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**TITLE 14**  
**SKAGIT COUNTY CODE**

**CHAPTER 14.28**

**CONCURRENCY**

**Sections:**

- 14.28.010 Purpose.
- 14.28.020 Development Exempt from Project Concurrency Review.
- 14.28.030 Concurrency Facilities and Services.
- 14.28.040 Project Concurrency Review.
- 14.28.050 Phased Development.
- 14.28.060 Transportation Concurrency.
- 14.28.070 Non-Transportation Concurrency.
- 14.28.080 Certificate of Capacity.
- 14.28.090 Facility Capacity Fees.
- 14.28.100 Development within Municipal UGAs.
- 14.28.105 [Development in Bayview Ridge UGA](#)
- 14.28.110 Annual Concurrency Assessment.

1 | **Section 1: Skagit County Code Section 14.28 is hereby amended to read as follows:**  
2 |

3 | **14.28.010 Purpose.**

- 4 | (1) Pursuant to the State Growth Management Act, RCW 36.70A, after the adoption of its  
5 | Comprehensive Plan, Skagit County is required by RCW 36.70A.070(6)(e) to ensure that  
6 | transportation improvements or Transportation Systems Management strategies to  
7 | accommodate the impacts of development are in place at the time a project is first  
8 | occupied, or that a financial commitment is in place to complete the improvements or  
9 | Transportation Systems Management strategies within 6 years. The County is also bound  
10 | by the planning goals of RCW 36.70A.020 to ensure that public facilities and services  
11 | necessary to support development are adequate to serve the development at project  
12 | occupancy.
- 13 | (2) Concurrency for certain urban and rural public facilities and services is assured by the  
14 | implementation of the Capital Facilities Plan, the County's monitoring and annual review  
15 | of that plan and the County's response in the absence of concurrency. Certain public  
16 | facilities and services also need to be analyzed before the County can issue a project  
17 | permit for a specific development. This Chapter addresses both the annual concurrency  
18 | review process and the system whereby individual development projects are examined  
19 | for concurrency and development permits are issued only after it is demonstrated that the  
20 | levels of service will not be degraded below the adopted level of service standards for  
21 | these facilities and services.  
22 |

23 | **14.28.020 Development Exempt from Project Concurrency Review.**

24 | All development shall undergo Project Concurrency Review unless specifically exempt as  
25 | follows:

- 26 | (1) Exempt Development Permits. The following development permits are exempt from  
27 | Project Concurrency Review:  
28 | (a) Boundary Line Adjustment.  
29 | (b) Final Subdivision (if a concurrency test was conducted for the corresponding  
30 | Preliminary Subdivision).  
31 | (c) Rezone (but not including a contract rezone which establishes a specific timeline  
32 | for constructing the specific use and a deadline for such construction after which  
33 | the contract rezone expires).  
34 | (d) Shoreline Substantial Development Variance.  
35 | (e) Street Vacation.  
36 | (f) Temporary Use Permit.  
37 | (g) Variance.
- 38 | (2) Exempt Types or Levels of Development. Permits for the following types or levels of  
39 | development are exempt from Project Concurrency Review:  
40 | (a) Single-family home.  
41 | (b) Duplex.  
42 | (c) Accessory Dwelling Unit.  
43 | (d) Any addition to, renovation or replacement of a structure with no change in use  
44 | and no more than one additional dwelling unit added, such as re-roofing.

- 1 (e) Any accessory structure with no change in use and no more than one additional  
2 dwelling unit added.
- 3 (f) Interior completion of a structure for a use with the same or less intensity as the  
4 existing use or a previously approved use.
- 5 (g) Temporary construction trailers.
- 6 (h) Driveway, resurfacing or parking lot paving.
- 7 (i) Demolition.
- 8 (j) Any other permit or approval that the Administrative Official determines has no  
9 impact on a concurrency facility or service.
- 10 (3) Exemption from obtaining Concurrency Determination for Roads. Any development  
11 generating a total of 4 or less peak-hour trips from the total project shall be exempt from  
12 obtaining a Concurrency Determination for Roads, but shall not be exempt from  
13 obtaining a Concurrency Determination for Non-Transportation Facilities and Services  
14 and shall also not be exempt from providing appropriate transportation improvements or  
15 mitigation for traffic impacts in the immediate vicinity of the project as may be required  
16 by SCC 14.16, SCC 14.18, or SCC 14.36.
- 17 (4) Exemption for projects in Municipal Urban Growth Areas. Any proposed project within  
18 a Municipal Urban Growth Area shall conform to the concurrency requirements set forth  
19 in the applicable city ordinance and shall not be subject to Concurrency Review under  
20 this Chapter.
- 21 (5) Tracking Exempt Development. Concurrency facility and service providers shall  
22 establish a tracking system to account for exempt development in the same manner as  
23 Certificates of Capacity are used to maintain an accounting of traffic impacts on County  
24 Roads and capacity for non-transportation concurrency facilities and services that has  
25 been reserved.

26  
27 **14.28.030 Concurrency Facilities and Services.**

28 The following Concurrency Facilities and Services, if used by the proposed development, must  
29 be evaluated during Project Concurrency Review:

- 30 (1) In Rural Areas - County Roads, Public Water Systems, Police, Fire.
- 31 (2) In Big Lake Rural Village - Sanitary Sewer.
- 32 (3) In Bayview Ridge and Swinomish UGA - County Roads, Public Water Systems, Sanitary  
33 Sewer, Police and Fire.
- 34 (4) In Municipal Urban Growth Areas - city ordinances. *See* SCC 14.02.

