

# CHAPTER 4

## LAND USE ELEMENT

### INTRODUCTION

The Land Use Element was developed to address future land use in Skagit County. It represents the County's policy plan for growth through the year 2015. The Land Use Element specifically considers the general distribution and location of land uses, the appropriate intensity and density of land uses given development trends; provides policy guidance for commercial and industrial land uses; addresses pre-existing, non-conforming uses; and, establishes land division policies for creating new lots in unincorporated Skagit County.

The development of this chapter was guided in particular by the following GMA Planning Goals:

- Encourage urban development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner
- Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development
- Private property shall not be taken for public use without just compensation having been made; the property rights of landowners shall be protected from arbitrary and discriminatory actions
- Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks
- Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability
- Identify and encourage the preservation of lands, sites, and structures, that have historical or archeological significance

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- Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts
- Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities, and
- Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

These Goals, taken in the context of the totality of the thirteen GMA Planning Goals, led to the following Countywide Planning Policies (CWPP) that provide specific guidance to the analysis and policies developed in this chapter:

- Urban growth shall be allowed only within cities and towns, their designated UGAs and within any non-municipal urban growth areas already characterized by urban growth, identified in the County Comprehensive Plan with a Capital Facilities Plan meeting urban standards (CWPP 1.1)
- All growth outside the urban growth boundary shall be rural in nature as defined in the Rural Element, not requiring urban governmental services except in those limited circumstances shown to be necessary to the satisfaction of both the County and the affected city to protect basic public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development (CWPP 1.8)
- Cities and towns and their urban growth areas shall include areas and densities sufficient to accommodate as a target 80% of the county's 20-year population projection (CWPP 1.2).
- Local governments shall allow for an adequate supply of land use options to provide housing for a wide range of incomes, housing types and densities (CWPP 4.1)

- Public/private partnerships shall be encouraged to build affordable housing and devise incentives for innovative and environmentally sensitive design to meet the housing needs of people with low and moderate incomes and special needs populations (CWPP 4.2).
- The Comprehensive Plan should support innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments and the transfer of development rights (CWPP 4.3).
- Identified critical areas, shorelands, aquatic resource areas and natural resource lands shall be protected by restricting conversion; encroachment by incompatible uses shall be prevented by maintenance of adequate buffering between conflicting uses (CWPP 8.1)
- Forest and agricultural lands located within urban growth areas shall not be designated as forest or agricultural land of long term commercial significance unless a program authorizing transfer or purchase of development rights is established (CWPP 8.3), and
- Open space corridors within and between urban growth areas shall be identified; these areas shall include lands useful for recreation, fish and wildlife habitat, trails, and connection of critical areas (CWPP 9.1).

## **PLAN CONCEPT**

Skagit County's Comprehensive Plan focuses on a county-wide, regional land use approach and is derived from state goals, CWPPs factors affecting land use, assumptions about future trends, a community visioning process, and public opinion.

The plan concept is based on a vision of how Skagit County should grow and develop while protecting its high quality of life and equitably sharing the public and private costs and benefits of growth. The plan concept supports general land use patterns for natural resource lands, rural areas, urban growth areas, and open space areas that protect public health, safety and welfare, while enhancing Skagit County's community character, natural beauty and environmental quality.

## **LAND USE DESIGNATIONS AND DENSITIES**

Skagit County's efforts to manage growth are accomplished through comprehensive plan land use designations and densities. Land use designations indicate where new urban

growth will be encouraged and where farmland, forests, and rural areas will be protected. Densities prescribe the total number of dwelling units per acre for land use designations.

Urban growth areas, rural areas and natural resource lands are distinguished from each other through land use designations. New growth in Skagit County will be encouraged to locate in urban growth areas where adequate public facilities and services can be provided in an efficient and economic manner. An adequate supply of land will ensure that immediate and future urban needs are met as well as provide for an orderly and efficient transition from low intensity land use to urban land use over time. Land use designations will protect forest and agriculture, and mining resource lands, retain open space areas, protect wildlife habitat and critical areas, provide efficient and safe transportation networks, maintain and improve the quality of air, water, and land resources, as well as preserve urban and rural landscape lifestyles, character, and features.

Land use designations retain or establish community character and lifestyles, create development patterns that protect health, safety, and welfare of the public, and preserve natural beauty and environmental quality. They attempt to share equitably the public and private costs of growth while assuring orderly and efficient development that addresses or resolves regional, countywide land use needs. For illustrative purposes a Generalized Land Use map has been created from pre-Plan zoning districts and a Land Cover map indicates satellite imagery of the Skagit County landscape. Both maps are located in the supplemental Map Portfolio (under separate cover). Also included in the supplemental Map Portfolio, a Comprehensive Plan Land Use Map illustrates the location of land use designations. Table 4-1 (page 4-6) lists the comprehensive plan land use designations and their acreage.

Comprehensive plan land use designations indicate how the land will be utilized within a geographical area. The land use designations represent the most appropriate uses of land in the unincorporated portion of Skagit County through the year 2015. Designation criteria provide an objective, descriptive standard or rationale, which are then applied to each land use designation for mapping purposes.

Four broad land use designations have been developed to allow for the necessary flexibility and specificity in applying land use regulations or standards: Natural Resource Lands, Urban Growth Areas, Rural areas, and Open Space. Lands designated Natural Resource Lands indicate areas where Skagit County will promote long-term, commercially significant agriculture, forest, and mineral resource use. Urban Growth Areas include incorporated areas and lands appropriate for urban growth through the year 2015. Rural areas provide for rural uses compatible with the primary use of the land for food, agriculture, fiber or minerals that are not of long term significance. Public Open

Space designated areas are publicly owned lands that have been set aside, dedicated, designated or reserved for public use or enjoyment for either active or passive recreation, scenic amenities, or for the protection of environmentally sensitive areas.

Within each comprehensive plan land use designation, public uses (facilities and utilities) may be considered as “special uses” under Skagit County Code 14.16, the zoning ordinance. Public uses are reviewed as site specific projects so that public benefits and land use impacts can be analyzed and, if necessary, appropriate mitigation applied.

In defining density, it is important to distinguish the difference between “gross” and “net”. Gross density means the total number of dwelling units divided by the total land area of the site or area, excluding nothing. Net density means the total number of dwelling units divided by the net area of the lot or site. The net area excludes roads, public open spaces, community facilities, and critical areas.

Table 4-1 – Comprehensive Plan Land Use Designations and Acreage\* (Source: Skagit County Mapping Services)

LAND USE DESIGNATIONS	ACREAGE
Water Bodies	[176,869]
<b>PUBLIC OPEN SPACE OF REGIONAL/STATEWIDE IMPORTANCE (OSRSI)</b>	
National Forest	282,898
National Park & Recreation Areas	130,853
Wilderness	83,539
State Parks & Recreation Areas	5,394
Other	15,884
Subtotal	518,568
<b>NATURAL RESOURCE LANDS (NRL)</b>	
Secondary Forest (SF-NRL)	41,190
Industrial Forest (IF-NRL)	319,391
Rural Resource (RRc-NRL)	25,950
Agriculture (Ag-NRL)	89,489
Subtotal	476,020
Mineral Resource Overlay (MRO)	[23,620]
<b>RURAL LANDS</b>	
Rural Village Residential (RV)	2,922
Rural Intermediate (RI)	8,297
Rural Reserve (RRv)	70,110
Subtotal	81,317
<b>COMMERCIAL/INDUSTRIAL LANDS</b>	
Rural Business (RB)	157
Rural Freeway Service (RFS)	28
Rural Village Commercial (RVC)	18
Natural Resource Industrial (NRI)	229
Small-Scale Recreation & Tourism (SRT)	67
Rural Center (RC)	19
Rural Marine Industrial (RMI)	62
Cottage Industry/Small-Scale Business (CSB)	29
Subtotal	621
<b>URBAN GROWTH AREAS (UGA)</b>	
Incorporated UGA Areas	23,826
Unincorporated UGA Areas	11,594
Subtotal	35,420
<b>TOTAL</b>	<b>1,111,946</b>

\* Acreage figures are derived based on the best information and technology available. Accuracy may vary depending on the source of the information, changes in political boundaries or hydrological features, or the methodology used to map and calculate a particular land use. Bracketed figures represent an overlay to other land uses and do not contribute to the total acreage.

# LAND USE ELEMENT POLICIES

## GOAL A

- *Support land use development patterns which protect public, health, safety and welfare;*
- *Guide future development into concentrated urban growth areas where adequate public facilities, utilities and services can be provided;*
- *Protect and conserve long-term, commercially-viable forest, agricultural, and mineral natural resource lands;*
- *Retain rural landscape features and lifestyles;*
- *Maintain open space, recreation, fish & wildlife habitat, scenic and significant historic archeological cultural lands;*
- *Enhance Skagit County's community character, natural beauty, and environmental quality;*
- *Help preserve rural economies;*
- *Foster opportunities for rural-based employment, self-employment, and economic diversification; and*
- *Permit the operation of rural commercial businesses, natural resource-related industries, recreation and tourism activities, cottage industries and small-scale businesses, and home occupations that are consistent with existing and planned land use patterns and are of an appropriate size and scale to maintain rural character.*

## URBAN GROWTH AREAS

Designating UGAs recognizes both the historical and existing urbanizing development pattern in the county. The County recognizes that while these areas are characterized as “urban” for Skagit County, they are nonetheless to be distinguished from the type of “urban” development that is found in many cities in the Seattle metropolitan area. By designating UGAs, GMA requirements and countywide planning policies are being met. Expansion of urban services will be provided to encourage infill where logical and economical and discouraged where it is not.

Urban Growth Areas are areas where urban services are available or are planned to be provided. Development will address environmental constraints, concentrations of existing development and existing infrastructure and services. New development requiring urban facilities and services will be located in Urban Growth Areas. This portion of the Land Use Element describes general procedures for designation of UGAs. Additional detail is provided in Chapter 7, Urban Growth Areas.

Most of the new housing will locate within the Urban Growth Areas, and most of the public spending for facilities and services will be directed to UGAs to promote efficient use of public improvements and services, and to enhance community diversity and livability. In addition to a diversity of residential opportunities, commercial and industrial activity will be encouraged within UGAs. As growth occurs, most lands within UGAs will have local urban governmental services provided by the cities, either directly or by contract. Other service providers are appropriate within UGAs for regional or countywide services or for isolated unincorporated pockets characterized by urban growth. The UGA land use designations are applied to urban fringe and outlying areas where land use character warrants it, impacts to natural resource lands and critical areas are limited, and where commitments to urban densities exist.

Prior to the provision of public services, the UGA designation is intended to maintain a low land use density to discourage the establishment of interim uses and land division patterns that may foreclose significant future planning alternatives pertaining to urban densities and the efficient provision of services. Low land use densities will be maintained at a maximum density of 1 dwelling unit per five acres by requiring conditions, covenants, and/or restrictions on the majority of land area held in reserve for urban development until such time as urban services are provided. An alternative is to subdivide at the proposed urban density and use a combination of lots to provide the area needed to support on-site sewer and water until community or municipal sewer and water are available. Ideally, development in the UGAs will be phased during the planning period and be dependent on the availability of public services and capital facility

programs. When services are available, development will occur at appropriate densities and uses, and with circulation networks that result in an orderly, economic and expeditious transition from rural to urban land use patterns.

### **OBJECTIVE 1**

*Establish land use designation criteria and densities for urban growth areas.*

The following criteria shall be considered when designating urban growth areas.

- 4A-1.1** Areas that are of sufficient size to adequately accommodate the allocated countywide urban growth area 20-year population projection.
- 4A-1.2** Areas that are sufficient in size to meet economic development needs for the projected population.
- 4A-1.3** Areas where compact urban development patterns can be accomplished through infill or expansion which minimize the fiscal and environmental impacts of growth while assuring opportunities for housing, jobs, and commerce.
- 4A-1.4** Areas where a range of urban governmental services such as sewer, water, storm drainage, transportation improvements, fire and law enforcement protection, and parks and recreation presently exist or can be economically and efficiently provided.
- 4A-1.5** Areas that are clearly defined, logical, have a physical identity or social connection to an existing urban environment, and contain existing land use densities that are capable of accommodating additional urban growth as the need arises.
- 4A-1.6** Areas where natural features and land characteristics are capable of supporting urban development without significant environmental degradation.
- 4A-1.7** Areas that do not have a long-term, commercially significant value for agriculture, forestry, or mineral production and are able to accommodate

additional development without having a detrimental impact on nearby natural resource lands.

