

CHAPTER 4

NATURAL RESOURCE CONSERVATION

INTRODUCTION

Natural Resource Lands are the cornerstone of Skagit County's economy, community, and history. As such, their protection and enhancement is of paramount importance to Skagit County and its citizens. The Natural Resource Conservation Element establishes the purpose and intent of land use policies for agricultural, forest and mineral natural resource lands. These policies guide long-range planning, programs and regulations to conserve natural resource lands. In cases where some residential use is allowed on natural resource lands, development will occur in a manner that minimizes both the amount of land converted to non-resource uses, and the associated impacts to long-term management of the natural resources.

GMA MANDATE

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

This Goal, taken in the context of the thirteen GMA Planning Goals, led to the following County-wide Planning Policies (CPPs) that provide specific guidance to the analysis and policies developed in this section:

- *Commercial and industrial activities directly related to local natural resource production may be allowed in designated natural resource areas provided they can demonstrate their location and existence as natural resource area dependent businesses. (CPP 5.4)*
- *The primary land use within designated forest resource lands shall be commercial forestry; residential development shall be strongly discouraged within designated forest resource lands. (CPP 5.9)*

- *Lands within designated agricultural resource areas should remain in large parcels and ownership patterns conducive to commercial agricultural operations and production. (CPP 5.10)*
- *Skagit County shall conserve agriculture, aquaculture, forest and mineral resources for productive use by designating natural resources lands and aquatic resources areas, where the principle and preferred land uses will be long term commercial resources management. (CPP 5.11)*
- *Identified critical areas, shorelands, aquatic resource areas and natural resource lands shall be protected by restricting conversion. Encroachment by incompatible uses shall be prevented by maintenance of adequate buffering between conflicting activities. (CPP 8.1)*
- *Land uses adjacent to agricultural, forest, or mineral resource lands and designated aquatic resource areas shall not interfere with the continued use of these designated lands for the production of food, agricultural and aquatic based products, or timber, or for the extraction of minerals. (CPP 8.2)*
- *Forest and agricultural lands located within urban growth areas shall not be designated as forest or agricultural land of long-term commercial significance unless a program authorizing transfer or purchase of development rights is established. (CPP 8.3)*
- *Mining sites or portions of mining sites shall be reclaimed when they are abandoned, depleted, or when operations are discontinued for long periods. (CPP 8.4)*
- *Long term commercially significant natural resource lands and designated aquatic resource areas shall be protected and conserved. Skagit County shall adopt policies and regulations that encourage and facilitate the retention and enhancement of natural resource areas in perpetuity. (CPP 8.5)*
- *When plats, short plats, building permits and development permits are issued for development activities on or adjacent to natural resource lands and aquatic resource areas, notice shall be provided to those seeking permit approvals that certain activities may occur that are not compatible with residences. (CPP 8.6)*
- *Fishery resources, including the county's river systems inclusive of their tributaries, as well as the area's lakes, associated wetlands, and marine waters, shall be protected and enhanced for continued productivity. (CPP 8.7)*

- *Skagit County shall encourage sustainable use of the natural resources of the county, including but not limited to agriculture, forestry, and aquatic resources. (CPP 8.8)*
- *Skagit County shall conserve agricultural, aquatic based, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas where the principal and preferred land uses will be long term commercial resource management. (CPP 8.9)*

CHAPTER ORGANIZATION

AGRICULTURAL RESOURCE LANDS

The Agricultural Resource Lands section establishes policies that ensure the long-term stability and productivity of the county's agricultural lands and industries. These policies are intended to provide clear guidelines for land use planning and implementation in agricultural areas. Also included are policies to establish programs and other measures that promote and protect the current and future needs of agriculture within Skagit County.

FOREST RESOURCE LANDS

The intent of the Forest Resource Lands section is to ensure that forest lands of long-term commercial significance are conserved and managed to provide for sustainable forest yields, job stability, ecological values and the continuation of a viable commercial forest industry in Skagit County. Conservation of forest land will maintain the land base needed to produce the timber for the long-term economy. Conservation of these resources must be assured through measures designed to prevent incompatible development on or adjacent to natural resource lands.

RURAL RESOURCE LANDS

Rural Resource Lands are a mixture of natural resource lands that include the productive characteristics and uses of agriculture, forest or mineral resource lands and as such, the goals, objectives and policies for each of those designations are applicable to the Rural Resource Lands designation. Natural resource uses on these lands are generally smaller in scale than on other resource lands. Conservation of these lands is an important component in the long-term economic viability of countywide natural resource lands.

MINERAL RESOURCE OVERLAY

Skagit County supports environmentally responsible and safe mineral resource extraction and processing activities. Mineral lands of long-term commercial significance are to be designated to conserve the mineral resource. These designations apply to areas within other natural resource lands where mining and processing activities are economically and environmentally feasible and where conflicts with other land uses can be minimized. Because mineral resources cannot be replaced or relocated, Skagit County designates all commercially significant mineral resources to ensure that these lands are available for resource production far into the future.

RIGHT TO MANAGE NATURAL RESOURCE LANDS

A variety of natural resource land management activities may not be compatible with non-resource uses and may be inconvenient or cause discomfort to those residing in or near designated natural resource lands. Through mandatory disclosure policies, this section seeks to minimize nuisance complaints regarding normal and necessary natural resource lands operations.

NATURAL RESOURCE LANDS CLEARINGHOUSE

Skagit County operates a number of programs for the preservation of natural resource lands and related economic activities. This section provides ways in which these programs and their staffing can be organized and function as a coordinated clearinghouse for the on-going delivery of research, services, and education that are needed to achieve the goals of this chapter.

AGRICULTURAL RESOURCE LANDS

Introduction

Agricultural Resource Lands are those lands with soils, climate, topography, parcel size, and location characteristics that have long-term commercial significance for farming. Skagit County is committed to preserving and enhancing the agricultural land base and promoting economic activities and marketing support for a strong agricultural industry. The agricultural community faces significant challenges in preserving the agricultural land base and a viable agricultural industry, including: conversion of agricultural lands to development and inappropriate habitat restoration; conflict with neighboring residential uses; drainage impacts; and other disruption of agricultural lands functions and values. The following policies are intended to ensure the stability and productivity of agriculture in Skagit County.

Agricultural Resource Designation Criteria

GOAL A-1

Maintain land use designation criteria and densities for agricultural natural resource lands. Designate and map long-term commercially significant agricultural resource land accordingly.

Policy 4A-1.1 Agricultural Resource Lands Designation Criteria

The following criteria shall be considered when designating Agricultural Resource Lands:

- (a) Generally, all lands in unincorporated Skagit County which are parcels 5 acres or greater, and that contain “prime farmland soils” as determined by the USDA Natural Resource Conservation Service, shall be identified (see Agricultural Lands Profile for a description of prime farmland soils).
- (b) Then those lands meeting the parcel size and soils shall be retained in Agricultural Resource Lands designation, provided that a majority of the area falls within the 100-year floodplain as adopted by the U.S. Federal Emergency Management Agency (FEMA).
- (c) Parcels meeting both (a) and (b) above shall be further evaluated for inclusion or exclusion in Agricultural Resource Lands based upon the following additional factors:
 - (i) The land is in a current-use tax assessment program derived from the Open Space Taxation Act, RCW 84.34 as it pertains to agriculture.
 - (ii) The land is currently in agricultural use or has been in agricultural use within the preceding ten years.
 - (iii) Existing land uses are primarily agricultural and minimal financial commitment to non-farm uses has been made.
 - (iv) The area includes special purpose districts (such as diking and drainage districts) that are oriented to enhancing agricultural operations, including drainage improvement and flood control.

- (v) Adjacent lands are primarily in agricultural use.
 - (vi) Land use in the area demonstrates a pattern of landowner capital investment in agricultural operation improvements such as irrigation, drainage, manure storage, barn refurbishing, enhanced livestock feeding techniques, agricultural worker housing, etc.
- (d) Parcels that may not meet any of the criteria described in (a), (b), and (c) above may nonetheless be included to provide logical boundaries to the Agricultural Resource lands designation and to avoid small “islands” or “peninsulas” of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet some or all of the criteria described in (a), (b), and (c) above may be excluded to provide logical boundaries to the Agricultural Resource lands designation and to avoid conflict with existing land uses.