35  
36 **14.28.040 Project Concurrency Review.**

- 37 (1) Timing. All Applicants for development permits, except those exempt, shall apply for  
38 Project Concurrency Review at the time applications for development project permits are  
39 submitted. Inquiries about availability of capacity on concurrency facilities and services  
40 may be made prior to development permit applications, but responses to such inquiries are  
41 advisory only and available capacity can only be reserved through a certificate of  
42 capacity as set forth in this Chapter.
- 43 (2) Procedures.
  - 44 (a) Applications for Project Concurrency Review shall be submitted on forms  
45 provided by the Planning and Permit Center.

- 1 (b) Project Concurrency Review shall be performed for the specific property, uses,  
2 densities and intensities based on the information provided by the Applicant. The  
3 Applicant shall specify densities and intensities that are consistent with the uses  
4 allowed or to be vested for the property. If the Project Concurrency Review is  
5 being requested in conjunction with a contract rezone, the Applicant shall specify  
6 the densities and intensities consistent with the proposed contract zoning for the  
7 property.
- 8 (c) Upon receipt of a complete application for a development permit, there shall be a  
9 tentative reservation of traffic impacts on County roads and a tentative reservation  
10 of capacity for Non-Transportation Concurrency Facilities and Services that will  
11 serve that development in order to account for the potential future traffic impacts  
12 and future use of capacity by that development. That tentative reservation shall  
13 convert to a final reservation of traffic impacts/capacity upon issuance of a  
14 Certificate of Capacity or shall become void in the event that project permits for  
15 the development are not issued.
- 16 (d) The Planning and Permit Center shall notify the Concurrency Facility and  
17 Services Providers of all applications received requiring Project Concurrency  
18 Review and request a Concurrency Determination.
- 19 (e) The Concurrency Facility and Services Providers shall notify the Applicant and  
20 the Planning and Permit Center of the results of the Concurrency Determination  
21 within 30 days. If additional information is needed to determine concurrency,  
22 such additional information may be requested by the concurrency facility and  
23 service provider, but such request shall not make the original application to be  
24 deemed incomplete.
- 25 (f) The decision maker for the project permit(s) shall make a Final Concurrency  
26 Decision as part of the development permit decision(s) based on the Concurrency  
27 Determination and all relevant evidence presented in the public record on the  
28 project permit. The development permit may be conditioned as necessary to  
29 ensure that an improvement relied upon to demonstrate concurrency will be  
30 completed or a Transportation Systems Management strategy will be  
31 implemented in the required time frame. The Final Concurrency Decision shall  
32 be a part of the permit decision which is appealable pursuant to SCC 14.06.
- 33 (g) If the decision maker concludes that there is no concurrency and the project  
34 permit cannot be conditioned to accomplish concurrency, the project permits shall  
35 be denied.
- 36 (h) If the decision maker concludes that there is concurrency and issues project  
37 permits, the Planning and Permit Center shall issue a Certificate of Capacity to the  
38 Applicant with a copy sent to each Concurrency Facility and Service Provider.  
39 The Certificate of Capacity shall be used to maintain an accounting of traffic  
40 impacts on County Roads and capacity for Non-Transportation Concurrency  
41 Facilities and Services that has been reserved.
- 42 (i) If the development permit for a project is withdrawn, expires or is otherwise  
43 cancelled, the Certificate of Capacity for that development shall automatically be  
44 voided. The Planning and Permit Center shall send notice of all voided  
45 Certificates of Capacity to each Concurrency Facility and Service Provider.

- 1 (3) Administrative Rules. The Administrative Official may, by administrative order,  
2 establish administrative rules to manage Project Concurrency Review.
- 3 (4) Relation to Other Requirements. Compliance with or exemption from the requirements  
4 of this Chapter shall not exempt a development project from compliance with all other  
5 requirements of the Uniform Development Code including, but not limited to,  
6 compliance with SCC 14.12 (SEPA), SCC 14.30 (Impact Fees), SCC 14.36 (Public  
7 Works Standards), and SCC 14.32 (Drainage).

8  
9 **14.28.050 Phased Development.**

10 When a development is proposed in phases or construction is expected to extend over some  
11 period of time, the Applicant may offer a schedule of occupancy that limits the occupancy during  
12 any given period of time. When there is such an offer, the schedule of occupancy shall be used  
13 in identifying the improvements or Transportation Systems Management strategies that will be  
14 required to be implemented with each phase or time period of the development to comply with  
15 Project Concurrency Review. All permits based upon a schedule of occupancy shall be  
16 conditioned so that the improvements or Transportation Systems Management strategies  
17 identified as being necessary to comply with Project Concurrency Review are completed prior to  
18 each identified development phase (e.g. final plat approval, phased building permit). When an  
19 Applicant is relying on Funded Projects to demonstrate Transportation Concurrency, the Funded  
20 Projects necessary for concurrency with the level of service standards must be identified at the  
21 time of the Final Concurrency Decision.

22  
23 **14.28.060 Transportation Concurrency.**

24 There are 2 parts to a project concurrency determination for roads. First, there must be  
25 concurrency with the County road system level of service standards. Second, there must be  
26 concurrency with the County road segment and road intersection level of service standards.

