

**Skagit County Planning Commission's Recorded Motion  
Recommending Development Regulations to Prohibit Wetland Mitigation  
Banks in Lands Zoned Ag-NRL**

WHEREAS, on February 9, 2009, the Board of County Commissioners, through Ordinance O20090001, enacted a moratorium on new wetland mitigation banks on lands zoned Ag-NRL, which is still in effect;

WHEREAS, on March 17, 2009, the Board of County Commissioners held a public hearing to receive public testimony on the moratorium and accepted written comments until the close of business on March 20, 2009;

WHEREAS the moratorium is effective for six months, and will expire on August 8, 2009, without additional action to renew it or adopt a permanent ordinance;

WHEREAS, on April 9, 2009, Planning and Development Services staff proposed permanent amendments to Skagit County Code and transmitted such amendments to the Washington State Department of Community, Trade, and Economic Development in accordance with RCW 36.70A.106;

WHEREAS, on April 9, 2009, the Planning and Development Services Administrative Official issued a State Environmental Policy Act determination of non-significance for the proposed amendments and circulated it to agencies with jurisdiction in accordance with WAC 197-11-340(2) and published it in the Skagit Valley Herald, in accordance with SCC 14.12.160(2);

WHEREAS, on May 5, 2009, the Skagit County Planning Commission held a public hearing and received public testimony and comments through the end of the public hearing; and

WHEREAS, on May 19, 2009, the Skagit County Planning Commission met to review the public comments, consider the Department's recommendation, and to deliberate on the proposed action.

**Now Therefore Be It Resolved:**

After duly considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendation to the Board of County Commissioners:

**Findings of Fact and Reasons for Action**

1. The protection of working natural resource lands, including agricultural and forest lands, is of paramount importance to Skagit County and its citizens, and conservation of natural resource lands is directed by the Growth Management Act, RCW 36.70A.060.
2. Non-agricultural uses should be discouraged on lands designated as Agricultural Natural Resource Lands (Ag-NRL).
3. Natural resource lands are vulnerable to development for uses other than natural resource industries.

4. Wetland mitigation banks, whether owned or operated by a public agency or private organization, should not displace agricultural operations on lands zoned Ag-NRL.
5. Prohibiting wetland mitigation banks on only lands zoned Ag-NRL may not be sufficient, and the Planning Commission believes the County Commissioners should engage further study of wetland mitigation banks across Skagit County.

**Recommendation**


Based on the above findings, Jerry Jewett moved and Annie Lohman seconded that the Skagit County Planning Commission recommend the Board of County Commissioners adopt the proposed code amendments as described below.

Skagit County Code 14.16.400(4), Agricultural—Natural Resource Lands (Ag-NRL), should be amended to read as follows:

- (4) Hearing Examiner Special Uses.
  - (a) – (b) [No Change.]
  - (c) Habitat enhancement and/or restoration projects, except “mitigation banks” as defined by SCC 14.04.020.
  - (d) – (m) [No Change.]

Commission Vote	Support	Oppose	Absent	Abstain
William Stiles III, Chair			✓	
Jason Easton, Vice Chair	✓			
Carol Ehlers	✓			
Dave Hughes				✓
Jerry Jewett	✓			
Kristen Ohlson-Kiehn	✓			
Annie Lohman	✓			
Matt Mahaffie	✓			
Mary J. McGoffin	✓			
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SKAGIT COUNTY PLANNING COMMISSION  
SKAGIT COUNTY, WASHINGTON

  
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Jason Easton, Acting Chair

6/1/09  
Date

  
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Gary R. Christensen, Secretary

6/1/09  
Date