**4A-1.8** Areas where broadly based community interest indicates a preference for inclusion within a Urban Growth Area.

**4A-1.9** Areas that include, at a minimum: lands useful for recreation; critical areas and open space corridors for connection of critical areas; greenbelts as urban separators and regional open space connectors; and view sheds.

#### Urban Growth Area Density Policy

**4A-1.10** Overall residential densities for land designated residential within Urban Growth Areas shall be a minimum of 4 or more residential dwelling units per 1 acre for, Anacortes, La Conner, Mount Vernon, Burlington, Sedro-Woolley, Concrete, Hamilton, Lyman, Big Lake, Swinomish and Bayview Ridge.

### **OBJECTIVE 2**

*Establish land use designations for unincorporated lands within each urban growth area.*

Land use designations within each Urban Growth Area are established by the government with land use regulatory authority, and are intended to be consistent with the goals, policies, and directives of the GMA comprehensive plan adopted by the respective government. The following reflects existing UGA land use categories in Skagit County as of the adoption of this Comprehensive Plan.

**4A-2.1** Anacortes

(a) *Heavy Manufacturing*

(b) *Light Manufacturing*

- 4A-2.2** La Conner
- (a) No unincorporated UGA land use designations
- 4A-2.3** Mount Vernon
- (a) *Residential*
  - (b) *Public*
  - (c) *Commercial*
  - (d) *Commercial/Light Industrial*
  - (e) *Planned Community/Mixed Use*
  - (f) *Planned Neighborhood/Mixed Use*
  - (g) *Residential Agriculture*
- 4A-2.4** Burlington
- (a) *Residential*
  - (b) *Commercial*
  - (c) *Open Space, Parks, and Agriculture*
- 4A-2.5** Sedro-Woolley
- (a) *Single-Family 1*
  - (b) *Single-Family 2*
  - (c) *Open Space*
  - (d) *Heavy Industrial*
  - (e) *Public*
- 4A-2.6** Lyman
- (a) No unincorporated UGA land use designations

**4A-2.7** Hamilton

- (a) No unincorporated UGA land use designations

**4A-2.8** Concrete

- (a) *Public*
- (b) *Open Space*
- (c) *Commercial*
- (d) *Industrial*

**4A-2.9** Swinomish

- (a) *Commercial*
- (b) *Residential*
- (c) *Village*
- (d) *Tribal Economic*

**4A-2.10** Bayview Ridge

- (a) *Bayview Ridge Industrial (BR-I)*
- (b) *Bayview Ridge Heavy Industrial (BR-HI)*
- (c) *Aviation Related (AVR)*
- (d) *Residential (R)* [Reserved]

## NATURAL RESOURCE LANDS

The Natural Resource Lands designation indicates areas where Skagit County land-use plans, regulations, and incentives will promote long-term, commercially significant resource use. These natural resources provide valuable products and raw materials that support jobs, create tax revenues, and are an important component in regional and local economies and markets. Farmlands and forests also provide aesthetic, recreational, and

environmental benefits to the public, while contributing to a diverse community lifestyle and character. More detailed goals and objectives are included in Chapter 5, the Natural Resource Element.

## AGRICULTURAL NATURAL RESOURCE LANDS

### OBJECTIVE 3

*Establish land use designation criteria and densities for agricultural natural resource lands.*

The following criteria shall be considered when designating Agricultural Lands:

**4A-3.1** Generally, all lands in unincorporated Skagit County which are parcels 5 acres or greater that contain one or both of the following soil types shall be identified:

- (a) "prime farmland soils" as determined by the USDA Natural Resource Conservation Service (Soil Conservation Service), Skagit County Resource Lands and Critical Areas Classification Program; and as identified below:

<b>SCS Map Unit #</b>	<b>Soil Description</b>
<u>Prime Alluvial Soils</u>	
21	Briscot fine sandy loam
87	Larush fine sandy loam
88	Larush silt loam
89	Larush variant silt loam
92	Minkler silt loam
123	Skagit silt loam

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96	Mt. Vernon very fine sandy loam
130	Snohomish silt loam
136	Sumas silt loam
157	Wickersham silt loam, 0-8% slopes

Prime Alluvial Soils (if artificially drained)

10	Bellingham silt loam
11	Bellingham mucky silt loam
34	Cokedale silt loam
97	Mukilteo muck
101	Nookachamps silt loam
102	Norma silt loam
114	Samish silt loam
141	Tacoma silt loam
142	Tacoma silt loam, drained

Prime Alluvial Soils (if protected from flooding)

56	Field silt loam
57	Field silt loam, protected
98	Mukilteo Variant muck
118	Sedro-Woolley silt loam

**4A-3.2** Then those lands meeting the parcel size and soils shall be retained in Agricultural Resource designation provided that a majority of the area falls within the 100-year floodplain as adopted by the U.S. Federal Emergency Management Agency (FEMA).

- 4A-3.3** Parcels remaining after steps 3.1 and 3.2 shall be further evaluated for inclusion or exclusion based on the following additional factors:
- (a) A majority of the area contains a predominance of parcels or acreage participating in a current-use tax assessment derived from the Open Space Taxation Act, RCW 84.34 as it pertains to agriculture.
  - (b) The land is currently in agricultural use or has been in agricultural use within the preceding ten years.
  - (c) Existing land uses are primarily agriculture in nature and minimal financial commitment to non-farm uses has been made.
  - (d) The area includes special purpose districts (such as diking and drainage districts) that are oriented to enhancing agricultural operations, including drainage improvement and flood control.
  - (e) The majority of adjacent lands are primarily in agricultural use.
  - (f) The majority of the area demonstrates a pattern of landowner capital investment in agricultural operation improvements such as irrigation, drainage, manure storage, barn refurbishing, enhanced livestock feeding techniques, agricultural worker housing, etc.
- 4A-3.4** Parcels that may not meet the criteria described in 4A-3.1 – 4A-3.3 above may, nonetheless, be included to provide logical boundaries to the Agricultural resource lands designation and to avoid small "islands" or "peninsulas" of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet the criteria described in 4A-3.1 – 4A-3.3 above may be excluded to provide logical boundaries to the Agricultural lands designation and to avoid conflict with existing land uses.

Agriculture Land Density Policy:

- 4A-3.5** Residential gross densities for land designated as Agriculture shall be 1 residential dwelling unit per 40 acres or 1/16 of a section.

## FOREST NATURAL RESOURCE LANDS

### OBJECTIVE 4

*Establish land use designation criteria and densities for forest natural resource lands.*

The following criteria shall be considered when classifying Industrial Forest lands:

- 4A-4.1** All lands in unincorporated Skagit County shall be screened for possible Industrial Forest designation as described in this section. First, the majority of the area contains land where the average parcel size is 40 or larger acres (the number of parcels contained in a 1/4 subdivision of a Section divided into 160 acres) and contains one or more of the following characteristics:
- (a) The majority of the area contains WA State Department of Revenue – Private Forest Land Grade (PFLG) soils 1-5.
  - (b) The majority of the area includes "lands which are primarily devoted to and used for growing and harvesting timber" (84.33.020).
- 4A-4.2** Then, those lands located in blocks of contiguous parcels approximately 160 acres and larger shall be retained in Industrial Forest designation.
- 4A-4.3** Parcels remaining after steps 4A-4.1 and 4A-4.2 shall be further evaluated for inclusion or exclusion based on the following additional factors:
- (a) The majority of the area contains a predominance of parcels or acreage participating in a current-use tax assessment program under the provisions of RCW 84.33 and 84.34 as it pertains to forestry. Such current-use tax assessment status is, not by itself, a sufficient determining factor for inclusion or exclusion, but is only part of the relevant characteristics to be considered.
  - (b) The majority of the area has limited public services and facilities (although the area may be located within a public water district).

- 4A-4.4** Parcels that may not meet the criteria described in 4A-4.1 and 4A-4.2 above may, nonetheless, be included to provide logical boundaries to the Industrial Forest lands designation and to avoid small "islands" or "peninsulas" of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet the criteria described in 4A-4.1 and 4A-4.2 above may be excluded to provide logical boundaries to the Industrial Forest lands designation and to avoid conflict with existing land uses. Isolated, pre-existing residences shall not preclude the adjacent forest land areas from being classified Industrial Forest.
- 4A-4.5** Areas with pre-existing conditions such as vested subdivisions and rural development, other than isolated pre-existing single-family homes, where the predominant activity is clearly not that of commercial forestry, shall not be classified as Industrial Forest lands. Isolated, pre-existing single-family homes shall not preclude the surrounding undeveloped forest land areas from being designated Industrial Forest as long as most of the other criteria in this section can be met.

#### Industrial Forest Land Parcel Density Policy

- 4A-4.6** The minimum parcel size for land designated as Industrial Forest shall be 80 acres or 1/8 of a section. The practice of Forestry shall be the preferred use on Industrial Forest land. Residential development shall be limited to those areas located within an existing fire protection district.
- (a) Residential development is a permitted use on parcels within an existing fire protection district that are within 200 feet of an existing county road or state highway.
  - (b) Residential development may be permitted as a hearing examiner special use if the parcel is located within an existing fire protection district, but not within 200 feet of an existing county road or state highway if the applicant can demonstrate to the hearing examiner that:
    - (i) all uniform fire code requirements for construction of that residential structure can be met, andfire prevention and suppression requirements for construction of that residential structure can be met as follows:

- (1) ingress and egress for fire vehicles meets the standards of the Uniform Fire Code Section 902, as amended;
- (2) there is a 200 foot slash abatement maintained around the exterior portion of the dwelling;
- (3) there is a safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of any structure on level ground and 100 feet downhill on loped ground;
- (4) the dwelling or any accessory structure is constructed of a non-combustible roofing material; and
- (5) there is availability of 300 gallons of water onsite, 400 feet of 1 inch fire hose with foam applicator, and an internal combustion engine powered pump.

#### Secondary Forest Land Designation Criteria Policies

The following criteria shall be considered when designating Secondary Forest lands:

- 4A-4.7** The majority of Secondary Forest lands shall be located within a 1/4 mile band adjacent to lands designated as Industrial Forest lands and have an average parcel density of 20 acres. This band shall be derived from land primarily devoted to forestry and contain one or more of the following characteristics:
- (a) The majority of the area contains WA State Department of Revenue – Private Forest Land Grade (PFLG) soils 1-5.
  - (b) The majority of the area includes "lands which are primarily devoted to and used for growing and harvesting timber" (84.33.020).
- 4A-4.8** Parcels remaining after step 4A-4.7 shall be further evaluated for inclusion or exclusion based on the following additional factors:
- (a) The majority of the area contains a predominance of parcels or acreage participating in a current-use tax assessment program under the provisions of RCW 84.33 and 84.34 as it pertains to forestry. Such current-use tax assessment status is not by itself a sufficient

determining factor for inclusion or exclusion, but is only part of the relevant characteristics to be considered.

- (b) The majority of the area has limited public services and facilities (although the area may be located within a public water district).

**4A-4.9** Parcels that do not meet the criteria described in 4A-4.7 and 4A-4.8 above may, nonetheless, be included to provide logical boundaries to the Secondary Forest lands designation and to avoid small "islands" or "peninsulas" of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet the criteria described in 4A-4.7 and 4A-4.8 above may be excluded to provide logical boundaries to the Secondary Forest lands designation and to avoid conflict with existing land uses. Isolated, pre-existing residences shall not preclude the adjacent forest land areas from being classified Secondary Forest.

**4A-4.10** In addition to these land use designation criteria the Swinomish Indian Reservation should be designated Secondary Forest-NRL. While these lands are not located within a ¼ mile buffer of the Industrial Forest-NRL much of these lands are in forest production and management and are designated as such in the draft Swinomish Comprehensive Plan (September 19, 1990).

**4A-4.11** When the adjacent property is designated as Agricultural natural resource land, no Secondary Forest band is required. Generally, the band was still used if adjacent to Rural Resource designated lands.