27 (1) Part One - County Road System Concurrency:

- 28 (a) The Birdsall Method shall be used to assess County Road System Concurrency.  
29 (b) The Annual Concurrency Report for County Roads ("Annual Report") will  
30 provide the basic information for this assessment. *See* SCC 14.28.110.  
31 (c) Traffic information used for the Annual Report shall be updated as necessary to  
32 account for traffic levels from the following development projects if these  
33 projects were not considered in the last Annual Report:

- 34 (i) traffic from newly constructed development projects;  
35 (ii) projects for which traffic impacts have been tentatively reserved; and  
36 (iii) projects for which a Final Concurrency Decision has been made.

37 The traffic information used for the Annual Report shall also be updated and  
38 reserved traffic impacts removed as necessary as a result of any discontinued  
39 Certificates of Concurrency and any Funded Projects after the last Annual Report.

40 (d) There is concurrency with the County Road System level of service standards  
41 using the Birdsall Method if taking into account Funded Projects:

- 42 (i) The County Road System is in concurrence; or  
43 (ii) The County Road System is not in concurrence but the development will  
44 not add more than 4 peak-hour trips to any County road segment that the  
45 Birdsall Method has identified as having an unmet improvement need; or

1 (iii) The County Road System is not in concurrence but the Applicant agrees to  
2 provide transportation improvements or Transportation Systems  
3 Management strategies and/or other binding financial commitments to  
4 increase the planned capacity on the County road system within 6 years  
5 resulting in a new determination that the County Road System is in  
6 concurrence.

7 (2) Part Two - Individual Road Segment and Intersection Concurrence:

8 (a) Highway Capacity Manual type methods selected by the County Engineer shall be  
9 used to assess Individual Road Segment and Intersection Concurrence.

10 (b) The annual Concurrence Report for County Roads (*see* SCC 14.28.110) will  
11 provide the basic starting information for this assessment.

12 (c) Traffic information used for the Annual Report shall be updated as necessary to  
13 account for traffic levels from the following development projects if these  
14 projects were not considered in the last Annual Report:

15 (i) traffic from newly constructed development projects;

16 (ii) projects for which traffic impacts have been tentatively reserved; and

17 (iii) projects for which a Final Concurrence Decision has been made.

18 The traffic information used for the Annual Report shall also be updated and  
19 reserved traffic impacts removed as necessary as a result of any discontinued  
20 Certificates of Concurrence and any Funded Projects after the last Annual Report.

21 (d) Each Affected County Road Segment and Affected County Intersection shall be  
22 reviewed and if necessary analyzed. The Applicant may be required to provide a  
23 traffic analysis if existing information does not provide adequate information for  
24 this assessment.

25 (e) There is concurrence with the Individual Road Segment and Intersection level of  
26 service standards if, taking into account funded projects:

27 (i) the level of service on each Affected County Road Segment and each  
28 Affected County Intersection will meet or exceed the standards adopted in  
29 the Comprehensive Plan; or

30 (ii) the Applicant agrees to modify the project or provide transportation  
31 improvements or Transportation Systems Management strategies and/or  
32 other binding financial commitments that will result in the level of service  
33 on each Affected County Road Segment and each Affected County  
34 Intersection meeting or exceeding the standards adopted in the  
35 Comprehensive Plan.

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39 **14.28.070 Non-Transportation Concurrence.**

40 (1) Development projects required to obtain a Concurrence Determination for Non-  
41 Transportation Facilities and Services shall demonstrate that there is concurrence with  
42 each Non-Transportation Facilities and Services as follows:

43 (a) For Water - If the project is within the service area for a public water system as  
44 identified in the Coordinated Water Services Plan (CWSP), the Applicant has a  
45 letter of water availability from the applicable water system purveyor and the

1 project is conditioned as appropriate to provide water system improvements  
2 necessary to meet the applicable urban or rural standards as set forth in Appendix  
3 A.

4 (b) For Sewer - If the project is within an area approved for public sanitary sewer  
5 pursuant to the applicable sewer purveyor's Comprehensive Plan and complies  
6 with all requirements of that purveyor for obtaining sewer service, including any  
7 conditions as appropriate for improvements necessary to meet the applicable  
8 standards set forth in sewer requirements adopted by that purveyor.

9 (c) For Police -

10 (i) In Urban Growth Areas - 1 officer per 1,000 population served or per 100  
11 acres of developed commercial or industrial property, whichever is higher.

12 (ii) In Rural Areas - 1 officer per 2,000 population served.

13 (d) For Fire -

14 (i) In Urban Growth Areas - The project provides fire flow in accordance  
15 with the CWSP (Section 4, Minimum Design Standards) and Uniform Fire  
16 Code; the provider has the capability for annual inspections of all  
17 commercial and industrial facilities and has the ability to comply with the  
18 following 90% of the time:

19 a) Within 5 minutes response time, delivering up to 200 gallons per  
20 minute (gpm) fire flow in an offensive (interior) attack, with a  
21 minimum of 4 firefighters for responses to structural fires, vehicle  
22 fires, other outside fires, motor vehicle accidents, activated fire  
23 alarm systems or other hazardous conditions; capable of delivering  
24 a minimum of Basic Life Support including defibrillation with a  
25 minimum of 1 First Responder or Emergency Medical Technician  
26 for medical responses.

