [this is already called for in existing/proposed CP policy 5A-5.3(f)].

d. Plan and build the required infrastructure to ensure that water can be drained from flooded areas as quickly as possible (e.g. the flood gate at Fisher Slough).

e. Eliminate Ag-NRL code provisions that allow development that is incompatible with agricultural uses.

f. Establish stricter standards for Urban Growth Area (UGA) expansions into Ag-NRL and the 100-year floodplain.

g. Within UGAs, work with cities and towns to plan greenbelts and parklands in frequently flooded areas and move development away from the Skagit River.

REM-5A-6.2 Develop and implement means to enable the transfer of development rights from lands designated Ag-NRL and/or in the floodplain to upland areas, including:

a. Explore a transfer of development rights program to enable the transfer of development rights from Ag-NRL and the floodplain to certain designated Rural Areas and/or UGAs.

b. Expand funding for the County's purchase of development rights program – the Farmland Legacy Program – to purchase development rights in the floodplain.

c. Allow new Fully Contained Communities in certain rural upland areas, as authorized by RCW 36.70A.350 and proposed by new policy 2A-3.5 in the Land Use Element.

d. Perform planning and analysis to support the proposed relocation of the Town of Hamilton from the floodplain to an adjacent upland area, to complement and support work of the Hamilton Public Development Authority.

e. Continue to support residential development at the Bayview Ridge UGA as an important component of providing housing options out of the floodplain to new residents of Skagit County.