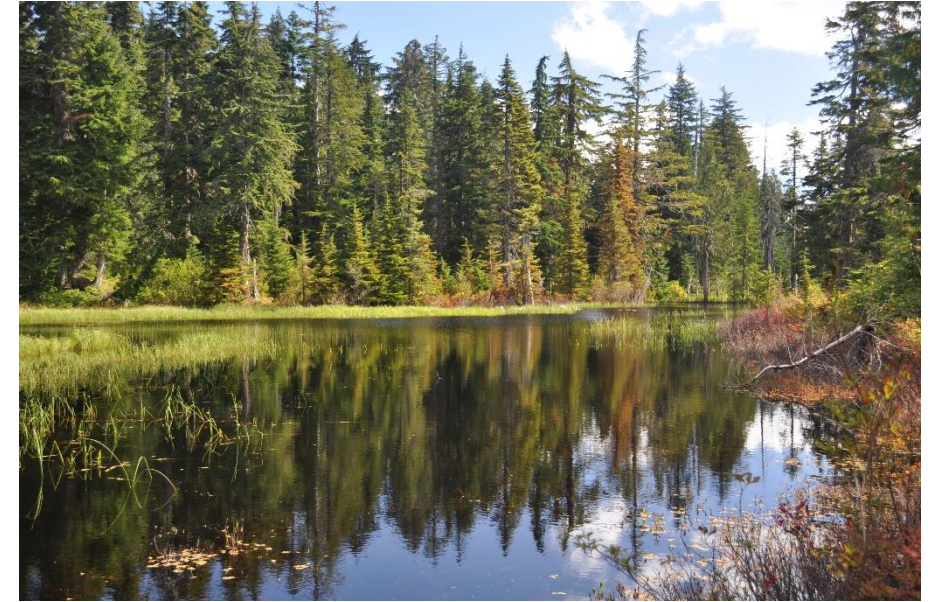


Critical Areas Ordinance Amendments Work Session



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October 13, 2026

Project Website: <https://www.skagitcountywa.gov/services/planning-and-building/community-planning/critical-areas-ordinance-amendments/>



Critical Areas Ordinance

- Conserve the value of property
- Safeguard the public welfare
- Ensure no net loss of ecological functions and provide protection for critical areas:
 - Wetlands
 - Frequently Flood Areas
 - Critical Aquifer Recharge Areas
 - Geologically Hazardous Areas
 - Fish and Wildlife Habitat Conservation areas



Background

- **November 25, 2025** – Board of County Commissioners adopted O20250011.
- **January 16, 2026** – Evergreen Islands, Jan Edelstein, and Friends of Skagit County submitted an appeal to the Growth Management Hearings Board challenging the Critical Areas Ordinance.
- **July 20, 2026** – The Final Decision and Order was issued by the Growth Management Hearings Board.



Background

- The Growth Management Hearings Board (GMHB) determined that the County's riparian buffers violated the Growth Management Act (GMA).
- The adopted fixed-width buffers, did not meet the recommendation of a size equal to "site potential tree height" (SPTH).
- Buffers lacked a mechanism to prevent a net loss of ecological functions where SPTH exceeded the distance of the fixed-width buffer.
- The remaining issues were all denied and dismissed.