27 b) Within 10 minutes response time, supporting the interior structural  
28 fire attack with teams which may include a ventilation team, a  
29 search & rescue team, a team for a backup line and standby  
30 firefighters totaling between 8 and 12 firefighters on-scene;  
31 providing Heavy Rescue capability, including heavy hydraulics, at  
32 motor vehicle accidents.

33 c) Within 20 minutes response time, delivering 1500-gpm fire flows  
34 in a sustained defensive attack mode for structural fire responses.  
35 For buildings larger than 10,000 sq. ft., delivering 2000 gpm and  
36 have an elevated master stream capability.

37 (ii) In Non-Urban Growth Areas - The project provides fire flow in  
38 accordance with the CWSP (Section 4, Minimum Design Standards) and  
39 Uniform Fire Code; and the provider has a Washington Surveying and  
40 Rating Bureau (WSRB) public protection classification #8 or better.  
41 Within an IF-NRL designation, the project must also be within 5 road  
42 miles from a recognized Community A fire station, or within 10 road  
43 miles to a recognized Community A fire station and within 5 road miles of  
44 a fire station having an Initial Attack Fire Apparatus.

- 1 (2) Non-Transportation Facility and Services Providers shall be responsible for maintaining  
2 and monitoring the available capacity for their facility for the purpose of responding to  
3 requests for project concurrency determinations and for responding to requests by the  
4 County during the annual concurrency determination. The providers shall take into  
5 account existing use of their facility, additional use from anticipated growth, new projects  
6 for which capacity has been tentatively reserved and new projects for which a Final  
7 Concurrency Decision has been made, and additional capacity available as a result of any  
8 discontinued certificate of capacity and capacity improvements that are funded and under  
9 construction.
- 10 (3) To demonstrate concurrency with each of the Non-Transportation Facilities and Services  
11 the Applicant may:
- 12 (a) demonstrate that the development will have a lower need for capacity than usual;  
13 or  
14 (b) modify the application to reduce the need for capacity; or  
15 (c) offer binding mitigation measures that will provide additional capacity necessary  
16 to maintain the level of service standard upon project occupancy.  
17

18 **14.28.080 Certificate of Capacity.**

- 19 (1) A certificate of capacity shall only be issued upon payment of any concurrency fee due  
20 and performance of any precondition established in the permit decision as a prerequisite  
21 for obtaining such certificate.
- 22 (2) A certificate of capacity shall apply only to the specific land uses, densities, intensities  
23 and development project described in the application and development permit.
- 24 (3) A certificate of capacity is not transferable to other property, but may be transferred to  
25 new owners of the same property.
- 26 (4) A certificate of capacity shall remain valid so long as the accompanying development  
27 permit has not expired or been revoked.
- 28 (5) A certificate of capacity is valid for any modification of the permits for which the  
29 certificate was issued so long as such modification does not require the Applicant to  
30 obtain a new development permit.
- 31 (6) Any capacity that is not used because the full extent of the development is not built shall  
32 be returned to the pool of available capacity.  
33

34 **14.28.090 Facility Capacity Fees.**

35 Concurrency Facility and Service Providers may charge concurrency fees based upon an adopted  
36 fee schedule.  
37

38 **14.28.100 Development within Municipal UGAs.**

39 Project Concurrency Review for development within the unincorporated portion of a city/town's  
40 Urban Growth Area shall be the responsibility of that city or town pursuant to the concurrency  
41 regulations of that city or town. The County, in its Annual Concurrency Review, shall assess  
42 concurrency within the unincorporated portions of all Urban Growth Areas.



1 **14.28.105 Development within the Bayview Ridge UGA shall be governed by the**  
2 **following levels of service standards and development agreements.**  
3

4 **1) Street Standards for Bayview Ridge UGA.**  
5

- 6 a) As a condition of any development approval, including but not limited to, subdivision  
7 approvals, for any of the listed permitted, accessory or special uses, within the Bayview  
8 Ridge UGA, other than for interim agricultural uses, the property owner shall construct  
9 streets consistent with the Skagit County Road Standards, (see proposed urban area  
10 roadway design standards, Appendix 1). In addition, as a condition of development  
11 approval and for all property owned by the same owner in the UGA, the owner shall sign  
12 an agreement not to protest a future Local Improvement District (LID) or other pro rata  
13 sharing of costs to upgrade or install additional urban standard street improvements,  
14 street lights and/or sidewalks within 20 years, if such are determined necessary as part of  
15 urban level of service standards in the Subarea Plan process for the Bayview UGA.  
16 Credit for prior contributions and improvements that are included in the Subarea facilities  
17 plan shall be provided as set forth in subsection (6).  
18 b) The Administrative Official may grant an exception to the requirements for curb, gutter  
19 and sidewalk on property if it is determined that such exception is necessary to protect  
20 wetlands and their required buffers under the County’s Critical Areas Ordinance and if,  
21 as an alternative to sidewalks along the street, the Port of Skagit County (Port) and/or  
22 landowner has constructed or will have constructed prior to occupancy, a pedestrian trail  
23 system consistent with and augmenting the trail system adopted by the Port in Resolution  
24 No. 99-09 on August 3, 1999, pursuant to Ordinance #18264, Attachment 1, Appendix 2.  
25