Secondary Forest Parcel Density Policy

**4A-4.12** Residential gross densities for land designated as Secondary Forest shall be 1 dwelling unit per 20 acres.

## RURAL RESOURCE NATURAL RESOURCE LANDS

### OBJECTIVE 5

*Establish land use designation criteria and densities for rural resource natural resource lands.*

#### Rural Resource Lands Classification Criteria for Designation

**4A-5.1** All lands in unincorporated Skagit County not otherwise already designated Agriculture, Industrial Forest or Secondary Forest shall be screened for possible Rural Resource Lands designation as described in this section. First, all parcels approximately 40 acres or greater that contain one or both of the following soil types shall be identified:

- (a) “Prime upland farmland soils” as determined by USDA Soil Conservation Service and the Skagit County Resource Lands and Critical Area Classification Program; and as identified below:

<b>SCS Map Unit #</b>	<b>Soil Description</b>
<u>Prime Upland Soils</u>	
59	Giles silt loam
60	Giles Variant silt loam
61	Gilligan silt loam
100	Nargar loam, 0-8% slopes
116	Sauk silt loam
119	Sehome loam, 0-8% slopes
146	Tokul gravelly loam, 0-8% slopes

- (b) Washington State Department of Revenue - Private Forest Land Grades (PFLG) 1-3.

**4A-5.2** Then, those lands located in blocks of contiguous parcels approximately 160 acres and larger shall be retained in Rural Resource designation, provided however, that any parcel 40 acres or larger that is located contiguous to any land designated Agriculture, Industrial Forest or Secondary Forest generally should be designated Rural Resource regardless of whether it is contained within an approximately 160 acre block.

**4A-5.3** Parcels remaining after steps 5.1 and 5.2 shall be further evaluated for inclusion or exclusion based on the following additional factors:

- (a) Participation in a current-use tax assessment program derived from the Open Space Taxation Act, RCW 84.33 and 84.34. Such current-use tax assessment status is not, by itself, a determining factor for inclusion or exclusion, but is only part of the relevant characteristics to be considered.
- (b) A majority of the area is currently in small-scale agriculture or forestry use or has been in agricultural or forestry use within the preceding ten years and minimal improvements or financial expenditures have been made to non-resource related uses in the area as a whole. Construction of a single-family residence on any parcel of land shall not be deemed a sufficient non-resource related expenditure for purposes of this subsection.
- (c) The majority of the area has limited availability of public services and facilities (although the area may be located within a public water district).

**4A-5.4** Parcels that do not meet the criteria described in Policies 4A-5.1 and 4A-5.3 above may, nonetheless, be included to provide logical boundaries to the Rural Resource lands designation and to avoid small "islands" or "peninsulas" of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet the criteria described in Policies 4A-5.1 and 5.3 above may be excluded to provide logical boundaries to the Rural Resource lands designation and to avoid conflict with existing land uses.

Rural Resource Land Parcel Density Policy

- 4A-5.5** A maximum residential gross density of 1 dwelling unit per 10 acres or 1/64 of a section for a conservation and reserve development (CaRD) land division or a 40 acre minimum lot size or 1/16 of a section for standard land divisions shall be allowed.

MINERAL RESOURCE OVERLAYOBJECTIVE 6

*Establish land use designation criteria and densities for mineral resource lands.*

The purpose of these policies is to protect and conserve mineral resource lands of long-term commercial significance so that mineral extraction from these lands are not precluded by conflicting land uses. Such lands are designated as a Mineral Resource Overlay to other designated Natural Resource Lands on the Comprehensive Plan Land Use Map. It would not be sufficient to designate only those lands that have current permits.

Criteria

- 4A-6.1** In designating new areas within the Mineral Resource Overlay, adequate information shall be provided demonstrating the following:
- (a) Marketability. Mineral resource lands containing minerals that are minable, recoverable, and marketable in the present or foreseeable future (50 years).
  - (b) Minimum Threshold Value. The following values in 1990 equivalent dollars shall be met or exceeded. Threshold value is the projected value (gross selling price) of the first marketable product from an individual mineral deposit, upon completion of the extraction and any required mineral separation and processing. The threshold values are intended to indicate in a general way the approximate minimum size of a mineral deposit that will be considered significant for

designation. The values are not intended, nor in practice could they be, for use as precise threshold values.

- (i) Construction materials: Minimum Value \$5,000,000. Sand, gravel, and pit run rock, capable of being used in construction, that normally receive minimal processing (commonly washing and grading).
- (ii) Quarry rock: Minimum Value \$1,000,000. Quarry rock products, such as shot rock, meeting all strength and durability specifications of the Washington State Department of Transportation's 1988 Standard Specifications for Road, Bridge and Municipal Construction (or later editions).
- (iii) Industrial and Chemical Mineral Materials: Minimum Value \$1,000,000. Non-metallic mineral materials, such as building and dimension stone, or specialty sands, which normally receive extensive processing.
- (iv) Metallic and Rare Minerals: Minimum Value \$500,000. Metallic elements and minerals, gemstones, and minerals that possess special properties valuable to science or industry.
- (v) Non-fluid Mineral Fuels: Minimum Value \$1,000,000. Non-hydrothermal mineral fuels occurring in sedimentary rocks such as coal bed methane, lignite, peat, organic shale, tar sand, uranium and thorium.

**4A-6.2** Adequate information for the purpose of designating areas within the Mineral Resource Overlay shall consist of, but not be limited to, site-specific information prepared by a qualified geologist, U.S. geological survey maps, and/or information on file with the WA Department of Natural Resources.

- (a) A qualified geologist shall be defined as a person who earns his or her livelihood from the field of geology and has received a degree from an accredited four-year institution of higher education.

Policies

**4A-6.3** To be considered significant for the purpose of the designation, a mineral deposit or a group of deposits that can be mined as a unit must meet the criteria for marketability and threshold values. Mineral extraction operators shall be encouraged to participate in the designation of mineral resource lands of long-term commercial significance needed for the projected growth of at least the next twenty (20) years and preferably the next fifty (50) years, provided that this policy is not intended to limit or prevent designation of potential mineral resource lands just because the total supply of mineral resources might exceed a 20- or 50-year projection of need. Areas shall be designated as mineral resource lands based on geologic, environmental and economic factors, existing land uses, and surrounding parcel sizes and additional criteria specified in this element. In designating the Mineral Resource Overlay, consideration shall focus on:

- (a) General land use patterns in the area;
  - (i) Residential gross densities for land designated as Mineral Resource Areas shall be no greater than 1 residential dwelling unit per 10 acres.
  - (ii) The preferred land uses adjacent to designated mining sites are open space, forestry, or industrial uses.
- (b) Availability of utilities;
- (c) Availability and adequacy of water supply;
- (d) Surrounding parcel sizes and surrounding land uses;
- (e) Availability of public roads and other public services;
- (f) Division or zoning for urban or small lots;
- (g) Accessibility and/or distance from point of use;
- (h) Physical and topographic characteristics of the mineral resource site;
- (i) Depth of the resource;

- (j) Depth of the overburden;
  - (k) Physical properties of the resource;
  - (l) Life of the resource; and
  - (m) Resource availability in the region.
  - (n) Potential effects on public drinking water, sediments, and pollutants.
- 4A-6.4** New residential development adjacent to a designated Mineral Resource Overlay should be sited to help minimize potential conflicts between residences and mining operations.
- 4A-6.5** Updates to the Mineral Resource Overlay shall be undertaken at a maximum of five-year intervals to identify additional potential mineral resource areas and remove those areas that no longer can be used for mineral resources, or that have been demonstrated to not meet the criteria for mineral resource designation in this chapter of the Comprehensive Plan.
- 4A-6.6** Designation or removal of the Mineral Resource Overlay shall be processed as a Comprehensive Plan amendment pursuant to all of the procedures required for the same, including petition, notice, and public hearing.
- 4A-6.7** Petitions for removal of a Mineral Resource Overlay designation shall include information from a qualified geologist providing adequate evidence that the site specified does not meet the criteria of long-term commercially significant mineral resources.

#### Mineral Resource Area Density Policies

- 4A-6.8** Residential gross densities for lands that are designated or within ¼ mile of a Mineral Resource Overlay shall be no greater than 1 residential dwelling unit per 10 acres provided that if the underlying land use designation density of land within ¼ mile of the Mineral Resource Overlay is greater than 1 dwelling unit per 10 acres, the development rights associated with that density may be transferred to and clustered on that portion of the property located outside of ¼ mile from the Mineral Resource Overlay consistent with the Conservation and Reserve Development (CaRD) policies in this chapter.

## RURAL AREA

The Rural Area designation is intended to provide for a variety of rural residential land use densities while maintaining overall lower than urban densities at rural service levels, encourage rural activities such as farming, forestry, mining, and aquatic resources, and retain rural character and open space. Designating Rural Areas minimizes service demands and costs on county government, preserves historic and cultural structures and rural landscapes, and protects designated natural resource lands and identified critical areas. Rural Areas also provide a choice in living environments, through a mix of large lots, conservation and reserve development (CaRD) land divisions, existing smaller lots in the Similk Beach limited areas of more intensive rural development (LAMIRDS), and the existing smaller lots in rural community centers or "rural villages." Rural Villages historically have provided an activity center where rural residents and others can gather, work, shop, entertain, and reside. Commercial and compatible industrial development may continue to locate in rural villages under limited conditions. Additional goals and objectives are included in Chapter 6, the Rural Element.

### OBJECTIVE 7

*Establish land use designation criteria and densities for rural areas.*

The following criteria shall be considered when designating Rural Areas:

- 4A-7.1 Those areas not designated as urban growth areas or as natural resource lands, where a possibility exists for less intensive agriculture, forestry and mineral resource management and utilization.
- 4A-7.2 Those areas which serve as a buffer between natural resource lands and urban growth.
- 4A-7.3 Those areas where the open-space character of the land is to be protected for scenic qualities, recreational pursuits, and ecological functions.
- 4A-7.4 Those areas where features of the natural environment generally make the land less suitable for intensive urban development.

- 4A-7.5** Those areas where existing and future uses do not typically require urban-type services and facilities (public sewers or urban level water systems, curbs, sidewalks, parking lanes, street lights, public transit) and services are not as readily available (fire, law enforcement, and emergency medical response, or social services).
- 4A-7.6** Those areas that are adjacent to designated urban growth areas which may be needed for future urban expansion beyond the current planning period.

#### Rural Density Policies

- 4A-7.7** Although some growth in the Rural Area is expected, a low growth rate is more desirable than a high growth rate for the Rural Area, including Rural Villages. Therefore, the total number of residential building permits for all land outside of a designated urban growth area should be no greater than required to provide for the allocated population growth for the non-urban growth areas through 2015. This target provides a basis for annual monitoring, 5-year plan reviews, and revisions of development in non-urban growth areas as a whole. Development trends will be analyzed to determine if changes in land use designations are necessary or additional regulatory techniques or measures are needed to assure compliance with targeted urban/non-urban population distribution goals.
- 4A-7.8** Changes to Rural Area designations should occur through the community development planning process (subarea and joint planning) by evaluating the following: existing lots of record and zoning; geological characteristics; environmental constraints; unique land forms; proximity to designated natural resource lands, identified critical areas, and urban growth areas; adequate capacity to maintain existing rural level of service facilities, and utilities to support development as established in relevant capital facility plans; and compatibility with adjoining land uses.

A variety of densities ranging from 1 dwelling unit per 2.5 acres or 1/256 of a section to 1 dwelling unit per 10 acres or 1/64 of a section shall be allowed for new residential development and be categorized as follows:

- (a) *Rural Reserve*. The Rural Reserve designation only applies to all rural areas not designated as Natural Resource Lands or Rural Intermediate that are not included within an Urban Growth Area or Rural Village. A maximum residential gross density of 1 dwelling unit per 5 acres or 1/128 of a section for conservation and reserve

development land divisions or a 10 acre minimum lot size or 1/64 of a section for standard land divisions shall be allowed.