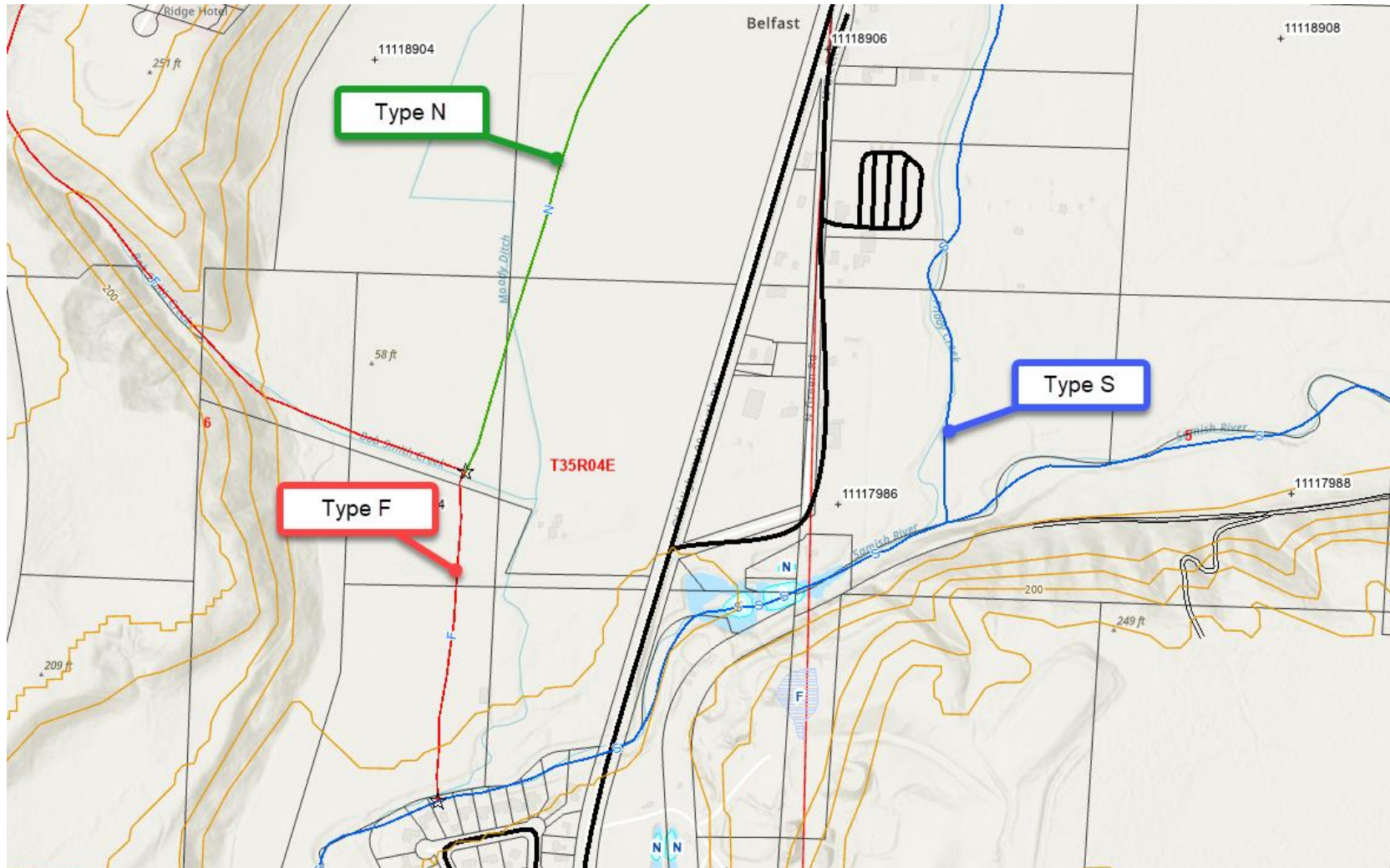
Riparian Buffer Widths

Current riparian buffer widths per SCC 14.24.530(1)(c)

- Type S (Shoreline) = 200'
- Type F (Fish-bearing) = 150'
- Type N (Non-fish-bearing) = 100'
- Waters of the state RCW 90.48.020
- Type water WAC 222-16-030