Policy 4A-1.2 Agriculture Resource Land Density Policy:

Residential gross densities for new land divisions in lands designated as Agriculture Resource shall be one (1) residential dwelling unit per 40 acres or 1/16 of a section.

Agricultural Resource Land Policies

GENERAL POLICY GOALS: AGRICULTURAL RESOURCE LANDS

Protect the agricultural land resource and farming in Skagit County; endeavor to minimize the loss of the resource; mitigate unavoidable losses; and replace lost resources whenever possible. These principles shall guide Skagit County’s actions to:

- *Preserve agricultural land for agricultural uses;*
- *Limit new non-agricultural uses and activities on agricultural resource lands;*
- *Provide education and support services that maintain the farming industry and lifestyle;*

- *Promote the economic benefits of farming;*
- *Resolve conflicts between agricultural and environmental objectives; and*
- *Monitor the long-term achievement of the goals and policies.*

GOAL A-2: AGRICULTURAL SUPPORT PROGRAMS

Support the Agricultural Advisory Board and other programs such as the Farmland Legacy Program for the purpose of promoting a viable agricultural land base and a healthy agricultural industry.

Policy 4A-2.1 Agricultural Advisory Board

The Agricultural Advisory Board shall represent agricultural producers; reflect the diversity of agriculture; advocate sound agricultural policies and programs for Skagit County and promote economic opportunities for agriculture.

Policy 4A-2.2 Conservation Futures Advisory Committee

The Conservation Futures Advisory Committee shall promote the preservation of agricultural land for use as farmland, including through its role in recommending purchases of permanent conservation easements on agricultural land and other lands of strategic significance.

Policy 4A-2.3 Farmland Legacy Program

The Farmland Legacy Program shall continue to lead and coordinate agricultural policy efforts and farmland protection. The Farmland Legacy Program shall coordinate both the Agricultural Advisory Board and the Conservation Futures Advisory Committee.

Policy 4A-2.4 Agricultural Resource Lands Database

Skagit County shall maintain a database of current information on land uses, farming activities, conversions of agricultural lands for development or habitat, soils, drainage systems, and other quantifiable factors for the purpose of monitoring and conserving agricultural lands.

Policy 4A-2.5 Agricultural Lands Status Report

Skagit County, through the Farmland Legacy Program, shall prepare a periodic report on the “state of Skagit County agriculture” using the US Census of Agriculture and other sources. The report shall include case studies and other information describing successes in implementing conservation easements, purchase of development rights (PDR), and other strategies. The report shall make recommendations for actions and steps for improvement based on the viability of the agricultural land base and strength of industry.

Policy 4A-2.6 Farmland Preservation Incentives

The Agricultural Advisory Board, Conservation Futures Advisory Committee and Farmland Legacy Program shall work to formulate strategies for improvements to agricultural production, marketing, processing, and farm labor practices and to develop and maintain programs which offer financial and other incentives to farm owners to preserve farmland for agricultural uses and to reduce their reliance on subdivision of land to raise operating capital.

Policy 4A-2.7 Agricultural and Critical Area Goals

The Farmland Legacy Program will develop a County-coordinated working group of non-profit organizations, industry groups and County agencies to reconcile, where possible, conflicts between the goals of protecting critical areas and habitat with those of preserving farmland for agricultural purposes.

Policy 4A-2.8 Natural Resource Lands Information Clearinghouse

Skagit County shall develop a Natural Resource Information Clearinghouse to collect and disseminate information to benefit long-term productive management of natural resource lands, including agricultural resource lands. Functions of the Natural Resource Lands Clearinghouse are described under Goal F of this Chapter.

Policy 4A-2.9 Financial and Estate Planning

Encourage appropriate agencies to sponsor a variety of continuing educational and technical assistance programs to help farmers with financial planning. Such programs should emphasize options to protect farmland, business planning, farm transition planning, estate planning and conservation programs, techniques and strategies.

Policy 4A-2.10 Sustainable Agricultural Practices

Information will be made available to landowners about sustainable agricultural practices, best management practices, and generally accepted management practices.

Policy 4B-2.11 Promote Agricultural Products

Create and facilitate opportunities to promote and market agricultural products grown or processed in Skagit County through local branding.

Policy 4A-2.12 Promote Public Awareness

Encourage public awareness of the value of agriculture to the county. Develop printed materials or other media that illustrate the contributions of agriculture to the county, the challenges facing agriculture, and that promote agricultural lifestyle.

Policy 4A-2.13 Promote Education

Encourage educational programs for public schools as part of the basic education of the county's youth. Emphasize the contributions of agriculture in the county and the need to protect and preserve this valuable resource base.

GOAL A-3: PRESERVE AGRICULTURAL LAND BASE AND USE

Promote preservation of agricultural land for agricultural uses, minimize non-farming uses on agricultural lands; and develop incentive programs to promote farming.

Policy 4A-3.1 Long-Term Designation of Agricultural Lands

Designation of Agricultural Lands is intended to be long-term. De-designation is discouraged, but may be considered only when compelled by changes in public policy, errors in designation, new information on resource lands or critical areas, circumstances beyond the control of the landowner, or an overriding benefit to the agricultural industry.

Policy 4A-3.2 Regulatory and Financial Measures

DRAFT POLICY REMOVED. This policy is 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 44 of this chapter. Your comments regarding removed policies are also welcome and encouraged.

Policy 4A-3.2 Development Rights Program

Maintain and continue to fund the voluntary purchase of development rights through the Farmland Legacy Program to limit potential conversions or development in agricultural lands.

Policy 4A-3.3 Conservation Easements

Where legally subdivided land would promote incompatible residential development, encourage the voluntary donation of conservation easements or other development restrictions to Skagit County or to a qualified private nonprofit organization for the purpose of preserving the perpetual agricultural use of the land.

GOAL A-4: ALLOWABLE LAND USES

Land uses allowed on designated agricultural land shall promote agriculture, agricultural support services, and promote diverse agricultural industries.

Policy 4A-4.1 Agricultural Production

Agricultural production is the highest priority use in designated agricultural resource lands.

Policy 4A-4.2 Agricultural Support Services

Facilitate agricultural production by allowing agricultural processing facilities, direct farm sales, and agricultural support services that support long term agricultural use.

Policy 4A-4.3 Farm-Based Business

Farm-based businesses shall be allowed as an accessory use in Agricultural Resource Land. Farm-based businesses are an accessory use, secondary to the primary agricultural use of a farm property, and shall not interfere with adjacent farming operations, cause nuisances for nearby residences or generate large amounts of traffic.

Policy 4A-4.4 Residential Uses

Residential uses shall be allowed only as an accessory use in Agricultural Resource Land per Policy 4A-1.2 Agricultural Resource Land Density Policy.

Policy 4A-4.5 Special Events and Activities

Special events and activities on agricultural lands shall be conducted in ways that reduce potential impacts resulting from the activity. Those impacts include but are not limited to traffic, litter, trespass, and sanitation.

Policy 4A-4.6 Habitat Restoration Projects

Habitat restoration projects are a permitted use on agricultural lands so long as it is shown through project review that the proposed restoration project does not have an adverse impact on hydrologic functions, drainage infrastructure or the ongoing agricultural use of adjacent properties.

GOAL A-5: MINIMIZE LAND USE CONFLICTS

Minimize land use conflicts and promote mitigation of conflicts on the lands adjacent to agricultural resource lands.

Policy 4A-5.1 Right to Manage Agricultural Resource Lands

Goal E, Right to Manage Natural Resource Lands, applies to all lands designated Agricultural Resource Lands to protect agricultural landowner rights to manage their lands for agricultural uses.

Policy 4A-5.2 Deed Restrictions

All real estate transactions involving residential development on or within one mile of agricultural resource lands shall contain recorded documentation of the

residential owners' acknowledgment of the potential farming activities and receipt of the Right-to-Manage Natural Resource Lands information.

Policy 4A-5.3 Cluster Development

Clustered lots within or adjacent to an NRL designation shall be placed to minimize potential impacts to natural resource land production on both the subject property and any adjacent resource lands.