- (b) *Rural Intermediate.* The Rural Intermediate (RI) designation applies to rural areas where the average existing and/or surrounding parcel density is predominantly more than or equal to 1 parcel per 2.5 acres or 1/256th of a section, not including any lands within a UGA. If rural lands proposed to be added to the RI designation have a density of less than 1 parcel per 2.5 acres, these lands must be included in any calculation of "average existing and/or surrounding parcel density." These RI designations are intended to balance property rights in the legally vested lots and the built environment that is reflected in certain rural areas of the County with the GMA requirements to minimize sprawl and concentrate growth in urban areas. Areas may be considered for designation as RI by identifying clearly-contained logical boundaries that are delineated predominately by the built environment. Under the requirements of RCW 36.70A.070(5), this built environment should exist on or before July 1, 1990. However, in some cases, where lots were legally created since that time, but prior to adoption of the Comprehensive Plan and have either been developed, or have vested rights to develop at those densities, RI designation may be appropriate on those lots as well. Finally, as described in more detail under the Rural Study Areas policies below, some RI density may be appropriate in one or more of those study areas, but only after completion of the necessary community plan.
- (i) Undeveloped lands may be included in a RI designation, but only if the undeveloped land is included through an assessment of logical outer boundaries delineated primarily by the built environment; if the undeveloped lands are for infill development or redevelopment; if there are necessary public facilities and services to serve the area; and if a new pattern of low-density sprawl is not created by including such undeveloped lands.
- (ii) The RI designation does not necessarily apply to every existing lot smaller than 2.5 acres in the County since, to do so, could result in a pattern of scattered and unconsolidated areas of more intense rural development.

- (iii) For purposes of drawing logical outer boundaries and avoiding irregular ones for limited areas of more intensive rural development, the County shall consider existing natural rural neighborhoods and communities; physical boundaries such as salt water bays, lakes, rivers, creeks, drainage ditches, and public roads; natural boundaries such as watersheds, land forms and topography; and, the availability of public services and facilities provided that such outer boundaries do not lead to low-density sprawl.
- (iv) A maximum residential gross density of 1 dwelling unit per 2.5 acres or 1/256 of a section shall be allowed in new development within this designation.

#### Rural Village Designation Criteria Policies

- 4A-7.9** Rural Villages shall be located only in designated Rural areas. Rural Village designation and densities shall be based on existing development patterns and uses, environmental constraints, presence of critical areas, proximity to designated natural resource lands, and adequate capacity to maintain existing rural level of service. It is the intent that Rural Villages will represent historical communities throughout the County with future development limited to infill within designated boundaries.
- 4A-7.10** Through the community development planning process (subarea and joint planning), local knowledge, experience, and preferences of community residents shall be used; provided that such is consistent with the Growth Management Act, Countywide Planning Policies, and the Comprehensive Plan, when determining the following:
- (a) the size of Rural Villages, provided that the boundaries of the historic Rural Villages shall be defined predominately by the built environment that existed on or before July 1, 1990;
  - (b) appropriate land uses, including, but not limited to where additional Rural Village Commercial uses should be located, the circumstances under which natural resource or cottage scale industries should be permitted and whether mixes of uses should be permitted;
  - (c) community infrastructure requirements;

- (d) standards and design guidelines to protect and retain important features valued by the community.

**4A-7.11** The following existing communities are designated as Rural Villages on the comprehensive plan map: Big Lake, Conway, Bay View, Edison, Alger, Clear Lake, Lake McMurray, Lake Cavanaugh, Rockport and Marblemount. The areas designated Rural Village on the comprehensive plan map are intended to reflect primarily historic, existing developed parcels and uses at Rural Village density.

#### Rural Village Density Policies

**4A-7.12** Single-family residential densities for land designated as a Rural Village shall be determined as follows:

- (a) with public water and an approved on-site septic system, 1 residential dwelling unit per acre; or
- (b) with public water and public sewer, a Rural Village Community Plan may recommend smaller lot sizes if consistent with existing rural village development patterns and/or appropriate to better protect critical areas, open spaces or public health and safety concerns.

**4A-7.13** Single-family residential densities for land designated as a Rural Village shall not exceed 1 residential dwelling unit per 2.5 acre or 1/256 of a section with private water and an approved on-site septic system.

**4A-7.14** The Big Lake Rural Village has a public sewer system intended to serve the Big Lake watershed to protect water quality in the lake. As a result, the Big Lake Rural Village contains larger undeveloped parcels on the east side of the lake. These larger, undeveloped parcels, within the Rural Village boundary, shall be designed as a conservation and reserve development (CaRD), where the development rights from the property are clustered on that portion of the parcel located adjacent to other existing one acre or smaller lots, recreational facilities or commercial development, with the remaining acreage set-aside in permanent open space designation.

Prior to the adoption of a Big Lake Rural Village Joint Plan, property that is commonly referred to as the Overlook Golf Course and as depicted on the Big Lake Rural Village Comprehensive Plan and Zoning map, may be developed (for purposes of vesting “developed” means the “filing of a

complete development application and payment of all required fees for the proposed development”) at the following densities:

- (a)** at one unit per five acres, or at a lower density, when the following conditions are met:
  - (i)** The development shall use on-site sewage systems and shall not connect to public sewer (cluster community on-site sewage systems or community drain fields are allowed when health code requirements are met).
  - (ii)** The development shall use public water.
- (b)** at a density of between one unit per five acres and one unit per one acre when the following conditions are met:
  - (i)** The development shall use on-site sewage systems and shall not connect to public sewer (cluster community on-site sewage systems or community drain fields are allowed when health code requirements are met).
  - (ii)** The development shall use public water.
  - (iii)** The development shall only be permitted as a long CaRD subdivision and shall be subject to the provisions of the County’s CaRD regulations (SCC 14.18.300 - .330 as now adopted or hereafter amended) that are in effect at the time of submittal of any complete CaRD subdivision application.
  - (iv)** The owner shall have the burden to demonstrate that any proposed development at a density above one unit per five acres will not result in pollution to Big Lake from on-site sewage systems (minimizing the potential for public exposure to sewage and any adverse effects to public and environmental health) and that stormwater discharge resulting from development activities be controlled and treated using available and reasonable methods or erosion control, flood control and water quality treatment so that pollution to Big Lake will not at any time exceed the pollution to Big Lake from a new standard subdivision at one unit per five acres that meets the requirements of SCC 12.05 and 14.32 (as now

adopted or hereafter amended) that are in effect at the time of submittal of any complete CaRD subdivision application.

- (v) The development standards described in subsections (i) through (iv) above shall no longer apply if the property becomes part of the Mount Vernon Urban Growth Area. If that occurs, development shall be governed by the regulations then in effect. If the Overlook Golf Course property is not developed prior to the adoption of the Big Lake Rural Village Joint Plan, then the subject property will have the potential to develop at whatever the density allowed by the Joint Plan. Consideration at that time shall be given to whether all or part of the property should be inside or outside of the Rural Village and whether the development standards in subsections (i) through (iv) above should or should not be applied to the Overlook Golf Course property by the Joint Plan.

Study Areas: Rural Areas of More Detailed Planning

**4A-7.15** In addition to the community plans for each of the Rural Village designations described below in Policy 4A-10.1, Rural Village Commercial (RVC), and the community planning policies of Chapter 14, Community Planning Element, Skagit County shall prepare a community plan for each of the following areas that addresses logical outer boundaries for Rural Centers, if applicable, and, at a minimum, the issues indicated:

- (a) Big Lake Rural Village. The community plan for the Big Lake Rural Village shall include consideration and recommendations on logical Rural Village boundaries that preserve the character of the neighborhood and the community based on: existing development, land use patterns, and parcel density; natural land forms, contours, and topography; and, infrastructure capital improvement plans that are intended to serve the community, including roads, sewer and water lines. The Big Lake Rural Village is unique in that it is the only Rural Village in Skagit County served by both public water and sanitary sewer. The community plan for the Big Lake Rural Village is to consider Sewer District No. 2's comprehensive plan and capital improvement plan and its service area as a way to allow for additional infill and more intensive rural residential development while protecting the Lake's fragile watershed, water quality and recreational activities. The Big Lake Rural Village

Community Plan should develop residential densities that reflect these unique features of the Big Lake community. Clustering requirements for larger undeveloped properties shall be considered that create compatible rural densities and a non-expanding Rural Village boundary.

- (b) Birdsvew. The community plan for Birdsvew shall include consideration of: appropriate land use designations for the existing camping resort properties and travel trailer parks; whether additional Rural commercial or industrial land use designations are appropriate and necessary to serve not only the rural residents in this area, but the traveling public; and whether additional rural density is appropriate to minimize large-lot sprawl in this area and to create more logical boundaries incorporating the existing RI designations.
- (c) Fidalgo Island. The community plan for Fidalgo Island shall include the following: provisions for maintaining the existing rural character and lifestyles of the island; an assessment of the natural and built environment such as, but not limited to: shoreline environs, geologically hazardous areas, drainage, marine and upland water quality, suitability of soils and geology for development, fish and wildlife habitat, open space areas/corridors, transportation networks, and availability and cost of public facilities and services. The Fidalgo Island Community Plan shall also consider previous land use studies and reports in determining whether additional rural density is appropriate to minimize large-lot sprawl and to create more logical boundaries incorporating the existing RI designations.
- (d) Day Creek. The community plan for Day Creek shall consider possible expansion of the Rural Center designation beyond the existing Day Creek Store to include other adjacent parcels with existing non-resource development. This community plan shall recognize the relative isolation of this area and this Rural Center from any other retail or service uses. In addition, to help ensure long-term vitality of this Day Creek Rural Center, and to minimize the impetus for new, more scattered rural commercial or industrial development in this area of the County, this community plan shall also evaluate whether additional rural density is appropriate adjacent to this Rural Center, thereby minimizing the potential for large-lot sprawl in this resource area of the County. If not completed before this Community Plan, the MRO designations in this Day Creek area shall be

reevaluated to be sure they match the actual locations of the mineral resource and take into account existing critical area characteristics including ancient landslides.

- (e) Guemes Island. The community plan for Guemes Island shall address rural commercial uses and locations, sole-source aquifer issues, shoreline environs, ferry service, open space and natural resource lands, and provisions for maintaining rural character and lifestyles. Consideration should be given to the community's previously drafted sub-area plan for the island.
- (f) Upper Samish Valley. The community plan for the Upper Samish Valley shall include consideration of whether an area along Highway 9 north of Sedro-Woolley should be designated as a new Rural Center. This is one of the few populated areas of the County that is not included within a 2.5 mile radius service area of an existing Rural Village Commercial District or Rural Center. There are several existing public uses, including a school, fire station, and grange hall, that could serve as the core of a new Rural Center.
- (g) Alger. The community plan for the Alger area shall include an assessment of logical boundaries for more intensive rural development based on existing parcel densities and the built environment. Provisions for maintaining rural character and lifestyles shall also be addressed. Consideration should be given to the community's previously drafted sub-area plan.

#### Logical Outer Boundaries Around Similk Beach Area

4A-7.16 The GMA requirements found at RCW 36.70A.070(5)(d)(iv) shall govern the drawing of logical outer boundaries around existing areas of more intensive rural development that were in existence as of July 1, 1990, and that are designated as Rural. Generally, these requirements hold that;

- (a) The County shall adopt measures to minimize and contain existing areas or uses of more intensive rural development;
- (b) Lands included in such existing areas or uses shall not extend beyond a logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl;

- (c) Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominantly by the built environment as of July 1, 1990, but that may also include limited undeveloped lands;
- (d) In establishing the logical outer boundary of an area of more intensive rural development, the County shall address:
  - (i) The need to preserve the character of existing natural neighborhoods and communities;
  - (ii) Physical boundaries such as bodies of water, streets and highways, and land forms and contours;
  - (iii) The prevention of abnormally irregular boundaries; and
  - (iv) The ability to provide appropriate public facilities and public services in a manner that does not permit low-density sprawl.

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## OPEN SPACE AREAS

The Open Space Areas are intended to provide for a variety of open space types. Open space areas include greenbelt corridors within and around urban growth areas, green belts which connect critical areas, lands receiving open space tax incentives, resource lands, conservation easements, rural open space areas, park lands, and significant historic, archaeological, scenic and cultural lands. The Potential Greenbelts and Public Open Space Areas overlay found on the Urban Growth Area Maps, Maps 3A - 3K, are general in nature and will be more thoroughly designated through the project review process. More detailed mapping together with specific protection techniques including a revenue plan are included as a part of the Parks, Recreation and Open Space Plan and Conservation Futures Plan. Potential greenbelts and open space areas will be a mix of the three categories of open space: (1) Public, (2) Private and (3) Open Space Taxation.