Riparian Buffer Widths

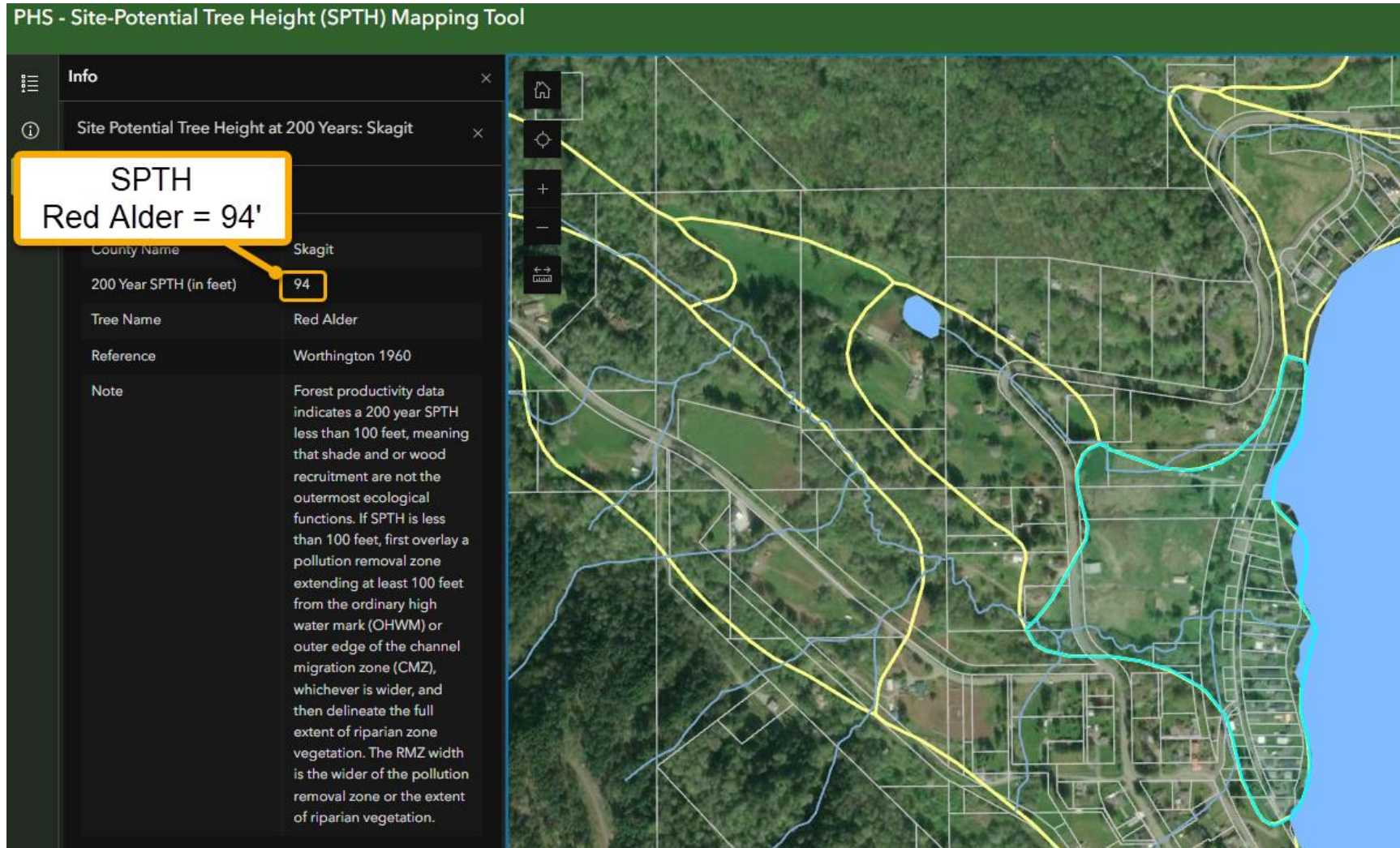


Site Potential Tree Height (SPTH)

