



Planning & Development Services

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Notice of Availability

including written comment period and public hearing

Proposal Information

Publish date: April 21, 2025

Proposal name: 2025 Unified Development Code and Critical Areas Ordinance Update

Documents available: www.skagitcounty.net/2025CPA

Lead Agency: Skagit County Planning & Development Services

Contact Person: Robby Eckroth, Senior Planner

Public hearing body: Skagit County Planning Commission (PC)

PC Public hearing date: May 6, 2025

PC Deliberations & Recommendation date: May 20, 2025

Written comment deadline: May 8, 2025 at 4:30 P.M.

Proposal Description

Skagit County is conducting a review of the County's Development Regulations and Critical Areas Ordinance as part of the periodic Comprehensive Plan update process pursuant to the Washington State Growth Management Act (GMA), RCW 36.70A.130(5). Below is a summary of the proposed changes to the Critical Areas Ordinance and the Unified Development Code.

Unified Development Code Update and Reorganization

Skagit County is proposing to update the Unified Development Code by reorganizing the code to improve its structure and implement the updated policies proposed as part of the 2025 Periodic Comprehensive Plan update. The proposed reorganization is not a complete overhaul of the code but will improve readability, usability, and administration of the code by improving the organization of code chapters. In addition to the reorganization, Skagit County is proposing the following substantive changes:

Substantive changes driven by the 2025 Periodic Comprehensive Plan update include:

- Allowance for two Accessory Dwelling Units in Urban Growth Areas, where sewer is available.
- Allowance for vehicle charging stations in the following zones: Natural Resource Industrial, Industrial Forest-Natural Resource Lands, Secondary Forest-Natural Resource Lands, Urban Reserve Public-Open Space, and Public Open Space of Regional/Statewide Importance.
- New code language to allow for Unit Lot Subdivisions as a land division.
- Addition of behavioral health facilities to other mental health/substance abuse facilities as an Essential Public Facility.
- Allowance of middle housing types in the Rural Village Residential zone, including duplexes, triplexes, fourplexes, and manufactured home parks.
- Allowance of emergency housing, emergency shelter, and transitional housing in the Rural Village Commercial zone.
- Allowance of permanent supportive housing and transitional housing in the Rural Village Residential and Urban Reserve Residential zones.
- Allowance of Co-Living housing in the Urban Reserve Residential zone.
- Amendment to legislative actions chapter (SCC 14.08) to require countywide analysis for de-designation of natural resource lands and a climate impact analysis prior to altering urban growth areas.

Substantive Changes driven by housing and permit expediting goals include:

- Amendments to setback requirements.
- Exemption of impact fees for ADUs.
- Reorganize and clarify rules for legal lot certification and make Reasonable Use Exceptions a Type 1 review.
- Integrate Administrative Official Interpretations into code.
- Delete definitions that aren't used.

Critical Areas Ordinance (CAO) Update

The Growth Management Act (GMA) requires all cities and counties in Washington to adopt regulations protecting “critical areas”. Regulated critical areas include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. The Critical Areas Ordinance updates generally fall into two categories, Best Available Science and Clarity and Efficiency which are listed below:

Best Available Science (BAS) & The Growth Management Act (GMA) – Washington State required changes resulting from the current and best available information that follows a valid scientific process.

Proposed amendments based on Best Available Science include:

- Administrative Updates
 - Emphasis on no-net-loss of ecological functions
 - CAO relationship with state, federal, local agency regulations
 - PCA (Protected Critical Area) sign spacing
 - WAC and resource updates as applicable
 - Qualified professional clarifications as needed
- Wetlands
 - Designation & Classification – reference current manuals, Ecology publications
 - Buffer regulations – habitat score updates, vegetated condition, impact minimization measures, habitat corridors, small wetland exemption, and buffer modification
- Critical Aquifer Recharge Areas

- Designation categories
- Land use standards
- Site assessment & protection plans
- Stream Inflow Rules – WAC and WRIA references
- Seawater intrusion areas – DOH standards
- Geologically Hazardous Areas
 - Known or suspected hazards – descriptions
- Fish and Wildlife Habitat Conservation Areas
 - Reference current WDFW Priority Habitats and Species List
 - Site assessment criteria – distance, bald eagle regulatory change
 - Streams: protection standards - functions, vegetated buffer condition, structure setback, buffer modifications

Clarity and Efficiency – The following changes are proposed to improve clarity for implementing the Critical Areas Ordinance (CAO):

- Readability and administration
- Reasonable Use and Variance language
- CARA section – improve content and organization

How to Comment

Option 1: Email comments are preferred and must be sent to pdscomments@co.skagit.wa.us with the proposal name (“2025 Development Regulations and Critical Areas Ordinance Update”) in the subject line. Include your comments in the body of your email message rather than as attachments.

Option 2: Paper comments must be printed on 8½x11 paper and mailed or delivered to:

Planning and Development Services
 Comments on “2025 Development Regulations and Critical Areas Ordinance Update”
 1800 Continental Place
 Mount Vernon WA 98273

All comments must be received by the deadline referenced above and include your full name and mailing address. Comments not meeting these requirements will not be considered.

Option 3: Planning Commission is hosting meetings in the Skagit County Commissioners’ Hearing Room at 1800 Continental Place, Mount Vernon, WA 98273. You may also comment in person or via Zoom. If you wish to provide verbal testimony, please send an email to pdscomments@co.skagit.wa.us, with your name, phone number, and include a request to be added to the speakers list in the body of the email. You may also sign up to be on the speakers list at the public hearing. Public hearing testimony is usually limited to three minutes, so written comments are preferred.

Anyone who plans to attend the public hearing and has special needs or disabilities should contact Planning and Development Services at (360) 416-1320 at least 96 hours before the hearing to discuss and arrange any special accommodations.

To view the live stream on Skagit21: <https://www.skagitcounty.net/Departments/TV21>

You may also attend the meeting remotely through your telephone or from your computer, tablet or smartphone with this link:

<https://us06web.zoom.us/j/89244005472?pwd=L056TEpTc1J4YmUwT25pYjBITG1vdz09>

or by calling: 1 (253) 215-8782 (Tacoma)

Meeting ID: 892 4400 5472 Passcode: 0982730

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