By December 1, 2007, the County shall develop a program to initiate identification and prioritization of open space corridors and greenbelts within and between UGAs that include lands useful for recreation, wildlife habitat, trails, and connection of critical areas. Such program shall include a list identifying and prioritizing open space and greenbelt lands desirable for public acquisition. Any potential acquisition that

may be proposed by such a program will not include any condemnation actions; any potential acquisition for land for open space or greenbelts shall only be achieved by voluntary donation, CaRD subdivision, or mutually agreeable sale.

#### Public Open Space

Public Open Space areas include publicly owned lands that are dedicated or reserved for public use or enjoyment for recreation, scenic amenities, natural resource land management, or for the protection of environmentally sensitive areas. Where identified below to be of regional or statewide importance, such lands are designated on the Comprehensive Plan Map. Other publicly held lands, such as local neighborhood parks, scenic roads and highways, shorelines, rivers and streams, and utility corridors, although not designated as open space on the Comprehensive Plan Map, nevertheless offer similar open space functions and benefits. However, certain areas may not be open to the public, such as utility corridors, road easements, etc., where ownership or public safety reasons may preclude public access, even though these areas may provide open space benefits to wildlife.

#### Private Open Space

There are several private organizations in Skagit County that in some way set aside lands for conservation purposes, such as for their ecological, scenic, or natural resource values. Private land trusts, such as the Skagit Land Trust, the San Juan Preservation Trust, and the Nature Conservancy, among others, own or in some way administer a significant amount of land in Skagit County.

These private organizations contribute to the preservation of wildlife habitat, biodiversity, natural and scenic greenbelts and open-space corridors. Through the use of such techniques as conservation easements, purchase of development rights, or the outright purchase of land, development of these lands is limited or precluded altogether. Such lands, where known, are identified on a separate map, for informational, non-regulatory purposes, and may change over time.

#### Open Space Taxation

Lands enrolled in a taxation program as defined in RCW 84.34 are identified in the Current Use Open Space Taxation Program map. This map also may change over time according to participation.

**OBJECTIVE 8**

*Establish criteria to identify public, private and open space taxation open space areas and to designate open space corridors within and around urban growth areas.*

The following shall be considered when designating open space areas:

- 4A-8.1** Public Open Space areas are those lands in public ownership that are dedicated or reserved for public use or enjoyment for recreation, scenic amenities, natural resource land management, or for the protection of environmentally sensitive areas such as the following:
- (a) Neighborhood and community parks should be linked by open space networks whenever possible.
  - (b) Land that offers special natural resource-based and recreational opportunities, such as: federal, state and local regionally important parks and recreation areas; islands; federal wilderness areas; wildlife refuges; lakes; reservoirs; creeks; streams; river corridors; shorelines and areas with prominent views.
  - (c) Public Open Space areas of Regional/Statewide Importance are as follows: Deception Pass State Park; Saddlebag Island; Hope Island; Ika Island; Huckleberry Island; Skagit Island; Larrabee, Rasar, and Bayview State Parks; PUD #1 Judy Reservoir; Skagit Wildlife Refuge; North Cascades National Park; Noisy Diobsud Wilderness; Glacier Peak Wilderness; Ross Lake National Recreation Area; Mount Baker National Forest; Seattle City Light Wildlife Mitigation Lands; Rockport State Park; WA Department of Natural Resources Natural Resource Conservation Areas and Natural Area Preserves; and portions of the Northern State Recreation Area.
  - (d) Lands which include a significant historic, archaeological, scenic, cultural or unique natural feature.
  - (e) Areas that take advantage of natural processes, wetlands, tidal actions and unusual landscape features such as cliffs and bluffs.

- 4A-8.2** Private Open Space is privately owned land that has been or will be set aside by the operation of the Critical Areas Ordinance, by voluntary conservation or by land reserve easements such as the following:
- (a) Critical areas as defined in the Critical Areas Ordinance.
  - (b) Lands with conservation and land reserve easements in place.
  - (c) Lands within urban growth areas that are wooded and serve a functional purpose in climate, noise, light or pollution control, or provide wildlife habitat or greenbelts.
  - (d) Lands that can provide for a separation between communities, minimize or prevent sprawl, provide a buffer between urban and rural areas, or between natural resource lands and rural areas.
  - (e) Potential private open space can be identified by an overlay on the land use designation.
  - (f) Property owners should be encouraged to enroll in the Current Use Open Space Taxation Program.
  - (g) Skagit County should consider implementation of the Conservation Futures Program that would provide revenue for the acquisition of important critical areas.
  - (h) The use of conservation easements or other measures should be considered for the protection of critical areas.
- 4A-8.3** The Current Use Open Space Taxation Program includes properties utilized for agricultural, timber and open space uses as provided in RCW 84.34.
- (a) Property owners should be encouraged to enroll in the Current Use Open Space Taxation Program.

## COMMERCIAL AND INDUSTRIAL USES OUTSIDE OF URBAN GROWTH AREAS

Commercial and industrial uses throughout unincorporated Skagit County are guided by the goals, objectives and policies articulated below. Existing and new commercial and industrial land uses are subject to this plan's land use policies. Implementing development regulations adopted pursuant to this plan more specifically identify commercial and industrial development opportunities and limitations and explain, through code language, how the Comprehensive Plan policies are put into practice. Those regulations would expand upon the policies describing how existing uses can continue, under what circumstances they can expand, and how rural character, resource lands, and critical areas are to be protected when new uses are permitted.

Commercial and industrial land use designations and uses in unincorporated Skagit County are designated by symbols and/or color-coding on the combined Skagit County Comprehensive Plan and Zoning Map.

In developing this plan, Skagit County undertook an extensive review of existing commercial and industrial uses and zoning in the unincorporated areas. Additionally, the County commissioned research to analyze commercial and industrial land needs through the year 2015, with a particular emphasis on those needs in rural unincorporated areas. Also, the County developed new rural and natural resource-related commercial and industrial land use designations, policies, and criteria. Development of these designations and policies closely followed the opportunities and responsibilities set out in the 1997 amendments to the Growth Management Act addressing rural development. Citizens advisory committees were involved in various stages of this work program.

Based on this work, the County has designated within the Comprehensive Plan specific locations or areas for rural and natural resource-related commercial and industrial development. Generally, these designations identify and acknowledge existing areas or uses of commercial or industrial development. Where there were existing areas or uses as of July 1, 1990, these areas may include limited amounts of undeveloped land contained within a logical outer boundary. Activities within these existing areas of more intensive rural development may include infill, development, or redevelopment within the existing area, subject to the relevant Comprehensive Plan policies.

The process for Comprehensive Plan amendments, including map amendments, is discussed in Chapter 2, Plan Implementation and Monitoring.

## RURAL COMMERCIAL AND INDUSTRIAL USES

### OBJECTIVE 9

*Provide for rural and natural-resource-related commercial and industrial uses commonly accepted in the rural area, within a range of rural commercial and industrial land use designations. These designations and the permitted commercial and industrial uses within them will provide daily goods and services to rural residents, to natural resource industries, and to visitors to the rural area; preserve rural and natural resource-based economies and traditional rural and natural resource lifestyles; sustain the economic utilization of Skagit County's natural resources; provide family wage jobs and economic opportunities in areas experiencing insufficient economic growth; and contain rural commercial activities within logical outer boundaries in a manner that does not permit low-density sprawl.*

### General Policies

- 4A-9.1** New rural commercial uses will be located within designated commercial areas to avoid incompatible land uses and the proliferation of commercial businesses throughout the rural area. To encourage revitalization of existing developed areas and the more efficient use of already developed land, priority consideration should be given to the siting of new rural commercial and industrial uses in areas of existing development, including existing Rural Villages and existing Rural Centers, followed by already developed sites in the remaining rural area, and only lastly to wholly undeveloped sites in the rural area which shall be contained within logical outer boundaries in a manner that does not permit low density sprawl. Designations permitting commercial and industrial uses in the unincorporated portions of the county are the following:

- (a) Rural Village Commercial
- (b) Rural Center
- (c) Rural Freeway Service
- (d) Small-Scale Recreation and Tourism
- (e) Natural Resource Industrial
- (f) Rural Marine Industrial
- (g) Major Industrial Developments
- (h) Master Planned Resorts
- (i) Cottage Industry/Small-Scale Business
- (j) Rural Business

The Home-Based Business special use also permits certain rural commercial activities, as discussed in greater detail under Objective 19.

- 4A-9.2** New rural commercial uses are limited to those typically located in and intended to serve the rural community, with certain exceptions as provided for through Comprehensive Plan policies consistent with RCW 36.70A.070(5)(d)(i), (ii), and (iii). This law permits the following activities that are not principally designed to serve the rural population but that provide job opportunities for rural residents: the infill, development, or redevelopment of existing rural industrial areas, and the intensification of development or new development of small-scale recreational or tourist uses, and small-scale businesses or cottage industries.
- 4A-9.3** Rural commercial uses are limited in size to serve the communities in which they are located, or the additional uses allowed under RCW 36.70A.070(5)(d)(i), (ii), and (iii). Uses are limited to development that can be supported by services typically delivered at rural levels of service. These services may include domestic water, septic systems, and transportation facilities. Uses may utilize additional governmental services that are historically already available to the site.
- 4A-9.4** Existing commercial and industrial development immediately adjacent to an Urban Growth Area should be evaluated to determine if that

development should be included within the Urban Growth Area boundaries. Inclusion is warranted if the commercial or industrial development is of an urban size and nature, if the development requires or is best served by urban services, and/or if the impacts of the development can be better controlled under the regulatory authority of the urban jurisdiction. This policy should not be construed to imply that newly proposed or permitted commercial or industrial development adjacent to an Urban Growth Area should be used to justify the expansion of that Urban Growth Area.

- 4A-9.5** Strip development is not allowed and is controlled by establishing logical outer boundaries around areas of more intensive rural development that existed on July 1, 1990, beyond which such development is not allowed.

The following Objectives and Policies describe the various rural commercial and industrial designations, and provide guidance on the types and scale of permitted uses within them.

## RURAL VILLAGE COMMERCIAL (RVC)

### OBJECTIVE 10

*Rural Villages are areas that historically have provided an activity center where rural residents and others can gather, work, shop, entertain, and reside. The Rural Village Commercial district is intended to provide for a range of commercial uses and services to meet the everyday needs of rural residents and natural resource industries, to provide employment opportunities for residents of the rural area, and to provide goods, services, and lodging for travelers and tourists to the rural area. Rural Villages may provide locations for natural resource-related industrial activity.*

### General Policies

- 4A-10.1** The following Rural Villages are designated in the Comprehensive Plan: Alger, Bayview, Big Lake, Clear Lake, Conway, Edison, Lake Cavanaugh, Lake McMurray, Marblemount, and Rockport, as shown in the Comprehensive Plan Map Portfolio. A Rural Village Commercial district is allowed within a Rural Village designation in the Comprehensive Plan.
- 4A-10.2** Rural Village Commercial districts serve as the major centers of rural and natural resource-related commercial activity in the County unincorporated area. They are intended to help meet existing and projected future rural and natural resource-related commercial and service needs within existing areas of commercial development, rather than allowing a more dispersed pattern of low density rural commercial sprawl.
- 4A-10.3** A Rural Village Commercial district should be designated for each Rural Village identified in the Comprehensive Plan through a community planning process. The Rural Village Commercial district should include clustered commercial uses consistent with the list of typical uses in policy 4A-10.7 below. Generally, there should be only one contiguous area of Rural Village Commercial district in each Rural Village.
- 4A-10.4** Rural Village Commercial districts are existing “limited areas of more intensive rural development” that are “clearly identifiable and contained” and that fall within “a logical boundary delineated predominantly by the built environment” per RCW 36.70A.070(5)(d)(i) and (iv). Commercial and industrial development within Rural Village Commercial districts may include infill, development, or redevelopment of existing uses.
- 4A-10.5** The Rural Village Commercial district and Rural Village Commercial uses may not be located beyond the boundary of a Rural Village. The Rural Village boundary is not necessarily the same as the Rural Village Commercial district, however (see policies 4A-10.3 and 4A-10.6). The logical outer boundaries of the Rural Villages are generally consistent with GMA requirements per RCW 36.70A.070(5)(d)(iv), even though those provisions were not in effect when the Rural Village boundaries were established. Generally, those GMA requirements hold that:
- (a) The County shall adopt measures to minimize and contain existing areas or uses of more intensive rural development;
  - (b) Lands included in such existing areas or uses shall not extend beyond a logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl;

- (c) Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominantly by the built environment as of July 1, 1990, but that may also include limited undeveloped lands;
- (d) In establishing the logical outer boundary of an area of more intensive rural development, the County shall address:
  - (i) The need to preserve the character of existing natural neighborhoods and communities;
  - (ii) Physical boundaries such as bodies of water, streets and highways, and land forms and contours;
  - (iii) The prevention of abnormally irregular boundaries, and
  - (iv) The ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

**4A-10.6** Property owners may apply for Comprehensive Plan amendments and rezones to add additional property to the Rural Village Commercial district if:

- (a) The property falls within the Rural Village boundary as shown in the Skagit County Comprehensive Plan Map Portfolio;
- (b) The proposed use(s) for the property are consistent with those described in Policy 4A-10.7 below;
- (c) There is a demonstrated need, as indicated by the County's rural commercial and industrial needs analysis, and by analysis of local conditions, for additional rural commercial land to meet projected needs through the year 2015, and
- (d) The property owner presents a development project compatible with surrounding rural uses and character that will commence and may be phased within a specified amount of time following the property's designation/rezone to RVC. The time lines for commencement and phasing will be specified in the development regulations. The regulations shall also describe procedures by which a development project that has not commenced according to the specified timelines, or those portions of a phased project that

have not proceeded according to an approved phasing schedule, would lose their RVC designation/zoning and the property or subject portions thereof would return to their prior designation/zoning.