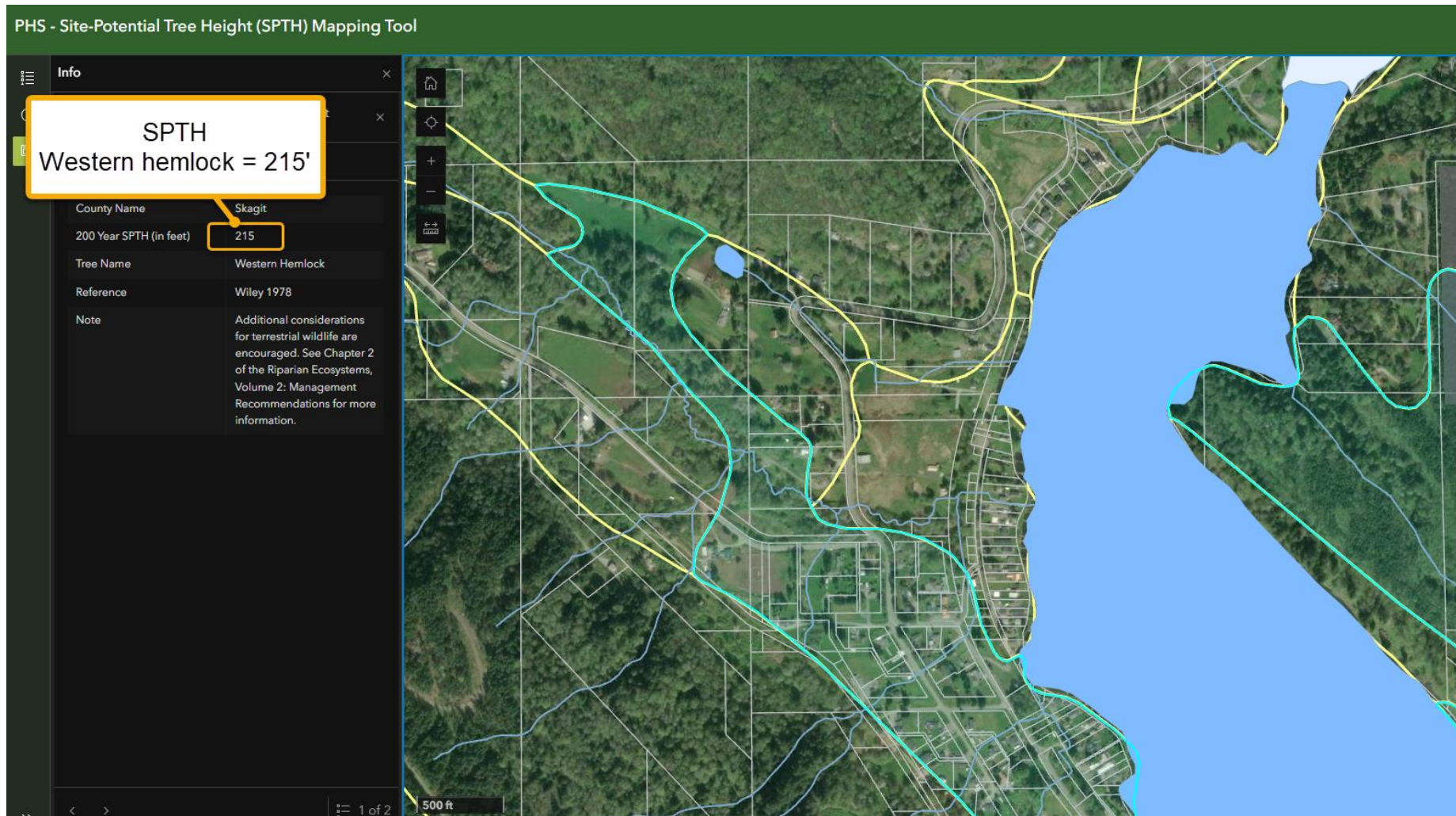
- Site Potential Tree Height (SPTH_{200}) is the average maximum height the tallest dominant trees could grow within 200 years at a given location.
- Can vary greatly.
- Height can be determined using the SPTH_{200} calculator provided by WDFW or the Priority Habitats and Species (PHS) SPTH Mapping Tool.



SPTH Example - Smaller



SPTH Example - Larger



Riparian Management Zone

- Applies to stream and rivers
- Protect existing ecological functions and values
 - Large woody debris recruitment
 - Shade
 - Bank integrity
 - Runoff filtration
 - Wildlife habitat
 - Microclimate
 - Nutrient inputs



