

**Biological Opinion Proposed  
Skagit County Code Table of Code Amendments**

#	Code Section	Effect of Change	BiOp Checklist
	<b>14.04.020 Definitions</b>		
1	Protected review area	Need to develop based on new provisions in SCC 14.34.055	A 4, Sec 1 RPA3.A.2 & 3.b
2	Riparian Habitat Zone	Need to develop based on new provisions in SCC 14.34.055(1)	A4, Sec 1 RPA3.A.2 & 3.b
3	Channel Migration Zone/Area	Need to develop based on new provisions in SCC 14.34.055(2)	A4, Sec 1 RPA3.A.2 & 3.b
4	Floodplain development permit	Need to develop based on new provisions in SCC 14.34.100	A4, Sec 1
5	Habitat Impact Assessment	Need to develop based on new provisions in SCC 14.34.220	A4, Secs 2 & 3 RPA3.A.2 & 3.b
6	SFHA Habitat Impact Assessment checklist	Need to develop based on new provisions in SCC 14.34.220	A4, Secs 2 & 3 RPA3.A.2 & 3.b
	<b>14.24 Critical Areas Ordinance</b>		
7	14.24.070	Adding language to clarify that some activities that may be exempted from standard critical areas review under this chapter may nonetheless be required to meet the habitat impact assessment requirements of SCC 14.34 (flood damage prevention ordinance).	A4, Sec 1 Footnote 23 RPA3.A.2 & 3.b
8	14.24.140(3)(f)	Adding language to variance criteria that applicant must demonstrate that granting variance would not likely adversely affect species protected under ESA.	A4, Secs 2 & 3
9	14.24.520	Including language that a FWHCA site assessment also needs to be conducted for any development proposal within the Protected Review Area and defined in SCC 14.34.055.	A4, Secs 1,2,&3 RPA3.A.2 & 3.b
10	14.24.540(5)	Adding language to ensure that any use allowed within an HCA or buffer is consistent with the new limitations in SCC 14.34 (flood damage prevention ordinance).	A4, Sec 1 RPA3.A.2 & 3.b

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11	14.24.630(3)	Adding language to Frequently Flooded Areas section to require applicant to demonstrate that proposal not likely to adversely affect species protected under ESA.	A4, Sec 1 RPA3.A.2 & 3.b
	<b>14.34 Flood Damage Prevention</b>		
12	14.34.030(9)-(10)	Additional statements of purpose to reflect goal of protecting species and their habitat functions and values throughout the special flood hazard area.	A4
13	14.34.050(2)	Adding language re: future mapping for consistency with BiOp.	RPA 2
14	14.34.055	Adding new section defining a new habitat review overlay zone called the “Protected Review Area” that includes the Riparian Habitat Zone (250’ on either side of a FWHCA), designated floodway, and channel migration area (not yet mapped). Development proposals within the “Protected Review Area” will require a FWHCA site assessment consistent with proposed 14.34.220 and existing SCC 14.24.520.	A4, Sec 1 Errata letter 5/14/09 page 6
15	14.34.100	Renaming section to “floodplain development permit” and listing additional activities that will require a floodplain development permit for consistency with the BiOp. Also adding a list of activities specifically exempted from obtaining a floodplain development permit.	A4, Sec 1 Footnote 23
16	14.34.110	Adding new application submittal requirements to reflect new requirements imposed in the BiOp.	A4 Sec 1 and 3(4) & (9)
17	14.34.120(1)(d)-(e)	Adding two additional duties for administrative official regarding maintaining records for public review and sending reports to FEMA. Consistent with reporting requirements in BiOp and related documents.	A4 Sec 4
18	14.34.130(2)(c)(vii)	Adding a variance criterion to ensure that granting a variance pursuant to this section in the flood damage prevention ordinance would not result in adverse effects to species protected under the Endangered Species Act.	RPA3.A.2 & 3.b

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19	14.34.150(1)	Adding siting criteria intended to protect species and their habitat. Requires siting of new structures outside the SFHA unless no buildable lot exists outside the SFHA. Also requires structures be set back 15 feet from the Protected Review Area unless applicant can show no adverse effect to protected species through the Habitat Impact Assessment process set forth in the new 14.34.220. These are requirements within the BiOp and related documents.	A4, Secs 1,2,&3 RPA3.A.2 & 3.b
20	14.34.150(2)	Requiring implementation of LID techniques to control stormwater where feasible within the SFHA. This is a performance standard within the BiOp and related documents.	A4, Sec 3 RPA 3.A. 3.b
21	14.34.150(3)	10% impervious surface area limitation on lots within the SFHA unless applicant can show how stormwater will be controlled or impacts mitigated. This is a requirement in the BiOp and related documents.	A4, Sec 3(6)
22	14.34.150(4)	Requiring compensatory storage in the floodplain, consistent with requirement within BiOp and related documents. Exception for proposals landward of levees maintained by USACE.	A4, Sec 2(b) RPA3.A. 3.b
23	14.34.150(5)	New requirement to record a notice on title indicating property within the SFHA, consistent with requirements within BiOp and related documents.	A4, Sec 3(9)
24	14.34.150(10)(e)	Adding requirement that SFHA be shown on recorded land division, consistent with the BiOp and related documents.	A4, Sec 3(9)
25	14.34.190(4)	Adding new requirements for placement of recreational vehicles in the floodway.	Not BiOp related

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26	14.34.220	Adding new section creating new requirements for habitat impact assessments throughout the SFHA. For all development proposals within the Protected Review Area as defined in new section .055, a Fish and Wildlife Habitat Conservation Area site assessment pursuant to the Critical Areas Ordinance (SCC 14.24.520) will be required. For all development activities within the SFHA but outside the Protected Review Area, a Habitat Impact Assessment checklist (a less onerous assessment) will be required to assess direct and indirect impacts to protected species. Any impacts determined through the site assessment process will have to be mitigated pursuant to the CAO. This section also sets forth a list of activities exempted from the habitat impact assessment requirement.	A4, Secs 1,2,&3 RPA3.A.2 & 3.b