- (e) The proposed Comprehensive Plan amendment/rezone is consistent with the appropriate Rural Village Community Development Plan, if one has been adopted.

**4A-10.7** Typical uses in the Rural Village Commercial district include:

- (a) Small retail and service businesses that primarily serve the needs of the surrounding population. Examples include retail food, drug, feed, nursery, and hardware stores, retail specialty shops, restaurants, service stations, laundry, barbershop, beauty shop, shoe repair, child and adult day care services, and nursery schools.
- (b) Small office uses, including professional offices, business offices, and public utility offices.
- (c) Art and performance galleries and studios.
- (d) Natural resource support services (limited to office uses and wholesale, retail and service businesses serving local natural resource industries and meeting the size limitations for the Rural Village Commercial district).
- (e) Overnight lodging and related services for visitors to the rural area.
- (f) Minor public uses.

**4A-10.8** Other commercial and industrial uses permitted in the Rural Village, under separate Comprehensive Plan designations and zoning districts and their associated policies and regulations, are the following:

- (a) Cottage Industry/Small-Scale Business (CSB)
- (b) Small-Scale Recreation and Tourism (SRT)
- (c) Natural Resource Industrial (NRI)
- (d) Rural Marine Industrial (RMI)

- (e) Rural Business (RB)
- (f) Master Planned Resort (MPR)

- 4A-10.9** Generally, new uses allowed in the Rural Villages under 4A-10.8 should be clustered around or adjacent to existing development in the Rural Village Commercial district, unless the particular nature of the new use justifies an alternative location within the Rural Village.
- 4A-10.10** Maximum size limits for uses within the Rural Village Commercial district are intended to retain the rural character of the Rural Villages and are based on the size of existing uses within the Rural Villages.
- 4A-10.11** Rural commercial development within the Rural Village Commercial district is designed to encourage pedestrian activity. Development regulations for the Rural Village Commercial district will address potable water, buffers, screening, lighting, noise, drainage, traffic impacts, lot coverage, land use intensities, and non-urban levels of service to maintain the existing character of the rural area in which the commercial use is proposed.

## RURAL CENTER (RC)

### OBJECTIVE 11

*Recognize centers or clusters of small retail and service businesses which serve a limited area and rural population outside established Urban Growth Areas and Rural Villages. These Rural Centers are also intended to serve, to a more limited extent, the traveling public at existing crossroads.*

### General Policies

- 4A-11.1** Rural Centers are small-scale commercial clusters or individual uses at selected locations in the unincorporated portion of the County. They are smaller in size and intensity than Rural Villages.

- 4A-11.2** Rural Centers are intended to help meet existing and projected future rural commercial needs within existing clusters of commercial development, and at a limited number of new locations, rather than allowing a more dispersed pattern of low density rural commercial sprawl.
- (a) Rural Centers where commercial development existed as of July 1, 1990, may consist of clusters of uses around which logical outer boundaries may be drawn, limited areas of undeveloped land may be included, and infill, development, or redevelopment is allowed.
  - (b) Rural Centers where no commercial development existed as of July 1, 1990 may not expand beyond the property or properties included within the Rural Center upon its initial designation.
- 4A-11.3** Typical uses in Rural Centers are small retail and service businesses that primarily serve the needs of the surrounding rural population and visitors to the rural area. Examples include retail food, drug, feed, nursery, and hardware stores, retail specialty shops, restaurants, bed and breakfasts, service stations, laundry, barbershop, beauty shop, shoe repair, day care services, and minor public uses.
- 4A-11.4** Rural Centers shall not include new residential uses other than business-owner or operator residences and loft living quarters over store fronts unless such residential uses are specifically authorized through the Community Planning Process outlined in Policy 4A-11.13 below.
- 4A-11.5** New development within Rural Centers will follow standards contained in the development regulations that address, at a minimum: potable water, buffers, screening, lighting, noise, drainage, traffic impacts, lot coverage, land use intensities, and non-urban levels of service in an effort to maintain the existing character of the rural area in which the commercial use is proposed. Uses may utilize additional governmental services if such services are historically already available to the site.
- 4A-11.6** The locations initially designated as Rural Centers, based on the designation criteria in Policies 4A-11.8 and 4A-11.9 below are: East Edison, Birdsvie, Allen, Day Creek, Guemes Island, and Dewey Beach. Rural Centers are identified in the Comprehensive Plan Map Portfolio, and on the Skagit County Zoning Map.

**4A-11.7** The Rural Centers designated in Policy 4A-11.6 generally serve residents in rural and natural resource lands within a 2½ mile radius of the Rural Center.

Designation Criteria

**4A-11.8** The following criteria governed the designation of Rural Centers identified in Policy 4A-11.6. These same criteria shall be followed in considering any new proposed Rural Center designations under Policies 4A-11.11 and 4A-11.12 below.

- (a) The commercial area is located within a Rural designation in the Comprehensive Plan (specifically, the Rural Intermediate and Rural Reserve designations). Rural Centers shall not be wholly or partially located on designated Natural Resource Lands.
- (b) The commercial area should have existed predominantly as an area or use of more intensive commercial development on July 1, 1990. Limited exceptions may be provided where:
  - (i) uses or areas developed after July 1, 1990 serve substantially the same function as other Rural Centers that were existing commercial areas as of July 1, 1990; and,
  - (ii) new Rural Centers are designated, subject to the requirements of and identified in Policy 4A-11.13 below.
- (c) Rural Centers should be located at crossroads of county roads, state routes, or major arterials.
- (d) The designation of a Rural Center shall not jeopardize the protection of designated critical areas, frequently flooded areas, and surface water and ground water resources, including sole source aquifers, or the conservation and productive use of designated natural resource lands.
- (e) Rural Centers of sufficient number and size will be designated to meet existing and projected rural commercial needs for small retail and service businesses serving the surrounding rural population and visitors to the rural area. This determination shall be based on analysis of:

- (i) existing rural commercial uses in Skagit County, and
  - (ii) current and projected future rural commercial needs.
- 4A-11.9** All properties given a Rural Center designation on the Comprehensive Plan map are also rezoned to the Rural Center Zoning District.
- 4A-11.10** It is Skagit County's intention that substantial infill, development, and redevelopment will occur at or within existing Rural Centers and Rural Village Commercial Districts before any new Rural Centers will be considered for designation.
- 4A-11.11** Before additional acreage can be added to an existing Rural Center, the County shall conduct a Community Planning Process for that Rural Center. The Community Planning Process shall delineate logical outer boundaries that may provide additional acreage for rural commercial activity while containing the area of more intensive rural development and preventing commercial sprawl. Logical outer boundaries shall be determined following the criteria contained in Policy 4A-11.12 below.

#### Logical Outer Boundaries Around Existing Rural Centers

- 4A-11.12** The GMA requirements found at RCW 36.70A.070(5)(d)(iv) shall govern the drawing of logical outer boundaries around existing areas of more intensive rural development that were in existence as of July 1, 1990 and that are designated as Rural Centers. Generally, these requirements hold that:
- (a) The county shall adopt measures to minimize and contain existing areas or uses of more intensive rural development;
  - (b) Lands included in such existing areas or uses shall not extend beyond a logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl;
  - (c) Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominantly by the built commercial environment as of July 1, 1990, but that may also include limited undeveloped lands.
  - (d) In establishing the logical outer boundary of an area of more intensive rural development, the County shall address:

- (i) The need to preserve the character of existing natural neighborhoods and communities;
- (ii) Physical boundaries such as bodies of water, streets and highways, and land forms and contours;
- (iii) The prevention of abnormally irregular boundaries, and
- (iv) The ability to provide appropriate public facilities and public services in a manner that does not permit low-density sprawl; and
- (v) Road and intersection hazards.

#### Limited Number of New Rural Centers

**4A-11.13** A limited number of new Rural Centers may be designated in the future, to meet future needs for rural commercial goods and services in areas of the County that are not otherwise served by an existing Rural Village or Rural Center. The limited areas where new Rural Centers may be allowed are the Samish Valley north of Sedro-Woolley, which has been identified as a Rural Study Area under Policy 4A-7.15, and certain islands likely to experience future residential development, such as Vendovi and Sinclair Islands. In addition, as described in more detail in the Rural Study Areas under Policy 4A-7.15, the existing Day Creek Rural Center and the Birdsvew Rural Center may be considered for possible expansion, change, or additional more intensive rural uses, but only after completion of the community planning effort described in those policies.

- (a) If a new Rural Center is designated where no commercial use existed as of July 1, 1990, that Rural Center may not expand beyond the property or properties included within it upon its designation, pursuant to Policy 4A-11.2(b).

**4A-11.14** New Rural Centers may be designated only after satisfying the following polices and criteria governing their creation. The designation of new Rural Centers must also follow the policies and criteria for Rural Centers in this section.

- (a) In the designation of new Rural Centers, preference should be given to the designation of commercial areas or uses that were in existence as of July 1, 1990.

- (b) The travel distance required between a new Rural Center and existing rural commercial designations (specifically, other Rural Centers, Rural Village Commercial Districts, Rural Freeway Service areas, and Urban Growth Areas) shall generally be a minimum of 5 miles, measured center to center. This is generally the minimum distance that existing Rural Centers are located from other rural commercial designations.
- (c) The minimum required rural population to be served by a new Rural Center shall be generally consistent with the populations surrounding existing Rural Centers. There currently is substantial variation of population surrounding these Rural Centers, based on their location, their proximity to more densely populated areas or their isolation, and other factors. Proponents of new Rural Centers shall bear the burden of demonstrating that there is sufficient surrounding population to support the need for the Rural Center, and that the surrounding population density is similar to other similarly situated Rural Centers.
- (d) If a property owner requests the designation of a new Rural Center, the property owner must present a development project compatible with surrounding rural uses and character that will commence and may be phased within a specified amount of time following the property's designation/rezone to Rural Center. The time lines for commencement and phasing will be specified in the development regulations. The regulations shall also describe procedures by which a development project that has not commenced according to the specified timelines, or those portions of a phased project that have not proceeded according to an approved phasing schedule, would lose their RC designation/zoning and the property or subject portions thereof would return to their prior designation/zoning.
- (e) New Rural Centers shall be designated only after the conduct of community planning processes involving local area residents, pursuant to Comprehensive Plan Chapter 14. Such community planning will at a minimum address the following issues:
  - (i) The size and logical outer boundaries of the new Rural Center;

- (ii) The mix of commercial, residential, and other uses permitted within the Rural Center;
- (iii) Design guidelines for development within the Rural Center;
- (iv) Compliance of the Rural Center policies and regulations with the Growth Management Act and the Skagit County Comprehensive Plan.