Riparian Management Zone

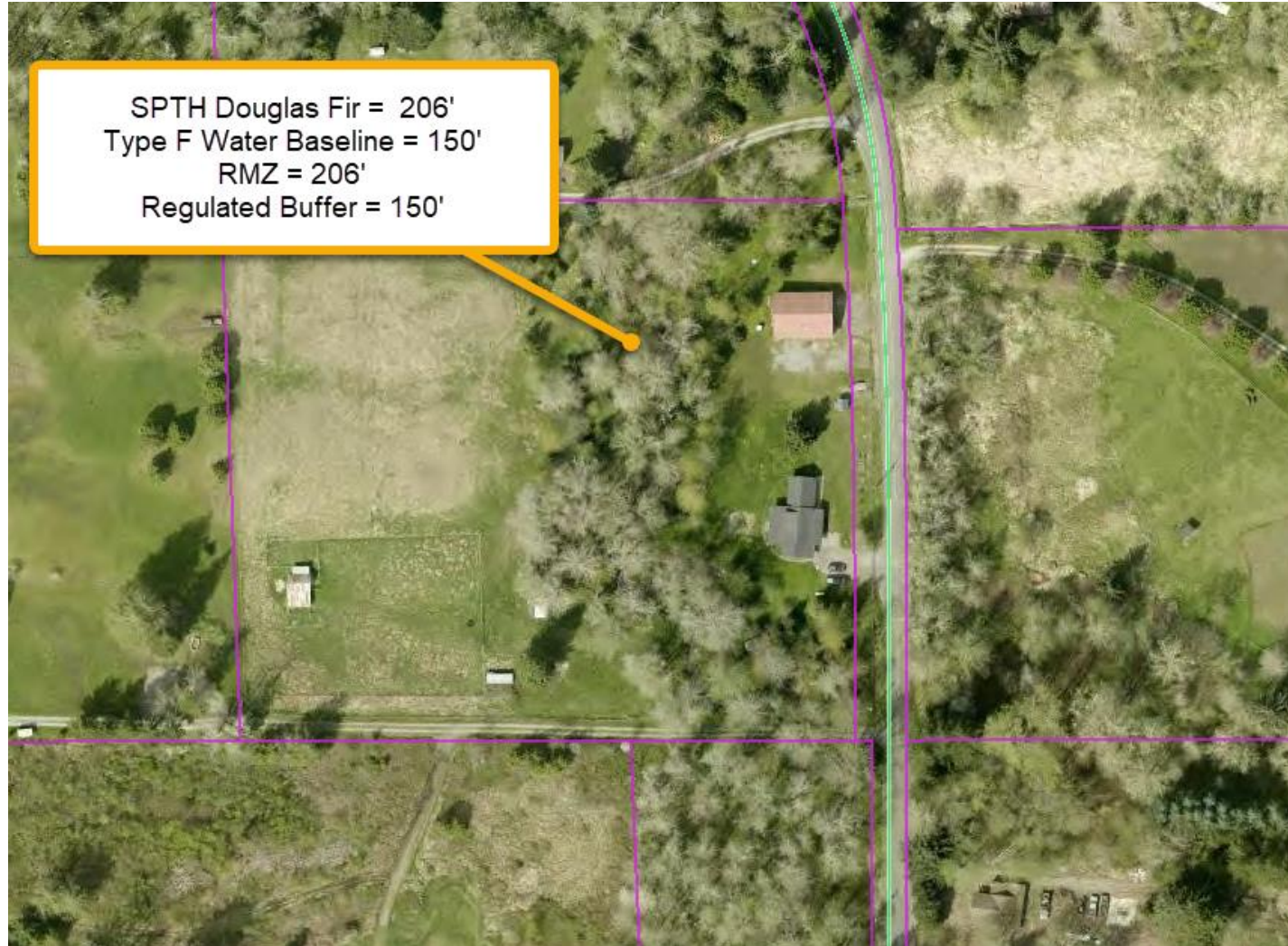
RMZ Protection Standards

- Maximum will be $SPTH_{200}$
- Minimum will be Baseline Buffer Width
- Site specific based on existing legally established buffer condition



Buffer Example

SPTH Douglas Fir = 206'
Type F Water Baseline = 150'
RMZ = 206'
Regulated Buffer = 150'



Buffer Example



Proposed Amendment

SCC 14.24.520

- Increase the standard review area from 200 feet to 250 feet to ensure the Riparian Management Zone is included in the review.
- Clearly indicate the site assessment must include review of the Riparian Management Zone.



Proposed Amendment

SCC 14.24.530

- For densely vegetated buffers that meet the 200-year site potential tree height, the regulated buffer will be the $SPTH_{200}$ width.
- If the RMZ does not provide the standard ecological functions and values, and the uses within the RMZ are lawful, the regulated buffer width will be the baseline buffer.



Proposed Amendment (continued)

SCC 14.24.530

- If the densely vegetated RMZ is greater than the baseline buffer width but less than the $SPTH_{200}$ buffer, then the regulated buffer requires a densely vegetated area to protect existing ecological functions and values.
- If the baseline buffer is not densely vegetated, it must be enhanced with native vegetation.



