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**Planning and Development Services recommends the following Critical Areas Ordinance amendments to the April 21, 2025 draft, based on received public comments.**

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**Recommendation #1.      Wetland Mitigation:** Clarify mitigation priorities for buffers separately from direct wetlands impacts [SCC 14.24.250(3)].

*Recommendation is based on public comments: 1*

**Recommendation #2.      FWHCA / Stormwater:** Review update Critical Areas Report requirements as needed to require projects to address downstream water quality impacts to FWHCAs. Stormwater runoff (quality and quantity) control is addressed under SCC 14.32 and 16.32.

*Recommendation is based on public comments: 2, 3, 4, 5, 6, 7, 11, 12, 17, 21, 24*

**Recommendation #3.      Geologically Hazardous Areas:** Incorporate general housekeeping amendments to the Geologically Hazardous Areas code section and related code sections for allowed activities (SCC 14.24.070) and the definition of qualified professional (SCC 14.24.080) recommended by the Washington Department of Natural Resources.

*Recommendation is based on public comments: 10*

**Recommendation #4.      Agriculture / Drainage:** Review and update FWHCA language to incorporate and define drainage/irrigation district terminology and clarify when FWHCA regulations apply. The county will also review language involving Voluntary Stewardship Plan (VSP) relative to critical area buffer flexibilities. Amendments will focus on SCC 14.24.070 ‘Activities allowed without standard review’ and SCC 14.24.120 ‘Ongoing agriculture’.

*Recommendation is based on public comments: 13, 19, 26*

**Recommendation #5.      Agriculture / Drainage:** Remove reference to Tidegate Fish Initiative; it is out-of-date (SCC 14.24.120(4)(d)).

*Recommendation is based on public comments: 13, 16, 18, 19, 22, 26*

**Recommendation #6.      Agriculture / Drainage:** Review and incorporate code updates recommended by the Skagit County Drainage and Irrigation District Consortium, LLC in their comments 1-6 and 8. These updates will clarify definitions and regulatory requirements for managed and artificial watercourses.

*Recommendation is based on public comments: 13*

**Recommendation #7.      Species of Local Importance:** Update the species of local importance list to include forage fish [SCC 14.24.500(4)]. Also review additions suggested by the Skagit Audubon Society (White pelican, Harlequin duck, Western high Arctic brant, bufflehead, and beavers). Note: The proposed reference to WDFW Priority Habitats and Species List is already inclusive.

*Recommendation is based on public comments: 15, 16, 18, 22, 23*

**Recommendation #8.      Buffer Enhancement:** Amend the buffer enhancement requirements under SCC 14.24.070(12) through (13) to support practical implementation of restoration projects.

*Recommendation is based on public comments: 16, 18, 22*

**Recommendation #9.      Critical Areas Report:** Update Critical Areas Report requirements to clarify impact assessment criteria ([SCC 14.24.080(5)(c)(iv)]).

*Recommendation is based on public comments: 16, 18, 22*

**Recommendation #10.      FWCHA term consistency:** Update code to consistently use either Fish and Wildlife Habitat Conservation Area (FWHCA) or Habitat Conservation Area (HCA).

*Recommendation is based on public comments: 16, 18, 22*

**Recommendation #11.      PCA Maintenance:** Under Protected Critical Area (PCA) Requirements [SCC 14.24.090] add a cross reference to SCC 14.24.070(12) – Allowed Activities to make it clear invasive plant removal is allowed.

*Recommendation is based on public comments: 23*

**Recommendation #12.      Reduced requirements for small wetlands:** Update this code language for clarity and ensure alignment with Washington State Department of Ecology guidance [SCC 14.24.240(1)(c)].

*Recommendation is based on public comments: 23*

**Recommendation #13.      Habitat corridors:** Update FWHCA protection standards to include habitat corridor protections to better align with best available science (SCC 14.24.530).

*Recommendation is based on public comments: 23*

**Recommendation #14.      Critical Aquifer Recharge Areas (CARA):** Update above ground tank storage requirements to exclude facilities subject to Oil Pollution Prevention (OPP) regulations [SCC 14.24.320 through 340].

*Recommendation is based on public comments: 25*

**Recommendation #15.      FWHCA:** Comments received from the Washington Department of Fish and Wildlife (WDFW) are generally recommended by planning staff with three exceptions: 1) Site Potential Tree Height and 2) Timber Harvest 3) Ongoing Agriculture. Review

and incorporate changes to the FWHCA code section as recommended by County planning staff. This includes removing the buffer averaging allowance from the FWHCA section, and additional impact avoidance criteria.

*Recommendation is based on public comments: 27*

**Recommendation #16. FWHCA Habitat Management Plans:** The Gap Analysis recommends including other agencies, such as the U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA), under the habitat management plans code section SCC 14.24.520(4). This was omitted in error. Recommend adding to this amendment.

*Recommendation is based on public comments: 15*

**Recommendation #17. Instream Flow Rules:** Add RCW references to SCC 14.24.350 to ensure compliance with state law for water use.

*Recommendation is based on public comments: 28*

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**Planning and Development Services recommends the following Development Regulation amendments to the April 21, 2025 draft, based on received public comments.**

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**Recommendation #18. Table 14.13.020-1:** Modify the table and move the restriction to the zone so that the restriction can be fully explained.

*Recommendation is based on public comments: 21*

**Recommendation #19. Residential Accessory Use, clarify as applied to Ag-NRL (SCC 14.18 – Page 116 in Draft):** Adjust and clarify that residential uses are secondary to agricultural uses in the AG-NRL zone.

*Recommendation is based on public comments: 21*

**Recommendation #20. Major regional utility listed as a marijuana use (SCC 14.10.070(3):** Adjust list of prohibited marijuana uses so “major regional utility development” is in a separate subsection from the marijuana uses.

*Recommendation is based on public comments: 30*

**Recommendation #21. Restore SCC 14.16.310(7):** Restore SCC 14.16.310(7) to the Rural Village Residential zone by adding standards in SCC 14.11.300 in the next draft.

*Recommendation is based on public comments: 8, 9*