## RURAL FREEWAY SERVICE (RFS)

### OBJECTIVE 12

*Provide for small-scale commercial uses at certain Interstate 5 freeway interchanges outside of Urban Growth Areas to serve local rural populations and the traveling public with necessary goods and services.*

#### General Policies

- 4A-12.1** Rural Freeway Service areas are characterized by small-scale commercial development, located at Interstate 5 (I-5) freeway interchanges outside of Urban Growth Areas, that serves the surrounding rural population and the traveling public.
- 4A-12.2** Rural Freeway Service areas serve existing needs, and projected future needs, for rural freeway-oriented goods and services, as demonstrated by existing development at those interchanges, and projections for additional rural commercial service needs in unincorporated Skagit County through the year 2015. They are intended to help meet these needs within existing clusters of commercial development, rather than allowing a more dispersed pattern of low density rural commercial sprawl.
- 4A-12.3** Rural Freeway Service development is limited to development that can be supported by services typically delivered at rural levels of service, unless additional services historically are already available at these locations. These services may include domestic water, septic systems, and transportation facilities.

- 4A-12.4** Site conditions such as topography, soils, existing vegetation, critical areas, frequently flooded areas, proximity to agricultural natural resource lands, vehicular traffic sight lines and capacity for water, fire protection and septic systems shall be appropriate to support Rural Freeway Service development without adverse impacts to adjacent sites, agricultural practices, the natural environment, or water resources, including sole source aquifers.
- 4A-12.5** New development (including infill, development, redevelopment, or intensification of development) at Rural Freeway Service areas is subject to development regulations and design guidelines intended to maintain the rural character of the area, and to minimize impacts to rural residential areas, resource lands, critical areas, and other sensitive natural features of the environment. These development regulations include standards addressing potable water, buffers, screening, lighting, noise, drainage, traffic impacts, lot coverage, land use intensities, and non-urban levels of service in an effort to maintain the existing character of the rural area in which the commercial use is proposed.

#### Designation Policies

- 4A-12.6** Rural Freeway Service areas are designated at I-5 interchanges where there is existing freeway-oriented development located generally within 1,000 feet of the interchange. The I-5 interchanges meeting this requirement are the following: SR 534 (Conway), Cook Road, Bow Hill Road, and Lake Samish Road (Alger).
- 4A-12.7** Rural Freeway Service areas shall not expand into designated natural resource lands.
- 4A-12.8** Because of the presence of commercial development as of July 1, 1990, at the Conway Rural Freeway Service area, this is an existing area “of more intensive rural development” that is clearly identifiable and contained and where there is a logical boundary delineated predominantly by the built environment per RCW 36.70A.070(5)(d)(i) and (iv). Commercial development within this “limited area of more intensive rural development” may include infill, development, or redevelopment of the area within a logical outer boundary established under Policies 4A-12.11 and 4A-12.12 below.
- 4A-12.9** The commercial situations at the Bow Hill, Alger, and Cook Road interchanges are considerably more complex than the pre/post July 1, 1990

option presented by the Growth Management Act. Various parcels or quadrants at these interchanges have one or more of the following characteristics: commercial structures or activities in existence prior to July 1, 1990; other aspects of the built environment in existence prior to July 1, 1990 (e.g. infrastructure installation or commitments); existing freeway-oriented commercial activity that was legally approved and constructed after July 1, 1990; permits for commercial activity that were legally issued after July 1, 1990 but that have not yet been constructed; substantial post-1990 legally permitted site improvements preparing the property for commercial activity; and post-1990 vested development rights that have not yet been exercised. Based on detailed analysis of the histories of these properties, and as further described in the SEPA addendum to the Comprehensive Plan, the County designates the following quadrants of these freeway interchanges as RFS:

- (a) Bow Hill: the parcel in the northwest quadrant that contains an existing fish market; and the approximately 10 acres in the southwest quadrant that has existing urban sewer service (pre-1990) and water service.
- (b) Alger: the four parcels located in the southeast quadrant of the interchange totaling approximately 5 acres, including the parcel containing an existing gas station/mini-mart, the adjacent parcel to the east on which there is a permitted but currently unbuilt commercial sales operation, and two approximately .5 acre parcels to the south which have been legally filled and graded for commercial development, all four of which parcels are served or are prepared to be served by water, sewer and power, and are bounded by elements of the built or natural environment which create logical boundaries to any future commercial sprawl.
- (c) Cook Road: That portion of the northeast quadrant of the interchange, totaling approximately nine acres, that contains an existing gas station/mini-mart as well as a vacant parcel, which is surrounded by logical boundaries consisting of the built or natural environment, including a drainage swale to the north, I-5 and Old Highway 99 to the west and east, and Cook Road to the south, and which have paid sewer commitments dating back to the late 1970s; and, that portion of the southeast quadrant of the interchange between I-5 and Highway 99 consisting of four parcels totaling approximately six acres. The northern-most parcel in this southeast

quadrant has a pre-1990 history of service station use, the two northern-most parcels have existing service stations, all four parcels are served by public sewer and public water and have paid sewer agreements dating back to the late 1970s, and the quadrant as a whole is surrounded on all sides by pre-1990 aspects of the built environment, including Cook Road to the north, I-5 to the west, Old Highway 99 to the east, and the convergence of I-5 and Old Highway 99 to the south.

#### Logical Outer Boundaries

**4A-12.10** The GMA requirements found at RCW 36.70A.070(5)(d)(iv) generally shall govern the drawing of logical outer boundaries around existing areas of more intensive rural development and areas that are designated as Rural Freeway Service areas. Generally, these requirements hold that:

- (a) The county shall adopt measures to minimize and contain existing areas or uses of more intensive rural development;
- (b) Lands included in such existing areas or uses shall not extend beyond a logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl;
- (c) Existing areas are generally those that are clearly identifiable and contained and where there is a logical boundary delineated predominantly by the built environment as of July 1, 1990, but that may also include limited undeveloped lands. For the purposes of drawing logical outer boundaries around Rural Freeway Service areas, “the built environment” is interpreted to mean the built commercial environment, including commercial structures, commercial activities, and/or infrastructure investments or commitments intended to serve commercial activities, including roads, sewer and water lines, and filling and grading conducted in preparing a site for commercial activity;
- (d) Given the unique development history in Skagit County, the County also includes within the definition of “existing areas” for Rural Freeway Service designations a limited number of areas where freeway-oriented commercial activity was legally constructed, vested, and/or approved, or where substantial site improvements for commercial development were legally made, between July 1, 1990 and January 23, 1998, and where there are logical outer boundaries

formed by the natural or built environment that form barriers to future commercial sprawl. These unique property-specific histories and vested rights are not intended to set a precedent for future designation of other rural freeway service designations that did not possess similar vested rights or existing development characteristics as of January 23, 1998;

- (e) In establishing the logical outer boundary of an area of more intensive rural development, the County shall address:
  - (i) The need to preserve the character of existing natural neighborhoods and communities;
  - (ii) Physical boundaries such as bodies of water, streets and highways, and land forms and contours;
  - (iii) The prevention of abnormally irregular boundaries, and
  - (iv) The ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

**4A-12.11** Logical boundaries are not required to fall within 1,000 feet of the I-5 interchange, as used for designation purposes in Policy 4A-12.7, provided that they meet the requirements for delineating logical outer boundaries found in Policy 4A-12.10.

## SMALL-SCALE RECREATION AND TOURISM (SRT)

### OBJECTIVE 13

*Provide for small-scale recreational and tourist uses that provide opportunities to diversify the economy of rural Skagit County by utilizing, in an environmentally sensitive manner, the County's abundant recreational opportunities and scenic and natural amenities.*

#### General Policies

- 4A-13.1** The Small-Scale Recreation and Tourism designation is intended to foster economic development and diversification in rural areas that is recreational or tourist-related, that relies on a rural location and setting, and that incorporates the scenic and natural features of the land.
- 4A-13.2** Uses permitted within Small-Scale Recreational and Tourism designations are not required to be principally designed to serve the existing and projected rural population but may provide job opportunities for rural residents.
- 4A-13.3** Two existing recreation and tourism uses are designated as Small-Scale Recreation and Tourism areas in the Comprehensive Plan Map Portfolio and on the Zoning Map, based on their consistency with the policies contained in this section. They are Clark's Skagit River Resort and the Guemes Island Resort. This policy shall not be construed to limit the ability of these uses to apply for another commercial or Master Planned Resort designation.
- 4A-13.4** Due to the site-specific nature of recreation and tourism uses, the Comprehensive Plan does not designate locations on the Comprehensive Plan map for future Small-Scale Recreation and Tourism areas. Instead, property owners may apply for a Comprehensive Plan amendment and rezone to the SRT designation and zone.

- 4A-13.5** Comprehensive Plan amendments will be reviewed and either approved or denied based on:
- (a) their consistency with the policies contained in this section;
  - (b) demonstration by the property owner of a development project compatible with surrounding rural uses and character that will commence and may be phased within a specified amount of time following the property's designation/rezone to SRT. The time lines for commencement and phasing will be specified in the development regulations. The regulations shall also describe procedures by which a development project that has not commenced according to the specified timelines, or those portions of a phased project that have not proceeded according to an approved phasing schedule, would lose their SRT designation/zoning and the property or subject portions thereof would return to their prior designation/zoning; and
  - (c) the availability of unallocated rural commercial acreage as identified by the County's rural commercial needs analysis.
- 4A-13.6** Only those commercial uses anticipated to develop in conjunction with a Small-Scale Recreation and Tourism designation (as identified through the site plan required under Policy 4A-13.15) shall be counted against the County's allocation of "new" commercial acreage under Countywide Planning Policy 1.1. This includes any planned commercial uses permitted under the regulations, such as overnight accommodations, restaurant, or convenience store, and the land needed to directly support that commercial use, including setbacks, parking, landscaping, water, and septic requirements.
- 4A-13.7** New small-scale recreational or tourist designations and uses must demonstrate that the proposed wholly new location or use is reliant upon a particular rural location and setting, and would be inappropriate or infeasible in a Rural Village, Rural Center, or Urban Growth Area.
- 4A-13.8** Typical uses within small-scale recreational or tourist areas are those that rely upon the rural setting, and incorporate the scenic and natural features of the land. They may include uses similar to: campgrounds, recreational vehicle (RV) parks, U-fish ponds, hot springs, trails, boat launches and docks, outdoor recreational equipment rental, private parks, recreational,

cultural or religious retreats (non-residential), historic sites, gardens open to the public, animal viewing farms or wild game farms, horse arenas and stables, shooting clubs, music festivals/festival sites, marinas, golf course pro-shop and snack bar, and cabins, cottages, and other forms of overnight lodging that are rural in scale.

- (a) Uses may also include commercial facilities, such as restaurants and small retail shops, if they serve the recreational or tourist use.

- 4A-13.9** Small-scale recreation or tourist uses may not include new residential development. However, rental cabins, cottages, or other forms of overnight lodging that are rural in scale and serve recreation and tourism-related uses are allowed. Owner or caretaker housing is also permitted.
- 4A-13.10** The Small-Scale Recreation and Tourism designation shall not be interpreted to permit a Master Planned Resort pursuant to RCW 36.70A.360. Master Planned Resorts are generally larger in scale and are subject to separate Comprehensive Plan policies and development regulations.
- 4A-13.11** Public services and public facilities for small-scale recreation and tourism uses shall be: a) limited to those necessary to serve the recreational or tourist use, b) provided in a manner that does not permit low-density sprawl, and c) provided at an intensity usually found in rural areas unless other services are historically already available to the site. Public services and facilities may include domestic water, individual or community septic systems, and transportation facilities.
- 4A-13.12** Small-Scale Recreation and Tourism designations shall not occur on designated Ag-NRL and IF-NRL Lands.
- 4A-13.13** The designation and development of a Small-Scale Recreation and Tourism use shall not result in the conversion of undeveloped land into sprawling, commercial development in the rural area. SRT areas and uses are limited in size and scale so as to be rural in nature and compatible with the surrounding rural area as follows:
- (a) The maximum number of acres that may be devoted to the built environment within a SRT designation is 20 acres of contiguous developable land. Additional land may be associated with a SRT-designated area provided it remains substantially undeveloped and used for passive recreation purposes only.

- (b) The maximum number of units of overnight lodging permitted within a SRT area is 35 units of built lodging, including fixed or mobile structures. This limit does not apply to the number of camping sites or recreational vehicle hook-ups within a campground or resort.