Policy 4A-5.4 Residential Setbacks

All residential development adjacent to agricultural resource lands shall be set back from common property lines in order to protect agriculture from the impacts of incompatible development and to mitigate against the effects of agricultural operations on the residential developments.

Policy 4A-5.5 Skagit Drainage and Fish Initiative

Within the Drainage Districts, identified in the Skagit Drainage and Fish Initiative, the agreements for maintenance, fish protection, and habitat restoration outlined in the Memorandum of Understanding (MOU) will predominate over local regulations. The MOU, developed by the Western Washington Agricultural Association (WWAA) and Washington Department of Fish and Wildlife (WDFW) is designed to reduce conflicts between different users in the Skagit and Samish River Deltas. The Skagit River Systems Cooperative (SRSC) participated in meetings and this Initiative represents movement toward overall reduced conflicts. This policy supports this movement.

Policy 4A-5.6 Drainage Plans

Minimize and mitigate flooding and drainage impacts on agricultural lands. Skagit County Public Works shall develop criteria to review development proposals for drainage impacts on agricultural lands. Drainage plans for minimizing impacts of development shall be circulated to the affected Drainage District for comment prior to issuance of permits by Public Works.

FOREST RESOURCE LANDS

INTRODUCTION

Forest Resource Lands are those lands that due to soils, climate, topography, parcel size, and location have long-term commercial significance for forestry. Skagit County is committed to preserving and enhancing the forest land base and promoting a strong forestry industry. The intent of these goals and policies is to ensure that forest lands of “long-term commercial significance” are conserved and managed to provide for sustainable forest yields, job stability, ecological values and the strengthening of a viable commercial forest industry in Skagit County. Conservation of forest land resources must be achieved through measures designed to preserve the land base, reduce the conversion of forest lands to other uses, prevent incompatible development on or adjacent to resource lands, and provide incentives to managing forest lands of all sizes for forestry.

GOAL B-1: FOREST RESOURCE DESIGNATION AND DENSITY POLICIES

Establish land use designation criteria and densities for forest resource lands.

Policy 4B-1.1 Industrial Forest Land Designation Criteria

The following criteria shall be considered when classifying Industrial Forest lands:

- (a) All lands in unincorporated Skagit County shall be screened for Industrial Forest designation based on an average parcel size of 40 acres or greater, with one or more of the following characteristics:
 - (i) The area contains WA State Department of Revenue – Private Forest Land Grade (PFLG) soils 1-5.
 - (ii) The area includes lands which are primarily devoted to and used for growing and harvesting timber.
- (b) Lands meeting (a), located in blocks of contiguous parcels approximately 160 acres and larger, shall be designated Industrial Forest.
- (c) Parcels meeting both (a) and (b) above shall be further evaluated for inclusion or exclusion in Industrial Forest Lands based upon the following additional factors:

- (i) The parcel is enrolled in a current-use tax assessment program under the provisions of RCW 84.33 and 84.34 as it pertains to forestry. Such current-use tax assessment status is not, by itself, a sufficient determining factor for inclusion or exclusion, but is only part of the relevant characteristics to be considered.
 - (ii) The area has limited public services and facilities (although the area may be located within a public water district).
- (d) Parcels not meeting any of the criteria above in (a), (b), or (c) may still be included to provide logical boundaries to the Industrial Forest lands designation and to avoid small “islands” or “peninsulas” of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet some or all of the criteria above in (a), (b), or (c) may be excluded to provide logical boundaries to the Industrial Forest lands designation and to avoid conflict with existing land uses. For example, areas with pre-existing conditions such as vested subdivisions and rural development, other than isolated pre-existing single-family homes, where commercial forestry is not being practiced, and islands surrounded by multiple sized parcels with existing residences, shall not be classified as Industrial Forest lands. However, isolated, pre-existing residences shall not preclude the adjacent forest land areas from being classified Industrial Forest.

Policy 4B-1.2 Industrial Forest Resource Land Parcel Density Policy

Residential gross densities for new land divisions in lands designated as Industrial Forest shall be one (1) residential dwelling unit per 80 acres or 1/8 of a section.

Policy 4B-1.3 Secondary Forest Resource Land Designation Criteria

The following criteria shall be considered when designating Secondary Forest lands:

- (a) Secondary Forest lands are derived from initially designated Industrial Forest lands, and are located primarily within a ¼ mile band at the perimeter of Industrial Forest lands which contain one or more of the following characteristics:
 - (i) The area contains WA State Department of Revenue – Private Forest Land Grade (PFLG) soils 1-5.

- (ii) The area includes lands which are primarily devoted to and used for growing and harvesting timber.
- (b) The above described parcels shall be further evaluated for inclusion or exclusion based on the following additional factors:
 - (i) The parcel is enrolled in a current-use tax assessment program under the provisions of RCW 84.33 and 84.34 as it pertains to forestry. Such current-use tax assessment status is not by itself a sufficient determining factor for inclusion or exclusion, but is only part of the relevant characteristics to be considered.
 - (ii) The area has limited public services and facilities (although the area may be located within a public water district).
 - (iii) Secondary Forest lands need not be designated adjacent to Agricultural lands.
 - ~~(iii) Alternatives A through B~~

DRAFT ALTERNATIVE POLICIES REMOVED. This alternative policies are not being considered for adoption due to the need for further information or development. To view the alternative policy language, please refer to "Policies For Future Consideration," Page 44 of this chapter. Your comments regarding removed policies are also welcome and encouraged.

- (c) Parcels that do not meet any of the criteria described above in (a) or (b) may still be included or excluded to provide logical boundaries to the Secondary Forest lands designation and to avoid small "islands" or "peninsulas" of conflicting non-resource land uses in the midst of resource lands. Isolated, pre-existing residences shall not preclude the adjacent forest land areas from being classified Secondary Forest.

Policy 4B-1.4 Secondary Forest Parcel Density Policy

Residential gross densities for new land divisions in lands designated as Secondary Forest shall be one (1) residential dwelling unit per 20 acres or 1/32 of a section.

~~[ALTERNATIVE] Policy 4B-1.4 Secondary Forest Parcel Density Policy~~

DRAFT ALTERNATIVE POLICY REMOVED. This alternative policy is not being considered for adoption due to the need for further information or development. To view the alternative policy language, please refer to "Policies For Future Consideration," Page 44 of this chapter. Your comments regarding removed policies are also welcome and encouraged.

GENERAL POLICY GOALS: FOREST RESOURCE LANDS

Protect the forest resource; promote forestry; minimize the loss of the resource land base; mitigate unavoidable losses; and replace lost resources whenever possible. These principles shall guide Skagit County's actions to:

- *Limit new non-forestry uses and activities on forest resource lands;*
- *Provide education and support services that strengthen and diversify the forestry industry;*
- *Promote the economic and regulatory stability of the forest industry;*
- *Resolve conflicts between forestry activities and non-forestry activities; and*
- *Carry out adopted policies and programs, and enforce regulations.*

Goal B-2: Forestry Support Programs

Support the Forestry Advisory Board and establish other support programs for the purpose of promoting a viable forest land base and healthy forest products industry.

Policy 4B-2.1 Forestry Advisory Board

A Forest Advisory Board comprised of forest industry representatives, agency representatives, and sustainable forestry advocates shall advise Skagit County in achieving these goals and policies.

Policy 4B-2.2 Forestry and Critical Area/Habitat Goals

The Forest Advisory Board (FAB) will develop a County-coordinated working group of non-profit organizations, industry groups and County agencies to reconcile, where possible, conflicts between the goals of protecting critical areas and habitat with those of preserving forest land for commercial forestry purposes.

Policy 4B-2.3 Natural Resource Information Clearinghouse

Establish a Natural Resource Lands Information Clearinghouse to provide information and technical assistance to the forest industries and forest landowners to conserve forest lands, promote sustainable management practices, encourage economic and market opportunities.

Policy 4B-2.4 Promote Sustainable Forestry Practices

Provide information to landowners about sustainable forestry practices, best management practices, and industry standards to promote sound forestry practices.