26 **2) Water Service in the Bayview Ridge UGA.**  
27

28 As a condition of any development approval for any of the listed permitted, accessory or  
29 special uses within the Bayview Ridge UGA, other than for interim agricultural uses, the  
30 property owner shall obtain a certificate of water availability for the proposed use from  
31 Skagit PUD #1 and connect to the PUD #1 water system. Fire flow requirements shall be as  
32 specified in the Skagit County Coordinated Water System Plan. In addition, as a condition of  
33 development approval, and for all property owned by the same owner in the UGA, the owner  
34 shall sign an agreement not to protest a future LID or other pro rata sharing of costs to  
35 upgrade the water system in the future or to install additional urban standard water lines or  
36 facilities within 20 years, if such are determined necessary as part of water level of service  
37 standards in the Subarea Plan process for the Bayview Ridge UGA or are required to meet  
38 the owner’s water capacity demands based on PUD #1’s development regulations (design  
39 criteria). Credit for prior contributions and improvements that are included in the Subarea  
40 facilities plan shall be provided as set forth in subsection (6) below.  
41

42 **3) Storm Drainage in the Bayview Ridge UGA.**  
43

44 As a condition of any development approval for any of the listed permitted, accessory or  
45 special uses, other than for interim agricultural uses, the property owner shall construct

1 surface and storm water management improvements as determined by the County to be  
2 consistent with the City of Burlington surface water management standards found in Skagit  
3 County Code 14.32, Drainage Ordinance. In addition, as a condition of development  
4 approval, and for all property owned by the same owner in the UGA, the owner shall sign an  
5 agreement not to protest a future LID or other pro rata sharing of costs to upgrade the surface  
6 water management system or install additional urban standard storm water management  
7 improvements within 20 years, if such are determined necessary as part of surface or  
8 stormwater management standards in the Subarea Plan process for the Bayview Ridge UGA.  
9 Credit for prior contributions and improvements that are included in the Subarea facilities  
10 plan shall be provided as set forth in subsection (6) below.

#### 11 **4) Sanitary Sewer Service in Bayview Ridge UGA**

12 As a condition of development approval for any of the listed permitted, accessory or special  
13 uses, other than for interim agricultural use, if the property on which a proposed use is  
14 located is within 200 feet of an existing City of Burlington sewer line, the owner must obtain  
15 confirmation of sewer availability from the City of Burlington prior to development approval  
16 and must connect to the existing sewer line. If the proposed use is located beyond that 200-  
17 foot limit, the use may apply for a waiver to operate on an approved holding tank, pursuant to  
18 the requirements of Skagit County Code 12.05.130 and .260 and the Washington State  
19 Department of Health Standards and Guidance for Holding Tank Sewage Systems, in the  
20 interim, subject to the following:

- 21
- 22
- 23
- 24 a) the owner's management plan submitted to the County Health Officer pursuant to SCC  
25 12.05.130(3)(b) must contain a provision for proper disposal of holding tank contents at a  
26 certified facility;
- 27 b) owners utilizing holding tanks shall record a covenant that if the property is sold, the  
28 tanks will be certified to be empty and non-hazardous unless the new owner gives written  
29 agreement to accept responsibility for any tank contents;
- 30 c) the required holding tank sewage system for the proposed industrial use is sized for no  
31 more than 2 Units Volume of Sewage Flow, as defined by Skagit County Code 12.05.030  
32 (900 gpd); per 20 acres of existing legal parcel area, provided that any existing legal lot  
33 of record within the Bayview Ridge UGA smaller than 10 acres as of the date of the  
34 ordinance shall be entitled to construct a holding tank sewage system sized for no more  
35 than 1 Unit Volume of Sewage Flow (450 gpd), as long as all requirements of Skagit  
36 County Code 12.05 can otherwise be met;
- 37 d) Between 6 and 12 months after commencement of the operation and once approximately  
38 every 2 years thereafter until public sewer is connected the County shall evaluate either  
39 public water record use or all holding tank pumping records to evaluate the actual  
40 Sewage Volume and verify its consistency with the limits of subsection (4)(c) above. If  
41 the County relies on holding tank pumping records, the County shall require the property  
42 owner to certify that the records constitute all of the holding tank pumping services for  
43 the property. Allowed sewage volume shall be calculated as equal to water use unless the  
44 property owner requests separate metering of domestic water and irrigation water to  
45 insure a more accurate accounting of water use that will end up in the sewage system.

- 1            i) The County shall make the results of this monitoring available for public review and  
2            inspection.
- 3            ii) The costs of this monitoring may be charged to the property owner or industrial user.  
4            iii) If the results of any monitoring reflect a problem with the permitted quantity  
5            described in this section, then the County shall:
- 6            (1) immediately commence enforcement actions pursuant to existing state and local  
7            regulations and expeditiously pursue enforcement actions in Superior Court;  
8            (2) commence an increased frequency monitoring program to more closely monitor  
9            the user and the system for compliance consistent with Skagit County Code  
10           12.05.170 and with subsection (4)(c) above;  
11           (3) shall pursue any other remedies that are available at law to an entity as if it were  
12           providing public sewer service to the site; and  
13           (4) if deemed necessary to protect the public health and safety, the County may  
14           advance the schedule to install public sewer to the site.
- 15           e) as a condition of any development approval, and for all property owned by the same  
16           owner in the UGA, the property owner agrees for all property owned in said UGA not to  
17           protest an LID or other pro-rata sharing in any costs to upgrade and extend public sewer  
18           to the property within 20 years. Credit for prior contributions and improvements that are  
19           included in the Subarea facilities plan shall be provided as set forth in subsection (6)  
20           below;
- 21           f) as a condition of development approval, and for all property owned by the same owner in  
22           the UGA, the property owner shall agree to convey any necessary utility easements for  
23           future installation of public sewer; and
- 24           g) no expansion of the industrial use or operation shall be permitted that would be  
25           inconsistent with the limitations imposed by subsection (4)(c) above.