Amendments to Reasonable Use Exception

Separate from the changes proposed to comply with the GMHB, staff are proposing to modify the maximum disturbance limits under SCC 14.24.140, Reasonable Use Exception, to accommodate reasonable development on lots that exceed 1-acre.



Proposed Amendment

SCC 14.24.140

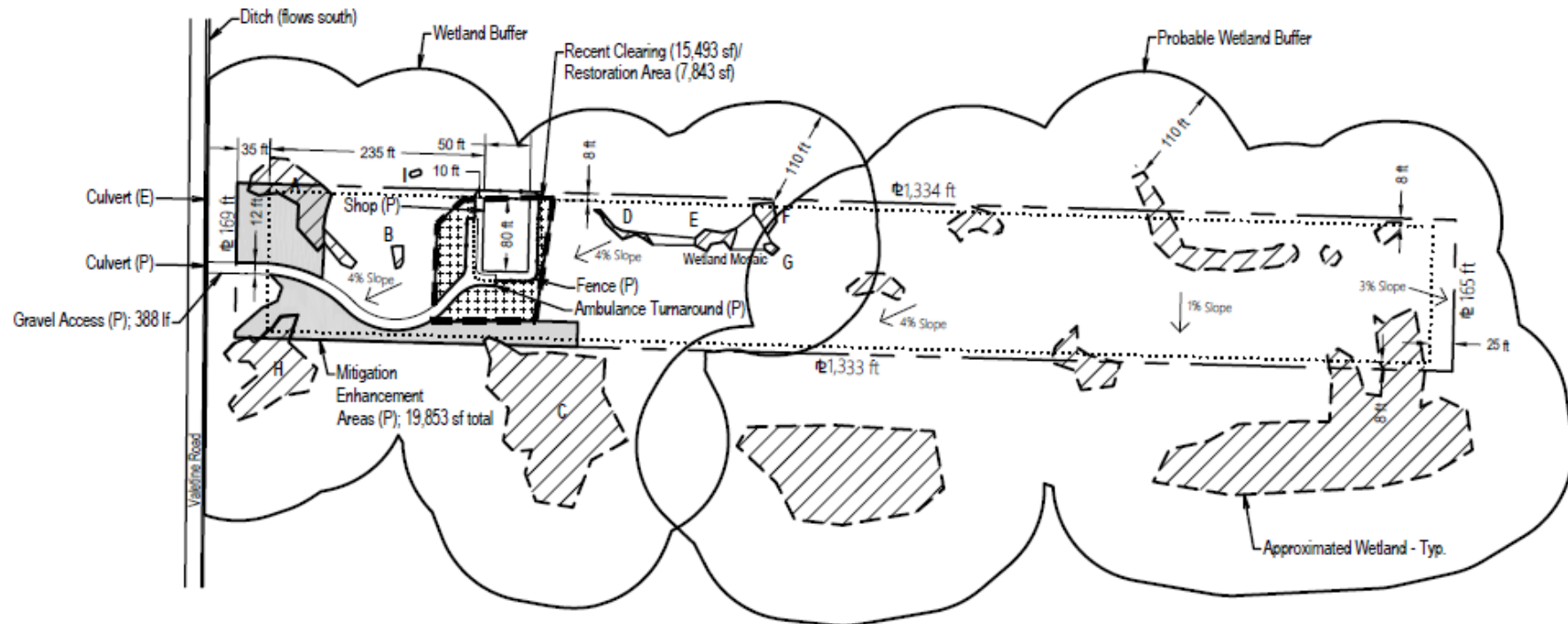
The proposed maximum disturbance limits include:

- 4,000 square feet for lots less than one acre
- 10% of the lot size if the lot is between 1 acre and five acres
- 22,000 square feet of the lot is larger than five acres



Example

- 5.13-acre parcel, completely encumbered
- Proposed amendment would allow RUE rather than variance



How to Comment

- Public comment period will be open from Thursday, October 15, 2026 through November 19, 2026 at 4:30pm.
- Three options – mailing, emailing, or commenting at public hearing scheduled November 17, 2026 at 6:00pm.
- Mail to 1800 Continental Place, Mount Vernon, WA
 - Email to pdscomments@skagitcountywa.gov
- Please provide your full name and address for any submitted comments.

December 15, 6:00 PM – PC Deliberations*



Questions & Discussion



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