Policy 4B-2.5 Healthy Forest Initiative

Skagit County supports a county-wide initiative to adopt elements of the “President’s Healthy Forest Restoration Act of 2003,” including fuel-reduction and forest restoration projects in cooperation with the U.S. Department of Agriculture and other federal and state agencies.

Policy 4B-2.6 Right to Manage Forest Resource Lands

Goal E, Right to Manage Natural Resource Lands of this Element, applies to all lands designated Forest Resource Lands to protect forest landowner rights to manage their lands for forestry uses.

Policy 4B-2.7 Fire Prevention and Protection

Residential development allowed on Industrial Forest Resource Lands shall be limited to those areas located within an existing fire protection district and within 200 feet of a county road or state highway. Skagit County shall require owners of

all structures built in the designated forest lands to address forest fire prevention, reduction, and control. The Forest Advisory Board shall review the implementation of this policy annually to ensure its performance.

Policy 4B-2.8 Promote Public Education and Awareness

Educate the public on forestry issues, policies and programs regarding forestry in Skagit County. Encourage community awareness of and commitment to an economically and environmentally healthy forest industry, forestry achievements, and challenges faced by the industry in Skagit County.

Policy 4B-2.9 Promote Educational Programs

Encouraged educational programs for public schools and extended education programs as part of the basic education of the county's youth. Emphasize the contribution of forestry in the county and the need to protect and preserve this valuable industry.

Policy 4B-2.10 Promote Economic Stability and Diversity

Promote and foster new opportunities to achieve a stable and diversified forest products industry in Skagit County. Encourage and support programs to help the forest products and related industries expand into new market niches.

Policy 4B-2.11 Wildfire Planning Program

Consider adopting the Department of Natural Resources "Firewise Program". Skagit County supports further development of a county-wide wildfire planning program to increase public safety and awareness regarding forest fire dangers, and establish the means of managing, reducing and suppressing catastrophic wildfires.

GOAL B-3: PRESERVE THE FOREST LAND BASE

Preserve and enhance the forest land base as an essential component of a healthy forest economy.

Policy 4B-3.1 Conserve Forest Lands

Implement conservation and management measures that retain commercial forestry activities in designated forest resource lands.

Policy 4B-3.2 Consolidated Ownership

Forest resource landowners are encouraged to consolidate forest ownership through land trades, or other means, to ensure consistent and effective management within the forest resource land base.

Policy 4B-3.3 Long-Term Designation of Forest Lands

Designation of Forest Lands is intended to be long-term. De-designation is discouraged, but may be considered only when compelled by changes in public policy, errors in designation, new information on resource lands or critical areas, or other circumstances beyond the control of the landowner, or an overriding benefit to the forest industry. Consider the development of mitigation measures and criteria for the loss of productive lands.

GOAL B-4: ENCOURAGE COMMERCIAL FORESTRY

Encourage active forest management in designated forestlands and other natural resource lands.

~~Policy 4B-4.1 Compensatory Incentive Program (CIP)~~

DRAFT POLICY REMOVED. This policy is 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 44 of this chapter. Your comments regarding removed policies are also welcome and encouraged.

Policy 4B-4.1 Develop Forestry Incentive Options Program

The County will work with the Forestry Advisory Board and other entities to develop an incentive program to promote preservation of forest land for forestry. Consideration will be given to:

- The loss of land base due to the protection of environmentally sensitive areas;
- Compensation for development rights;
- The promotion of healthy forests; and
- The loss of land base to habitat conservation areas.

The County will make a determination of the state of the forestry economy, the land base, the actual threats and opportunities, types of available, practical and appropriate to the local economy, and the implications to local taxpayers and fiscal health of the County.

Policy 4B-4.2 Forestry in Agricultural and Rural Designations

Growing and harvesting of trees shall be supported in designated agricultural and rural land designations.

Policy 4B-4.3 Qualification For Current Use Tax Status

Land owners participating in a current-use tax deferral program may be required by the Skagit County Assessor to certify, on an annual basis, that the conditions required for eligibility in the tax program are still being met, and further, that the owner acknowledge the requirement to pay any applicable penalties and back taxes should the owner fail to comply with program requirements.

Policy 4B-4.4 Discourage Tax Districts and LIDS

Special purpose taxing districts and local improvement districts that plan to expand into Industrial Forest Lands, allowing as a result new residential or commercial development, shall be required to provide an analysis of impacts and related mitigation of such new, non-resource development on established commercial forestry operations.

GOAL B-5: ALLOWABLE LAND USES

Allow land uses on designated forest land that conserve forest practices, provide essential forestry support services, and promote diverse forest-based industries.

Policy 4B-5.1 Intended Use of Industrial and Secondary Forest Lands

The principal uses of Industrial Forest and Secondary Forest lands are the practice of commercial forestry, forestry support services, and forest-based businesses. Secondary Forest lands are intended to provide a transitional density between Rural-designated lands and Industrial Forest lands. Secondary Forest lands also offer the potential for smaller-scale commercial timber operations, supporting natural resource industries, and limited residential uses. Secondary Forest lands

may include low-density residential use if consistent with the goals and policies of this chapter.

Policy 4B-5.2 Support and Ancillary Structures and Uses

Temporary and permanent support uses that are related to forestry are allowed in forest lands. Festivals, logging shows, and demonstration areas, mining uses where designated, limited residential development, and non-residential structures subordinate to forest management may be allowed if it is demonstrated that there is compatibility with the goals and policies of this chapter.

Policy 4B-5.3 Residential Development

Residential development on all Forest Resource Land shall have limited impact on forest resource management operations and minimize conflicts. Conservation and Reserve Development (CaRD) land divisions are encouraged in all forest lands with the residences sited as far as possible from adjacent Industrial Forest lands.

Policy 4B-5.4 Recreational and Park Uses

Recreational opportunities on Forest Resource land shall be permitted uses where they will not conflict with forest practice activities on these lands or when such impacts can be fully mitigated. Proposed acquisitions of forest land for public recreational, scenic and park purposes shall be evaluated to determine the potential impacts on the economic viability and sustainability of forestry. Lands removed from forestry production for recreation and park uses shall be included in the Converted Natural Resource Lands Database (Policy 4F-1.4).

Policy 4B-5.5 Natural Resource Conservation Areas and Natural Area Preserves

Natural Resource Conservation Areas (NRCA) and Natural Area Preserves (NAP), as defined by RCW 79.71, shall be considered compatible with Industrial Forest. However, Skagit County strongly encourages that these lands be maintained in forest production. If NRCA or NAP lands are taken out of forestry production, they shall be included in the Converted Natural Resource Lands Database (Policy 4F-1.4).

~~Policy 4B-5.6 Habitat Restoration Projects~~

~~DRAFT POLICY REMOVED. This policy is 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 45 of this chapter. Your comments regarding removed policies are also welcome and encouraged.

Policy 4B-5.6 Special Events and Activities

Special events and activities on Forest Resource lands shall be conducted in ways that reduce potential impacts resulting from the activity. Those impacts include but are not limited to traffic, litter, trespass, and sanitation.

GOAL B-6: MINIMIZE LAND USE CONFLICTS

Minimize land use conflicts and promote mitigation of conflicts on the lands adjacent to Forest Lands.

Policy 4B-6.1 Deed Restrictions

All real estate transactions involving development on or within one-quarter (1/4) mile of Forest Resource lands shall contain recorded documentation of the owners' acknowledgment of the potential forestry activities and receipt of the Right-to-Manage Natural Resource Land information.

Policy 4B-6.2 Land Use Buffers

Land use buffers or setbacks intended to mitigate for critical areas or potential conflicts between residential and forestry uses shall be located on the area proposed for residential, or other non-resource use or development.

Policy 4B-6.3 Law Enforcement Support

Skagit County shall provide an officer from the Sheriff's Department to protect against damage to private property, materials, and equipment, and to improve investigation and prosecuting efforts on behalf of protecting forest natural resource lands, land owners, and their contractors.

GOAL B-7: EFFECTIVE REGULATORY ENVIRONMENT

Establish, in all aspects of forest management regulations, support for the forest product industry and its ability to keep and economically manage forest lands.