## 26           **5) Other Public Facilities and Services in Bayview Ridge UGA**

28           As a condition of any development approval for any of the listed permitted, accessory or  
29           special uses, other than for interim agricultural uses in the Bayview Ridge UGA, and for  
30           other property owned by the same owner in the UGA, the property owner shall sign an  
31           agreement not to protest a future LID or other pro rata sharing of costs to upgrade or install  
32           additional urban standard public facilities and services identified in the Subarea Plan process  
33           for the Bayview Ridge UGA within 20 years, including, but not limited to fire/emergency  
34           and police/sheriff services and facilities. Credit for prior contributions and improvements  
35           that are included in the Subarea facilities plan shall be provided as set forth in subsection (6)  
36           below.

## 37           **6) Credit for Prior Contributions and Infrastructure Improvements**

38           All of the agreements not to protest a LID or other pro rata cost sharing arrangement  
39           described in subsections (1) through (5) above shall include credit for any contributions or  
40           facility construction already made or completed by the individual property owners (or their  
41           predecessor in interest) for the particular urban public facility or service contemplated by the  
42           Subarea Plan or LID, including, but not limited to construction of urban standard roads,  
43           stormwater drainage facilities, or utilities or dedication of property for public facilities.  
44

1  
2 **14.28.110 Annual Concurrency Assessment.**

3 (1) Annual Concurrency Assessment for Roads.

4 The County Engineer shall produce an Annual Concurrency Report for County Roads,  
5 which will update the status of County roads with respect to concurrency.

6 (a) Road System Concurrency. By July 1 of each year, the Public Works  
7 Department, under the direction of the County Engineer, shall complete an annual  
8 update of the transportation level of service (LOS) model. This update will  
9 include a determination of the current road segment improvement needs for the  
10 functionally classified roads of the County road system based on the Birdsall  
11 Method. It also will include a projection of new road segment improvement  
12 needs anticipated over the next 5 years to help in the planning for road system  
13 improvement projects. Current needs shall be based on existing traffic levels plus  
14 traffic impacts from development projects anticipated for completion within the  
15 next year based upon a growth projection, consideration of projects for which  
16 traffic impacts have been tentatively reserved and projects for which a Final  
17 Concurrency Decision has been made, but the project is not yet built. This  
18 information shall be included in the Annual Report.

19 Each year, in conjunction with the adoption of the 6-Year Transportation  
20 Improvement Program (6-Year TIP), the Board of County Commissioners shall  
21 designate various projects on the TIP as Funded Projects.

22 As a part of the annual adoption of the 6-Year TIP, the Board of County  
23 Commissioners shall make a determination that the County Road System either is  
24 or is not in concurrence. For the system to be in concurrence, the VMT on road  
25 segments with existing improvement needs minus the VMT on 'funded' road  
26 projects that have existing needs, divided by the system-wide VMT must be less  
27 than the overload tolerance standard. (For a detailed discussion of this concept,  
28 *see* Ch. V, Level of Service Standards in the Transportation Systems Plan).

29 (b) Individual Road Concurrency. By July 1 of each year, the Skagit County Public  
30 Works Department, under the direction of the County Engineer, shall evaluate the  
31 High Traffic County Road Segments and High Traffic County Road Intersections  
32 using a Highway Capacity Manual type method (as selected by the County  
33 Engineer) to determine whether these road segments and intersections comply  
34 with the level of service standards adopted in the Comprehensive Plan. This  
35 evaluation shall be based on existing traffic levels plus traffic impacts from  
36 development projects anticipated for completion within the next year based upon  
37 a growth projection, upon consideration of projects for which traffic impacts have  
38 been tentatively reserved and upon projects for which a Final Concurrency  
39 Decision has been made. In addition, a projection of those County road segments  
40 and County road intersections which are anticipated to fall below the level of  
41 service standards adopted in the Comprehensive Plan over the next 5 years shall  
42 be made to help in the planning for road system improvement projects.  
43 Any County road segment or County road intersection, which has fallen below the  
44 level of service standards adopted in the Comprehensive Plan, shall be considered  
45 concurrent if an improvement project which will cause that road segment or

- 1 intersection to meet or exceed the adopted level of service standards has been  
 2 designated on the 6-Year TIP as a Funded Project. The results of the annual  
 3 update for individual road concurrency shall be included in the Annual Report.  
 4 (2) Annual Concurrency Assessment for Non-Transportation Concurrency Facilities and  
 5 Services.  
 6 (a) By January 31st of each year, the following Concurrency Facility and Service  
 7 Providers shall report to the County the total available capacity of their facility or  
 8 service in units that are directly comparable to the level of service standards  
 9 established for these facilities and services.  
 10