Policy 4B-7.1 Local Regulations

Maintain efficient, effective local forest policies, ordinances, and programs.

Policy 4B-7.2 Coordinated Review with Department of Natural Resources

Skagit County will work with the Washington State Department of Natural Resources (DNR) to formally establish a coordinated review process designed to transfer the processing of Forest Practice Act (FPA) conversion applications from the DNR to the County as required by Chapter 76.09 RCW and Title 222 WAC. A Memorandum of Agreement with the Department of Natural Resources (DNR) shall address:

- (a) A coordinated and efficient review process for all forest practices applications where Skagit County has jurisdiction;
- (b) Conditions of approval by Skagit County for such forest practice applications consistent with Chapter 76.09 RCW and Title 222 WAC;
- (c) A facilitation process for landowners wishing to utilize the conversion option harvest plan as outlined under WAC 222-20-050; and
- (d) Criteria for permitting only those recreational activities that are compatible with resource management. The proposed recreational uses shall not adversely affect the intent of these forest resource policies.

Policy 4B-7.3 Building and Land Use Moratorium

A six-year moratorium on all building permits and land use approvals shall be mandatory for all forest practice activities involving those portions of land harvested under the provisions of a Forest Practice application, where the landowner has not indicated that the land will be converted. If applicable, measures will be taken to exclude cedar salvage and work to carry out a Road Maintenance and Abandonment Plan (RMAP); and

Policy 4B-7.4 Alternative Conversion Option Harvest Plan Process

Skagit County will work with forest land owners to establish an alternative Conversion Option Harvest Plan (COHP) process for the purpose of expediting and minimizing the cost of certain non-conversion forest practice activities as follows:

- (a) Salvage operations as defined in WAC 222-16-010.
- (b) Forest Practices on partially converted or vacant property (over 2 acres) which was platted after January 1, 1960, where the landowner does not have immediate intent to convert the timbered portion thereof.

RURAL RESOURCE LANDS

INTRODUCTION

Rural Resource lands are, generally, areas that have the combined land and land-use characteristics of long-term agricultural, forest or mineral lands, and have the potential for multiple use or smaller scale resource management. Rural Resource lands generally are not managed for industrial-scale farming or forestry but nevertheless contribute to the natural resource land base. Where the Mineral Resource Overlay designation is also applied, industrial-scale mining can occur.

GOAL C-1: RURAL RESOURCE DESIGNATION CRITERIA

Establish land use designation criteria and residential densities for Rural Resource lands.

Policy 4C-1.1 Rural Resource Land Designation Criteria

All lands in rural unincorporated Skagit County not designated as Agriculture, Industrial Forest or Secondary Forest are subject to Rural Resource lands designation according to the following criteria:

- (a) All parcels approximately 40 acres or greater that contain one or both of “Prime upland farmland soils” as determined by USDA Soil Conservation Service (see Natural Resource Lands Profile), or Washington State Department of Revenue - private forest land grades (PFLG) 1 – 3.
- (b) Lands meeting (a) above that comprise contiguous areas of approximately 160 acres and larger; provided that any parcel 40 acres or larger that is located contiguous to any land designated Agriculture, Industrial Forest or Secondary Forest generally may be designated Rural Resource regardless of whether it is contained within such a large area.

- (c) Parcels meeting both (a) and (b) above shall be further evaluated for inclusion or exclusion in Rural Resource Lands based upon the following additional factors:
 - (i) Participation in a current-use tax assessment program. Such current-use tax assessment status is not, by itself, a determining factor for inclusion or exclusion, but is only part of the relevant characteristics to be considered;
 - (ii) Whether the area is currently in small-scale agriculture or forestry use or has been in agricultural or forestry use within the preceding ten years, and minimal improvements or financial expenditures have been made to non-resource related uses in the area as a whole. Construction of a single-family residence on any parcel of land shall not be deemed a sufficient non-resource related expenditure for purposes of this subsection; and
 - (iii) Whether the area has limited availability of public services and facilities (although the area may be located within a public water district).
- (d) Parcels that do not meet any of the criteria described above in (a), (b), or (c) may be designated as Rural Resource to provide logical boundaries to the Rural Resource lands designation and to avoid small “islands” or “peninsulas” of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet some or all of the criteria described above in (a), (b), or (c) may be excluded to provide logical boundaries to the Rural Resource lands designation and to avoid conflict with existing land uses.

Policy 4C-1.2 Rural Resource Land Density Policy

The standard maximum residential density in Rural Resource Land for new land divisions shall be one dwelling unit per 40 acres, or 1/16 of a section. One dwelling unit per 10 acres may be allowed if a condition, covenant, restriction or a conservation easement is executed that is designed to encourage long-term forest and agricultural land conservation consistent with the Conservation and Reserve Development (CaRD) land division regulations.

GENERAL POLICY GOALS: RURAL RESOURCE LANDS

Allow a range of natural resource related uses on Rural Resource land and provide for reasonable uses of the land that will be compatible with the long-term production of agricultural and forest products. These principles shall guide Skagit County's actions to:

- *Preserve Rural Resource lands primarily for agricultural and forestry uses;*
- *Promote the rural qualities that characterize Skagit County; and*
- *Resolve conflicts between natural resource related activities and non-resource activities.*

GOAL C-2: RESOURCE LANDS SUPPORT PROGRAMS

Establish programs to provide information and technical assistance to Rural Resource Lands managers and planners.

Policy 4C-2.1 Natural Resource Information Clearinghouse

Establish a Natural Resource Lands Information Clearinghouse to provide information and technical assistance to owners of Rural Resource lands to conserve natural resource lands, promote sustainable management practices, encourage economic and market opportunities, and provide other vital information.

Policy 4C-2.2 Rural Resource Lands Database

Develop a Rural Resource lands database including information on soil types, land use, productivity and ownership to promote appropriate future land use planning on these lands.

GOAL C-3: ALLOWABLE LAND USES

Allow uses in Rural Resource Lands that further the use of the lands for the production of agricultural, forest and mining products and uses.

Policy 4C-3.1 Principal Uses

Principal uses of Rural Resource Lands include natural resource production and businesses that support or are compatible with agriculture, forestry and mining activities.

Policy 4C-3.2 Accessory Uses

Allowed accessory uses of Rural Resource Lands include agricultural and forest-based businesses and small businesses that support or are compatible with natural resource production.

Policy 4C-3.3 Residential Uses

Residential uses are allowed on Rural Resource Lands consistent with the density policies of this chapter.

GOAL C-4: MINIMIZE LAND USE CONFLICTS

Minimize land use conflicts and promote mitigation for potential conflicts on the non-Rural Resource property.

Policy 4C-4.1 Right to Manage Rural Resource Lands

Goal E, Right to Manage Natural Resource Lands, applies to all lands designated Rural Resource to protect landowner rights to manage their lands for natural resource production.

Policy 4C-4.2 Deed Restrictions

All real estate transactions involving development on or within one-quarter (1/4) mile of Rural Resource lands shall contain recorded documentation of the residential owners' acknowledgment of the potential natural resource management activities and receipt of the Right-to-Manage Natural Resource Lands information.

Policy 4C-4.3 Special Events and Activities

Special events such as festivals and fairs proposed for Rural Resource lands shall only be permitted when impacts such as traffic, litter, trespass, and sanitation are mitigated.

MINERAL RESOURCE OVERLAY (MRO)

INTRODUCTION

Skagit County supports environmentally responsible and safe mineral resource extraction and processing activities. Mineral resource lands where mining and processing activities are economically and environmentally feasible and where conflicts with other land uses can be minimized are to be identified and designated as a Mineral Resource Overlay (MRO) to conserve mineral resource lands of long-term commercial significance. Because mineral extraction sites can take 20 to 40 years or longer to excavate, identifying and protecting opportunities for mineral extraction operations requires a long-term planning horizon.

Extraction and processing of construction material such as sand and gravel make up most of the mining activity in Skagit County, although there is significant hard-rock mining and processing of such resources as olivine, various other “green rock,” and limestone. Protection of these mineral resources from competing land uses ensures the availability of basic building materials, and helps to reduce costs, as producers would otherwise be forced to transport low value, high volume commodities over long distances.

The potential for mining without adverse impacts is greatest in relatively undeveloped areas. Valuable and non-replaceable resources in these areas are preserved, to the extent possible, by indicating that mining will be the preferred land use for these areas, and by establishing guidelines for adjacent land uses that will help reduce potential conflicts with mining. Extractive industries can conflict with residential uses in several ways, including potential noise, dust and hazards from blasting, rock crushing and heavy truck traffic. Therefore, it is important to establish firm policies and regulations to protect public health and safety, while also preserving a valuable part of Skagit County’s economy, now and into the future.

Concerns and issues related to mining activities in riverine areas are addressed in the Skagit County Shoreline Management Master Program. Concerns and issues related to metal mining are addressed at the state level. The Washington Department of Natural Resources and the Department of Ecology have previously codified the Washington State metal mining law. This element proposes not to allow chemical leach mining in Skagit County until state laws are enacted to allow such activities.

GOAL D-1 MINERAL RESOURCE DESIGNATION CRITERIA

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

Policy 4D-1.1 Mineral Resource Designation Criteria

Designate Mineral Resource Overlay based on geologic, environmental and economic factors, existing land uses, surrounding parcel sizes, and additional criteria specified in this element. Designating mineral resources of long-term commercial significance is not limited by a projection of need. Like agricultural and forest lands, mineral resources are protected for the long-term. The following first tier of criteria relies primarily on geologic information to identify commercially significant mineral resource lands and shall be considered when designating Mineral Resource Overlay areas.

- (a) **Marketability.** Lands containing minerals that are minable, recoverable, and are historically, and therefore anticipated to be, commercially traded are considered marketable.
- (b) **Minimum Threshold Volume.** Construction materials (sand and gravel) and quarry rock are considered for mining when the estimated volume is such that establishing, maintaining and reclaiming the mine would be practical. For the minerals below, minimum threshold volumes are relatively constant compared to market values and are used in the mining industry as predictors of commercial significance. The application of these criteria is approximate using the estimated area and depth of the identified resource.
 - (i) **Construction materials:** A minimum threshold volume of 1,000,000 cubic yards shall be used to identify commercially significant deposits of sand, gravel, and pit run rock, capable of being used in construction, that normally requiring minimal processing (commonly washing and grading).
 - (ii) **Quarry rock:** A Minimum Threshold Volume of 1,000,000 cubic yards shall be used to identify commercially significant deposits of quarry rock products, such as shot rock meeting all strength and durability specifications of the Washington State Department of Transportation's 2004 Standard Specifications for Road, Bridge and Municipal Construction (or later editions).
- (c) **Minimum Threshold Value.** All other mineral resources shall use a minimum threshold value to identify commercially significant mineral resource deposits. The values in 2000 equivalent dollars shall be met or exceeded. Threshold value is the projected value (gross selling price) of the first marketable product from an individual mineral deposit, upon completion of the extraction and any required mineral separation and

processing. The threshold values are intended to indicate in a general way the approximate minimum size of a mineral deposit that will be considered significant for designation. The values are not intended, nor in practice could they be, for use as precise threshold values.

- (iii) Industrial and Chemical Mineral Materials: Minimum Value \$1,000,000. Non-metallic mineral materials, such as building and dimension stone, limestone, or specialty sands, which normally receive extensive processing.
- (iv) Metallic and Rare Minerals: Minimum Value \$500,000. Metallic elements and minerals, gemstones, and minerals that possess special properties valuable to science or industry, including dunite and other olivine-rich rock.
- (v) Non-fluid Mineral Fuels: Minimum Value \$1,000,000. Non-hydrothermal mineral fuels occurring in sedimentary rocks such as coal bed methane, bituminous coal, lignite, peat, organic shale, tar sand, uranium and thorium.

Policy 4D-1.2 Standards for Geologic Information

Adequate information for the purpose of designating areas within the Mineral Resource Overlay shall consist of, but not be limited to, site-specific information prepared by a licensed geologist, U.S. geological survey maps, and/or information on file with the Washington Department of Natural Resources.

Policy 4D-1.3 Mineral Resource Designation Considerations

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

- (a) General land use patterns in the area;
 - (i) Designate MRO only on lands designated as Industrial Forest, Secondary Forest, or Rural Resource.
 - (ii) Designate MRO lands outside National Park Service lands, National Forest Service lands, Wild and Scenic corridors, Agricultural Resource lands, and Open Space of Regional/Statewide Importance.

- (iii) Residential gross densities for land designated as MRO shall be no greater than 1 residential dwelling unit per 10 acres.
- (iv) The preferred land uses adjacent to designated mining sites are open space, forestry, or industrial uses.
- (b) Surrounding parcel sizes and surrounding land uses. Designate MRO lands in areas with surrounding land uses that have a maximum designated density of 1 residence per 10 acres. Appropriate surrounding land use zoning for MRO lands include: Industrial Forest, Secondary Forest, Rural Resource, Rural Reserve, Natural Resource Industrial and other industrial uses;
- (c) Availability of public roads and other public services. Although mining within one to two miles of public roads is preferred, designation of mineral resources beyond this range may be necessary to preserve resources for future use;
- (d) Division or zoning for urban or small lots. Designate MRO areas $\frac{1}{4}$ mile away from Rural Villages, Rural Intermediate, and Urban Growth Areas, except in limited cases where pre-existing MRO areas may be retained to address unique economic circumstances or proximity-to-market. Conservation and Reserve Developments are acceptable on and within $\frac{1}{4}$ mile of MROs, provided that the allowed density (with or without a density bonus) does not exceed 1 dwelling unit per 10 acres.
- (e) Accessibility and/or distance from point of use. Although mining is preferred within two hours driving distance from incorporated cities or other points of use, designation of mineral resources beyond this range may be necessary to preserve resources for future use;
- (f) Physical and topographic characteristics of the site or area do not preclude mining;
- (g) Depth of the resource or its overburden does not preclude mining;
- (h) Physical properties (such as strength or durability) and quality of resource (such as the percentage of fines in the resource) is sufficient to be marketable;
- (k) Life of the resource is sufficient to be marketable;

- (l) Resource availability in the region. All mineral resources of long-term commercial significance are designated. This helps to ensure that resources are available, and local industry can be responsive to future demand; and
- (m) Policies and regulations are in place to mitigate the potential effects of sediments and pollutants on public drinking water.

Policy 4D-1.4 Mineral Resource Overlay Density Policies

Residential gross densities on or within ¼ mile of a Mineral Resource Overlay shall be no greater than 1 residential dwelling unit per 10 acres. New subdivisions with densities greater than 1 unit per 10 acres may be permitted only if the additional development rights can be transferred to and clustered on that portion of the same property lying outside of ¼ mile from the MRO, consistent with the Conservation and Reserve Development (CaRD) land division regulations.

GENERAL POLICY GOALS: MINERAL RESOURCE OVERLAY

Maintain and enhance conservation of long-term commercially significant mineral resource lands so that use of, and access to these lands is not precluded by conflicting land uses through the designation of a Mineral Resource Overlay. These principles shall guide Skagit County's actions to:

- *Maintain and enhance conservation of long-term commercially significant mineral resource lands.*
- *Maximize compatibility between mineral extraction operations and other land uses.*
- *Reduce conflicts between mining operations and adjacent land uses so that access to mineral lands is not precluded by conflicting land uses; and*
- *Promote the economic and regulatory stability of the mining industry.*

GOAL D-2: CONSERVE MINERAL RESOURCE LANDS

Protect and conserve mineral resource lands of long-term commercial significance.

Policy 4D-2.1 Designate Mineral Resource Overlay

Areas meeting the criteria for mineral lands of long-term commercial significance shall be identified as Mineral Resource Overlay on the Comprehensive Plan Land Use and Zoning Map.

Policy 4D-2.2 Allowable Mineral Extraction Activities

Activities associated with mineral extraction operations are those activities that further develop the base product of the mineral being extracted. Examples of these activities include washing, crushing, asphalt plants, and concrete batch plants. Associated activities shall be allowed as a hearing examiner special use within the Mineral Resource Overlay or in areas designated Natural Resource Industrial – NRI. Those associated activities must meet the requirements of the Special Use Permit specific to those areas and must be listed as permitted uses in those Districts. Temporary activities associated with construction projects may be permitted as part of the related construction permit review and may be conditioned as necessary to address applicable mining regulations.