Facility/Service	Provider	
	Unincorporated Urban Growth Area	Rural
Water	Water purveyors identified in Coordinated Water System Plan	
Sanitary Sewer	Municipal sewer service providers Skagit County Sewer District - 1 for portions of Swinomish UGA <a href="#">City of Burlington- Bayview Ridge UGA</a>	Big Lake Sewer District for Big Lake Rural Village only Whatcom County Water District #12 pursuant to existing sewer service contracts only
Stormwater	County Public Works	
Police	County Sheriff	
Fire	Fire Districts	
Fairgrounds	County Parks Dept.	
General Government	County Administrator	
Parks	County Parks Dept.	
Public Safety (jails)	County Sheriff	
Senior Centers	County Senior Services	
Solid Waste	County Public Works	

- 11  
 12 (b) The annual information submitted by each provider shall take into account current  
 13 capacity usage, capacity tentatively reserved for pending permit applications,  
 14 capacity reserved for permitted projects that are not yet fully occupied based upon  
 15 Final Concurrency Decisions, capacity available as a result of expired, withdrawn  
 16 or revoked Final Concurrency Decisions and capacity that has been added by the  
 17 implementation of improvements and strategies.  
 18 (c) By July 1 of each year, the capacity of the facilities and services set forth above  
 19 shall be evaluated by the Administrative Official to determine if the level of  
 20 service standards for each of these Facilities and Services is being met. The level  
 21 of service standards to be used in this annual review are as follows:  
 22

Facility/Service	LOS	
	Urban	Rural
Water	As established in Appendix A	
Sewer	As determined by each sewer provider	

Facility/Service	LOS	
	Urban	Rural
Stormwater	As established in Public Works Standards per SCC 14.36	
Police	1 officer per 1,000 population served or per 100 acres of developed commercial or industrial property, whichever is higher.	1 officer per 2,000 population served.
Fire	<p>1. For cities and their adjacent urban growth areas, an ISO grading of 5 or better, shall be maintained otherwise.</p> <p>2. Within 5 minutes of being dispatched, the Fire Department shall arrive and be able to deliver up to 200 gallons per minute (gpm) fire flow in an offensive (interior) attack, with a minimum of 4 firefighters, for responses to structural fires, vehicle fires, other outside fires, motor vehicle accidents, activated fire alarm systems or other hazardous conditions. The Fire Department shall also be capable of delivering a minimum of Basic Life Support including defibrillation, with a minimum of one First Responder or Emergency Medical Technician for medical responses.</p> <p>Within 10 minutes of being dispatched, the Fire Department shall be able to support the interior structural fire attack with teams which may include: a ventilation team, a search &amp; rescue team, a team for a backup line, and standby firefighters, totaling between 8 and 12 firefighters on-scene. The Fire Department shall also be capable of providing Heavy Rescue capability, including heavy hydraulics, at motor vehicle accidents.</p>	<p>A Washington Surveying and Rating Bureau (WSRB) with a public protection classification #8 or better and fire flow in accordance with the Coordinated Water Supply Plan (Section 4, Minimum Design Standards).</p> <p>Within an IF-NRL designation, a Washington Surveying and Rating Bureau (WSRB) with a public protection classification #8 or better and must be within 5 road miles from a recognized Community A fire station, or within 10 road miles to a recognized Community A fire station and within 5 road miles of a fire station housing an Initial Attack Fire Apparatus. Fire flow in accordance with the Coordinated Water Supply Plan (Section 4, Minimum Design Standards).</p>

Facility/Service	LOS	
	Urban	Rural
	<p>Within 20 minutes of being dispatched, the Fire Department shall be capable of delivering 1500 gpm fire flow in a sustained defensive attack mode for structural fire responses. For buildings larger than 10,000 sq. ft., delivering 2000 gpm, and have an elevated master stream capability.</p> <p>The above requirements shall be met for 90% of all incidents.</p> <p>Mutual aid requested under the Mutual Aid Contract may be used to provide relief to the initial operating crews, but shall not be used to provide initial attack capability, support functions, or sustained attack capability. This does not preclude automatic aid agreements under separate contract, which does provide these capabilities or functions from other agencies.</p> <p>Times are considered to be "Response Time," which shall be measured by the sum of turnout time (the time from dispatch until the first arriving unit is en route to the incident), plus travel time. Dispatch time shall be allocated a maximum of 1 additional minute, which is measured from the time the 9-1-1 call is received until the Fire Department is dispatched.</p> <p>All operations shall be conducted in compliance with State and Federal regulations, including training requirements for</p>	

Facility/Service	LOS	
	Urban	Rural
	firefighters, and maintenance requirements for equipment and apparatus.  All commercial and industrial facilities shall be inspected for compliance with the Uniform Fire Code at least annually. Water systems shall be installed in accordance with the Skagit County Coordinated Water System Supply Plan, with a fire flow meeting the requirements of the Uniform Fire Code.	
Fairgrounds		
General Purpose Buildings	263 sq. ft. per 1000 pop.	
Equestrian Area	1.02 seats per 1000 pop.	
Livestock Barns	236.7 sq. ft. per 1000 pop.	
Public Restrooms	21.1 sq. ft. per 1000 pop.	
R.V. Parking	277.9 sq. ft. per 1000 pop.	
General Government		
Admin.	901.1 sq. ft. per 1000 pop.	
Courthouse/Annex	380.3 sq. ft. per 1000 pop.	
District Court	0.019 courtrooms per 1000 pop.	
Superior Court	0.028 courtrooms per 1000 pop.	
Maintenance Shop	498.3 sq. ft. per 1000 pop.	
Parks		
Day Use	0.80 acres per 1000 pop.	
Community	0.2 acres per 1000 pop.	
Regional	1.31 acres per 1000 pop.	
Natural Open Space	4.5 acres per 1000 pop.	
Special Use Areas	6.4 acres per 1000 pop.	
Public Safety		
County Jail	1.46 beds per 1000 pop.	
Juvenile Detention	0.408 beds per 1000 pop.	
Senior Centers	98.4 sq. ft. per 1000 pop.	
Solid Waste	6.00 lbs. Per capita per day	