Policy 4D-2.3 Natural Resource Lands Information Clearinghouse

Establish a Natural Resource Information Clearinghouse to collect and disseminate information to benefit long-term productive management of natural resource lands, including mineral resource areas. Functions of the Natural Resource Lands Clearinghouse are described under Goal F of this Chapter, but shall include at a minimum: information on mining practices, reclamation, promotion of mining products, and public awareness, and education regarding mining activities.

GOAL D-3: REDUCE LAND USE CONFLICTS

Discourage incompatibility and reduce conflicts between mineral extraction operations and other land uses.

Policy 4D-3.1 Exclusive Mineral Resource Overlay

The Mineral Resource Overlay adds additional uses and related requirements to the Industrial Forest, Secondary Forest, Rural Resource, and Natural Resource

Industrial districts of the Comprehensive Plan/Zoning Map. New mining is limited to the MRO, subject to applicable permits. However, pre-existing, permitted mining operations outside the Mineral Resource Overlay may operate subject to the terms of the existing approval(s). Such operations may expand beyond the scope of the original permit but within the existing parcel provided that they receive a mining special-use permit.

Policy 4D-3.2 Right to Manage Mineral Resource Lands

The provisions of Right-to-Manage Natural Resource Lands shall apply to all lands designated Mineral Resource Overlay (MRO) to protect mineral resource landowner rights to manage their lands for mining uses.

Policy 4D-3.3 Deed Restrictions

All real estate transactions involving residential development on or within one-quarter (1/4) mile of mineral resource lands shall contain recorded documentation of the residential owners' acknowledgment of the mineral extraction activities and receipt of the Right-to-Manage Natural Resource Lands information.

Policy 4D-3.4 Development Regulations

Development regulations for the Mineral Resource Overlay shall identify permitted uses in MRO lands.

Policy 4D-3.5 Siting Adjacent Residential Development

New residential development adjacent to a designated Mineral Resource Overlay should be sited to help minimize potential conflicts between residences and mining operations.

Policy 4D-3.6 Mining Site Buffer Standards

Mining buffer standards shall maintain the purpose and functions of mineral resource lands. These standards shall require equivalent buffers on mining sites and on adjacent properties with the exception of mines adjacent to mines. Excavation shall not occur within the buffer of any mine except during reclamation and on mines adjacent to mines. Storage of topsoil and excavation associated with reclamation area may be allowed in buffers.

Policy 4D-3.7 Mining Activities Buffer Standards

Buffers and setbacks should be provided for all activities associated with mineral extraction operations in addition to those required for mineral resource areas.

GOAL D-4: EFFECTIVE REGULATORY ENVIRONMENT

Coordinate and implement administrative procedures that encourage consistency among permitting jurisdictions and simplify permitting procedures for the applicants and Skagit County.

Policy 4D-4.1 Coordinate State and Local Regulations

Development regulations for mineral resource lands in the county shall be consistent with applicable Washington State mining regulations and Department of Natural Resources rules. Overlap in the regulatory authority between Skagit County and the DNR may occur to ensure public health and safety in matters not under the DNR's jurisdiction.

Policy 4D-4.2 Improve Local Permit Process

Consider a process to allow certain mining operations by administrative special-use permit, if certain defined criteria are met. Such a process should include a requirement to upgrade the level of review to a hearing examiner special-use permit, if information relating to potential adverse environmental impacts or other factors warrant additional public review. Also establish criteria for appeal and public notification requirements.

GOAL D-5: SAFE OPERATIONS

Ensure safety and minimize off site disturbances associated with operating equipment, noise, dust, glare, vibrations and truck traffic.

Policy 4D-5.1 Noise Impacts

Sound levels, as measured on properties adjacent to the mining site, shall conform to the provisions of WAC Section 173-60-040, Maximum Permissible Environmental Noise Levels.

Policy 4D-5.2 Traffic Impacts

Potential effects of truck traffic from mining operations shall be reviewed as part of the permitting process. Saturday

Policy 4D-5.3 Roads and Bridges

New public roads and bridges accessing designated Mineral Resource Overlay Areas shall be designed to sustain the necessary traffic for mineral extraction operations. Existing roads and bridges shall be improved as needed as each new extraction operation is developed. Cost sharing for the improvement of roads and bridges shall be negotiated between the permitting authorities and the applicant.

Policy 4D-5.4 Operation Hours

Standards for hours of operations, appropriate for the underlying land-use designation, shall be established for mineral extraction operations. In determining appropriate hours of operation, consider traffic impacts and requirements, nearby uses, and noise impacts. Project-specific circumstances that demand non-standard or 'off-peak' hours may also be considered.

Policy 4D-5.5 Blasting Timing

Vibrations from blasting operations and underground blasts causing noticeable vibrations shall be limited to daylight hours when adjacent to residential areas. Blasts should be scheduled for regular and predictable times except in the case of emergencies. Blasting shall be conducted in accordance with the state permit.

Policy 4D-5.6 Noise and Blasting Mitigation

Site-specific studies shall be conducted to determine appropriate mitigation or noise and blasting for new operations and expansion areas of existing operations. Standards shall be maintained to implement existing and accepted methods by which vibrations and noise shall be measured and appropriate mitigation established to alleviate incompatibilities.

Policy 4D-5.7 Pre-Existing Mining Operations

Pre-existing, legally operating commercial mining operations outside the Mineral Resource Overlay may continue to operate subject to the terms of the existing approval(s). Such operations may expand beyond the scope of the original approval and within the existing parcel boundary provided that they receive a mining special-use permit.

Policy 4D-5.8 Chemical Leach Mining

Chemical leach mining shall not be allowed until State laws are enacted which address their impacts.

GOAL D-6: WATER QUALITY

Ensure that water quality protection standards associated with mining operations comply with best management practices.

Policy 4D-6.1 Reclamation Plan

Support the Washington Department of Natural Resources (DNR) requirement that reclamation plans specify how overburden and spoil material is to be handled and placed in a manner which will control erosion, dust, sedimentation or leaching of material and hazardous substances into surface or ground waters.

Policy 4D-6.2 Storage Ponds

Storage pond systems for holding mineral processing waters should be designed to preclude untreated discharge as required by federal and state laws.

Policy 4D-6.3 Erosion Prevention

The flow of natural or process runoff from mineral extraction sites shall be dispersed or regulated such that soil erosion on receiving lands is prevented. Natural runoff includes: Any water that runs on disturbed ground, including stormwater and 'process water' that flows through operation.

Policy 4D-6.4 Aquifer Barriers

Surface mining shall be vertically limited to only one aquifer unless specifically approved by the Washington State Department of Ecology. Hydrological barriers separating aquifers shall not otherwise be destroyed.

Policy 4D-6.5 Aquifer Reclamation

Reclamation of disturbed aquifers shall be in accordance with federal, state and local law. Disturbed aquifers should be reclaimed as ponds or lakes. On-site material is preferred where an aquifer has been breached.

Policy 4D-6.6 Aquifer Protection

Activities related to mineral extraction and processing operations in the vicinity of open aquifers must provide safeguards including containment, to prevent contamination to the open aquifer.

Policy 4D-6.7 Grading Adjacent to Water Bodies

Post-mining slopes in an aquifer shall be reclaimed at a grade that allows for easy access in and out of ponds and lakes.

Policy 4D-6.8 Groundwater Study

Before a new sand and gravel mine is permitted, the area ground water shall be characterized by a licensed geologist, hydrogeologist or engineer.

Policy 4D-6.9 Aquifer Monitoring

Where a proposed mine will breach an aquifer, monitoring shall be established to measure the impact of the mining activity on water quality and supply to wells relying on the aquifer to be breached.

GOAL D-7: PUBLIC LANDS

Recognize and identify scientific resource sites as educational and recreational opportunities.

Policy 4D-7.1 Preserve Scientific Resource Sites

On public lands, scientific resource sites shall be protected and preserved for educational and scientific use when possible. Examples of such sites may include unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance.

Policy 4D-7.2 Recreational Interests

When feasible, access to local recreational activities, such as fishing, boating, hiking, and camping shall be preserved.

RIGHT TO MANAGE NATURAL RESOURCE LANDS

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.

Right-to-Manage Natural Resource Lands policies are intended to promote mutual understanding and good neighbor relationships between natural resource lands and non-natural resource land property owners. This starts by advising purchasers and users of property adjacent to or near natural resource land management operations of the inherent potential difficulties associated with living on or near natural resource lands. These may include, but are not limited to, hours of operation, the use and spraying of chemicals, pruning, harvesting, and mining activities, which occasionally generate traffic, dust, smoke, noise, odor. Through mandatory disclosures purchasers and users will be better prepared to understand and accept the consequences of living near natural resource lands and operations.

GENERAL POLICY GOALS: RIGHT TO MANAGE NATURAL RESOURCE LANDS POLICIES

- *Assure that the uses of lands adjacent to natural resource lands do not interfere with the continued use, in the accustomed manner, for farming, forestry, mining, and related uses.*
- *Provide to Skagit County residents notification of the County's recognition and support of the right to manage natural resource lands.*
- *Reduce the loss to Skagit County of its natural resource lands by limiting and defining the circumstances under which natural resource lands management operations may be considered a nuisance.*

GOAL E-1: RIGHT TO MANAGE NATURAL RESOURCE LANDS NOTIFICATION

Provide notice, through a disclosure statement, of the potential incompatibilities,

inconveniences and discomforts, which may arise from natural resource land management activities.

Policy 4E-1.1 Right to Manage Natural Resource Lands Regulations

Right-to-Manage Natural Resource lands regulations shall be adopted that limit and define the circumstances under which natural resource lands management operations may be considered a nuisance. Such regulations shall not limit the right to manage natural resource lands operations when such operations are conducted or maintained for commercial purposes, and in a manner consistent with current best management practices.

Policy 4E-1.2 Right to Manage Natural Resource Lands Disclosure Statements

Right-to-manage natural resource lands regulations shall set forth a disclosure statement, and under what circumstances and to whom such a disclosure statement shall be disseminated. The disclosure statement shall inform land owners of the potential incompatibilities, inconveniences, and discomforts which may arise from natural resource land management activities.

Policy 4E-1.3 Recording with Property Deed

A standard disclosure form shall be recorded with deeds for all real estate transactions involving development on or within one-quarter (1/4) mile of Natural Resource Lands. The disclosure form shall include recorded documentation of the residential owners' acknowledgment of the potential natural resource management activities and receipt of the Right-to-Manage Natural Resource Lands information.

NATURAL RESOURCE LANDS INFORMATION CLEARINGHOUSE

Skagit County operates a number of programs for the preservation of natural resource lands and related economic activities. The following goals and policies articulate ways in which these programs can be organized into a clearinghouse function to provide information relating to research, services, and education that are needed to achieve natural resource lands management goals and objectives.

GOAL F-1: NATURAL RESOURCE CLEARINGHOUSE

*Develop a Natural Resource Lands
Information Clearinghouse to collect and*

disseminate information to benefit conservation and management of natural resource lands.

Policy 4F-1.1 Clearinghouse Team

The Natural Resource Lands Information Clearinghouse work program shall involve the Farmland Legacy Program, Agricultural Advisory Board, Forestry Advisory Board, representatives from Mineral Resource Overlay and Rural Resource land owners, and other interested contributors.

Policy 4F-1.2 Clearinghouse Work Program

The Clearinghouse work program shall include: conducting coordinated research, monitoring, training, marketing, education and funding activities related to:

- (a) Agricultural land conservation and sustainable agricultural practices, and promoting and marketing Skagit County farm products.
- (b) Forest land conservation, sustainable forest practices, developing and promoting diverse forestry products.
- (c) Rural Resource land profile, defining natural resource activities on Rural Resource lands, and assessing economic viability of natural resource production on Rural Resource lands.
- (d) Mineral resource development, safe mining practices, reclamation planning and execution, diversification and promotion of mineral resource products.
- (e) Implementing the Right-to Manage Natural Resource Lands goals and policies and ordinances.
- (f) Promoting public awareness of natural resource land values and challenges.
- (g) Promoting educational programs in public schools that emphasize the contributions of natural resource lands to the county, and the need to protect these valuable lands.

Policy 4F-1.3 Natural Resource Lands Database

Maintain a database management system to provide current information on natural resource land uses and activities, soils, conversions, and other quantifiable factors for the purpose of monitoring and conserving natural resource lands.

Policy 4F-1.4 Converted Natural Resource Lands Database

The Natural Resource Lands database should identify and map, where known, those parcels of land that, although designated as a Natural Resource Land, are not available for productive resource use because of some easement, covenant, or other restriction that converts the primary use of such land to the preservation of habitat, open space, or some other non-resource-land use. This information should contribute to a more accurate assessment of the natural resource land base available for agriculture, forestry or mining uses.



[See next page for list of policies removed
pending more information or development]

Draft Policies Removed Pending More Information or Development

The 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-4A-3.2”).

Removed Policies:

REM-4A-3.2 Regulatory and Financial Measures

Agricultural Resource Lands shall be protected from non-farming uses and development through zoning measures, SEPA mitigation for non-farming development impacts, and the purchase or transfer of development rights.

REM-4B-1.3(iii)-Alternatives A through C

(iii) **ALTERNATIVE A:**

When lands adjacent to designated Industrial Forest lands are designated as Agricultural Resource Lands or Rural Resource Lands, the Secondary Forest designation shall be applied between the Industrial Forest lands and these other resource lands.

(iii) **ALTERNATIVE B:**

When lands adjacent to designated Industrial Forest lands are designated as Agricultural Resource Lands or Rural Resource Lands, the Secondary Forest designation shall not be applied between the two resource lands.

(iii) **ALTERNATIVE C:**

When lands adjacent to designated Industrial Forest lands are designated as Agricultural Resource Lands or Rural Resource Lands, the Secondary Forest designation may be applied if surrounding development patterns are greater than an average of 1 dwelling unit per 10 acres.

REM-4B-1.4 Alternative Secondary Forest Parcel Density Policy

Residential gross densities for new land division in lands designated as Secondary Forest Lands shall be one (1) residential dwelling unit per 20 acres or 1/32 of a section. A density bonus may be granted for up to 50% of the allowable density (with no rounding) only if through a Conservation and Reserve Development (CaRD) land division,. Also, a forest management plan must be developed and implemented, residences are clustered away from the Industrial Forest Land boundary, and the development is consistent with the in-stream flow rules as adopted. Penalties shall be invoked if the management plan is not implemented.

REM-4A-4.1 Compensatory Incentive Program (CIP).

This program is intended to protect critical areas and forest resource lands, through compensation, density bonuses, and reallocation of development rights, as a means of offsetting the loss of productive timber lands due to the regulation of critical areas.

- (a) Compensation for the loss of timber land due to protection practices shall be determined according to the following formula:
 - (i) appraise the value of the timber lost due to protection practices;
 - (ii) determine the market value of a one-acre developable lot based on comparable values;
 - (iii) Development rights will be granted proportionately and may be utilized on the same lot or sold. If the loss in timber value does not equal market value, then the fractional compensation can be banked or sold.
- (b) Development rights obtained through the CIP are only applicable to CaRD land divisions.
- (c) Receiving areas may have an increase in density as follows:
 - (i) No greater than 100% in Industrial Forest, Secondary Forest, Rural Reserve, Rural Intermediate, and Rural Village;
 - (ii) No greater than 50% in Rural Resource

- (iii) CIP development rights shall not be available in Ag-NRL.
- (d) The County will generate a table based on appraised values as to what the density equivalents will be for throughout the County for purposes of selling density rights.

REM-4B-5.6 Habitat Restoration Projects

Habitat restoration and acquisition projects are a permitted use on forest lands so long as it is shown that the proposed project is compatible with protecting forest lands and supporting the forest products industry. This can be achieved through the use of an acceptable forest management plan. Habitat acquisition or restoration projects that preclude use of the land for forestry management operations are strongly discouraged.