- 1 (3) Results of Concurrency Assessment.
- 2 (a) The Administrative Official shall present the Annual Concurrency Assessment to
- 3 the Board of County Commissioners prior to the start of the annual budget



- 1 process along with recommendations on actions to take in response to the  
2 assessment.
- 3 (b) The results of the Annual Concurrency Assessment shall be used to update the  
4 Capital Facilities Plan and establish the annual budget.
- 5 (c) In the event that the Annual Concurrency Assessment determines that  
6 concurrency is not being met for one or more Concurrency Facilities and  
7 Services, the County shall, as necessary, evaluate the need for modifications to  
8 adopted levels of service standards, reassess the land use element of the  
9 Comprehensive Plan or impose additional requirements or limitations on  
10 development until concurrency is obtained.

**APPENDIX A  
Minimum Fire Flow Design Standards For  
New And Expanding Water Systems<sup>(1)</sup>**

<b>Land Use Designations Or Densities</b>	<b>Minimum Fire Flow (Gallons Per Minute)</b>	<b>Minimum Duration (Minutes)</b>	<b>Maximum Hydrant Spacing (Feet)</b>
<b>Urban Growth Areas <sup>(2)</sup></b>			
Industrial	1500 <sup>(4)</sup>	60	<sup>(3)</sup>
Commercial	1500 <sup>(4)</sup>	60	<sup>(3)</sup>
Multi-Family Residential	1500 <sup>(4)</sup>	60	500
Single-Family & Duplex Residential	1000	60	500
<b>Non-Urban Growth Areas</b>			
Commercial / Industrial	1500 <sup>(4)</sup>	60 <sup>(4)</sup>	<sup>(4)</sup>
1 Dwelling Unit Per Lot Less Than 2.5 Acres	500 <sup>(5)</sup>	30 <sup>(5)</sup>	900 <sup>(5)</sup>
1 Dwelling Unit Per Lot 2.5 Acres Or Larger	NONE <sup>(5)</sup>	NONE <sup>(5)</sup>	NONE <sup>(5), (6)</sup>
Natural Resource Lands	NONE <sup>(5)</sup>	NONE <sup>(5)</sup>	<sup>(5), (6)</sup>

- (1) The design standards may be amended to reflect changes to Comprehensive Plan land use designations and/or their densities. Proposed amendments will be presented to the Skagit County CWSP WUCC for approval.
- (2) These criteria establish a minimum water system design standard. Each water system in an urban growth area must comply with the standards of the local government with jurisdiction. When there are different or conflicting standards, the most stringent standard shall apply. Prior to the issuance of a development permit, the approving authority shall establish fire flow, duration and hydrant spacing requirements.
- (3) As determined by the appropriate fire official.
- (4) Fire flow for individual buildings or groups of buildings is to be determined by the Skagit County Fire Marshal per Uniform Fire Code Appendix IIIA and the Skagit County Fire Marshal policy on fire flow. The application of lesser or alternative standards shall be in accordance with Section 4.3.5 (Interpretation of Standards).
- (5) Fire flow will be required for a Conservation and Reserve Development (CaRD) land division as follows.

<b>CaRD Characteristics</b>	<b>Fire Flow Requirement</b>
5 or more lots	Option 1: Fire flow of 500 gpm for 30 minutes with hydrant spacing of 900 ft. or, Option 2: Fire Marshal approved fire prevention water system that provides adequate pressure and flow to support NFPA 13D sprinkler systems is required for all residential dwellings. In addition, if the property is located in an Industrial Forest, Secondary Forest, or Rural Resource designated land the fire protection requirements as listed in Skagit County Code 14.16.850 (6)(b)(iii)(b-e) also apply.
4 or fewer lots	None required, unless the property is located in an Industrial Forest, Secondary Forest, or Rural Resource designated land. If the property is located in such designated land the fire protection requirements as listed in Skagit County Code 14.16.850 (6)(b)(iii)(b-e) apply. However, NFPA 13D sprinklers are only applicable to residential dwellings.

As of the effective date of the CWSP, where in-fill development or extension of an existing water system occurs to serve an existing platted lot, the Skagit County Fire Marshal may limit the requirement for fire flow or fire suppression in accordance with Table 4-1 to the newly developed lot only. Group B public systems may choose to separate the fire flow from water flow. Separate tank and hydrant(s) location is subject to Skagit County Fire Marshal approval.

- (6) Hydrants shall be installed when water lines are installed or replaced and are capable of supplying a tanker truck with a minimum of 500 gallons per minute at a minimum residual pressure of 20 psi. Tanker truck filling hydrants are to be located at major roadway intersections and along roads at a spacing not to exceed 1 mile to assist in fire protection.

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