**4A-13.14** Small-Scale Recreation and Tourism areas and uses are subject to development regulations to ensure the conservation of natural resource lands and the compatibility of the uses with the rural character of adjacent lands, including forestry, agriculture and rural residential uses. These regulations govern the impacts of permitted uses on prime soils, drainage, critical areas, traffic generation, visual impact, noise and other relevant criteria.

**4A-13.15** Proposed amendments to the Comprehensive Plan for new SRT designations shall include a site plan of the wholly new or expanding recreational or tourist use that shall:

- (a) Designate the location of all uses.
- (b) Demonstrate that the location of the Small-Scale Recreational or Tourist uses is based upon the scenic and/or natural features of the land that support the need for a rural location and setting.
- (c) Demonstrate that the proposed expansion of an existing recreational or tourist use is a logical expansion and is compatible with existing uses on the site.
- (d) Include measures to protect or minimize adverse impacts on prime soils, drainage, traffic generation, visual impact, noise, and other relevant criteria, and to preserve the existing rural character of the area.
- (e) Include measures to insure the protection of critical areas, as provided in RCW 36.70A.060, frequently flooded areas, and surface water and ground water resources including sole source aquifers.
- (f) Include measures to ensure protection from conflicts with the use of agriculture, forest, and mineral resource lands of long-term commercial significance designated under RCW 36.70A.170.

- (g) Include measures to protect or mitigate adverse impacts on Rural Intermediate, Urban Growth Areas, or Rural Village Residential-designated lands.

## NATURAL RESOURCE INDUSTRIAL (NRI)

### OBJECTIVE 14

*Facilitate the production of agricultural, forest, and aquatic products by allowing related processing facilities, limited direct resource sales, and limited natural resource support services that support local natural resource activities, and which are not harmful to the long term natural resource.*

#### General Policies

- 4A-14.1** The Natural Resource Industrial (NRI) designation is intended to facilitate the production of agricultural, forest, and aquatic products by allowing related processing facilities, limited direct resource sales, and limited natural resource support services that support local natural resource activities and are not harmful to the natural resource over the long term.
- (a) Mineral processing activities are generally guided by separate policies found in the Land Use Element and the Natural Resources Element of the Skagit County Comprehensive Plan.
- 4A-14.2** Under the Skagit County Comprehensive Plan and the Growth Management Act (RCW 36.70A.070(5)(d)(i)), a Natural Resource Industrial area is not required to be principally designed to serve the existing and projected rural population. Natural Resource Industrial activities are permitted in the rural area provided they:
- (a) are resource-based and located proximate to natural resource activity;
  - (b) do not require urban services, and

- (c) are compatible with the surrounding rural area and rural character.

**4A-14.3** Typical uses in the Natural Resource Industrial designation include a) extraction and processing of forest, agricultural, and aquatic products; b) wholesaling and storage of products associated with natural resources; c) limited direct resource sales; and d) limited natural resource support services that support natural resource activities.

**4A-14.4** NRI areas are designated in the Comprehensive Plan based on the following policies:

- (a) Existing Natural Resource Industrial uses consistent with the policies in this section have been designated as NRI uses on the Comprehensive Plan Map Portfolio and Zoning Map, whether those activities are located on designated natural resource lands (NRL) or on rural lands.
- (b) Proposed new Natural Resource Industrial designations and uses must be approved through a Comprehensive Plan amendment and rezone. Comprehensive Plan amendments will be evaluated, and either approved or denied, based on their consistency with the policies in this section.
- (c) Property with existing industrial uses not consistent with the Natural Resource Industrial policies in this section have been designated as Cottage Industry/Small-Scale Business (CSB), Rural Marine Industry (RMI), Rural Business (RB) or as Pre-Existing Non-Conforming Uses, as discussed under separate goals, objectives, and policies elsewhere in this chapter.

**4A-14.5** New Natural Resource Industrial designations and activities are generally permitted on Rural lands, and under some conditions on NRLs, subject to the following provisions, as well as the industry-specific provisions contained in Policies 4A-14.6 through 4A-14.12 below:

- (a) Natural Resource Industrial activities directly involved in the extraction, sorting, and primary processing of natural resources may generally locate on designated natural resource lands.
- (b) Natural Resource Industrial activities not directly involved in the extraction, sorting, and primary processing of natural resources should generally locate on rural lands, including Rural Villages.

These activities include support services, such as the sale and service of equipment and supplies, office and management services, and certain storage and processing activities, that serve natural resource industries but are not directly involved in the on-site extraction or primary processing of natural resources.

- (c) Natural Resource Industrial activities may be located in more densely populated rural areas, including Rural Villages, provided their operations do not present an unreasonable threat to the health and safety of rural residents due to the hazardous nature of the Natural Resource Industrial activity.

#### Policies Specific to Agriculture

- 4A-14.6** Certain limited agricultural activities related to wholesale sorting, storage and processing, on-farm value added processing, and on-farm sales of agricultural products grown predominantly on site are allowed as permitted, special, or accessory uses on designated agricultural lands through the Ag-NRL Zoning District. These uses are further defined in the development regulations for that district.
- 4A-14.7** Natural Resource Industrial activities that are not permitted through the Ag-NRL Zoning District are not permitted on designated Ag-NRL lands through an NRI designation, except as may be permitted through 4A-14.9 below.
- 4A-14.8** Agriculture-related industrial uses and agricultural support services not permitted on Ag-NRL lands may locate in the rural area under a NRI designation by obtaining a Comprehensive Plan amendment and rezone.
- 4A-14.9** Skagit County should designate an area (or areas) in which to concentrate agriculture-related industrial uses and agricultural support services. Such an “agricultural industrial park” would allow for these services and their impacts to be concentrated, rather than dispersed throughout the rural area.
  - (a) Characteristics of an agricultural industrial park site should include close access to services, transportation (including rail and highway), and the agricultural industry to be served by the industrial area. The land on which the site is located should be poorly suited for cultivation.

- (b) Possible locations could include the Bayview Ridge Urban Growth Area, adjacent to an Urban Growth Area or a Rural Village, or on substandard lots within the Agricultural-NRL designation, if the benefits of such a location to the agricultural industry would outweigh any adverse impacts on agricultural production.
- (c) Selection of such a site should include a County-wide review of possible locations and should ensure substantial involvement from the County's Agricultural Advisory Board.

#### Policies Specific to Forestry

- 4A-14.10** Certain forest-industry industrial activities, including scaling stations, log dumps and sorting areas, and other similar activities, are permitted outright through the Industrial Forest-NRL, Secondary Forest-NRL, and Rural Resource-NRL zoning districts, provided that if the use is located within 1,000 feet of a residential area the use is temporary and is located on the property for no more than 12 months in duration.
- 4A-14.11** Other forestry uses such as sawmills, chippers, shake and shingle mills may be allowed as a temporary use, limited to 12 months duration on the natural resource lands, but may only be permitted as a permanent use in the Rural Area or on Industrial Forest-NRL, Secondary Forest-NRL, and Rural Resource-NRL lands through a Comprehensive Plan designation and rezone to NRI.

#### Policies Specific to Aquatic Industries

- 4A-14.12** Aquatic and marine industries that are shoreline dependent shall only be located on non-NRL designated lands.

#### New NRI Designations

- 4A-14.13** Property owners may request to have their property designated NRI by following the Comprehensive Plan amendment procedures in Chapter 2. To be considered for NRI designation, an application must meet the following minimum conditions:
- (a) The County's rural industrial needs analysis demonstrates a need for additional rural Natural Resource Industrial acreage.

- (b) The proposed use(s) for the property are consistent with those uses described in Policies 4A-14.1 through 4A-14.3 of this section.
- (c) The property owner presents a development project that will commence and may be phased within a specified amount of time following the property's designation/rezone to Natural Resource Industrial. The time lines for commencement and phasing will be specified in the development regulations. The regulations shall also describe procedures by which a development project that has not commenced according to the specified timelines, or those portions of a phased project that have not proceeded according to an approved phasing schedule, would lose their NRI designation/zoning and the property or subject portions thereof would return to their prior designation/zoning.
- (d) Resource-related development on the site would have minimal adverse impacts on nearby primary natural resource activities.

**4A-14.14** Additionally, the proposed site should provide close access to:

- (a) the natural resource or natural resource activities it intends to serve;
- (b) major transportation facilities associated with the proposed use (highway, rail, water, or air); and
- (c) non-urban or existing urban services necessary for the proposed resource-related industrial use.

**4A-14.15** Priority will be given to properties that had prior industrial activity and where some site improvements have been made, but that may now be vacant or under-utilized and where natural resource production potential is limited, rather than to entirely undeveloped sites.

#### Use Policies

**4A-14.16** The following policies shall govern uses within Natural Resource Industrial designations:

- (a) The use shall follow performance standards and mitigation measures to conserve Natural Resource Lands and maintain the rural character of the area. These standards and measures govern the intensity, siting, and design of any proposed on-site enterprise

and support business to conserve Natural Resource Lands and protect existing rural character. Performance standards shall govern the impacts of permitted uses on prime soils, drainage, critical areas, traffic generation, visual impact, noise and any other relevant criteria.

- (b) Uses are designed in such a manner that the natural landscape and vegetation predominate over the built landscape with a visual landscape that is traditionally found in the rural areas and communities.
- (c) Uses shall not require the extension of urban governmental services, except under the limited circumstances allowed under the Growth Management Act and CWPP 1.8. If particular urban services are necessary under those limited circumstances, conditions shall be established to ensure that urban growth will not occur on non-UGA lands and that potential land use impacts are mitigated. Uses may utilize additional governmental services that are historically already available to the site.
- (d) The use does not substantially detract from the natural resource production on-site or in the area. Unavoidable impacts to natural resource production shall be mitigated.
- (e) The use satisfies development regulations that specify size, use and other threshold criteria, above and beyond which Natural Resource Industrial uses shall be required to follow the major industrial development siting policies (Objective 16, Policy 4A-16.1(a) &(b)).

## RURAL MARINE INDUSTRIAL (RMI)

### OBJECTIVE 15

*Provide a land use designation that recognizes existing and new rural marine industrial activities, that are directly linked to an existing rural marine location and that serve the County's rural marine industrial needs.*

#### General Policies

- 4A-15.1** The Rural Marine Industrial (RMI) designation is intended to recognize existing rural marine industrial facilities and to permit water and shoreline dependent or related marine industrial activities in Skagit County. The term "rural marine industrial facilities" includes harbors, marinas, docks, moorages, and other existing or permitted facilities that support and enable marine industry and commerce.
- 4A-15.2** Because Skagit County has significant navigable waters, and a long and continuing history of marine related commerce and industry, a rural marine industrial designation is an essential component of Skagit County's comprehensive land use plan and its rural and natural resource-based economy.
- 4A-15.3** Marine industrial facilities are essential for the moorage, repair, fabrication, and maintenance of vessels and equipment used in marine and aquatic industries; for the repair, fabrication, and maintenance of marine structures and facilities such as docks, harbors and marinas; for the economical transportation of marine-related and raw natural resource materials; and for the development, conduct and enhancement of marine-related recreational opportunities.
- 4A-15.4** Despite the abundance of navigable waters in Skagit County, marine access is very limited, particularly outside of Urban Growth Areas. Due to the state's Shoreline Management Act, the siting of new marine industrial facilities would be difficult. The Rural Marine Industrial designation seeks

to utilize to best advantage those existing locations in the rural area with a history of marine industrial activity or regulatory approval, and with continuing use of the property for marine industrial purposes.

**4A-15.5** Marine industrial facilities are designated as RMI based on the following criteria:

- (a) Those areas or facilities with a history of marine industrial use pre-dating July 1, 1990; or
- (b) Those areas or facilities with a history of regulatory approval and related site improvements for marine industrial use pre-dating July 1, 1990.

For the purposes of this policy, “marine industrial uses” and “marine industrial facilities” are defined in policies 4A-15.1 and 4A-15.3 above, and policy 4A-15.8 below.

**4A-15.6** The existing areas and facilities identified as Rural Marine Industrial areas, all of which are located outside of Urban Growth Areas, are:

- (a) The Twin Bridge Marine Park, an approximately 15 acre parcel on the east side of the Swinomish Channel north of State Route 20 and Josh Green Lane, which includes an existing artificial moorage facility and shoreline and building permits for a marine dredging and construction business<sup>1</sup>;
- (b) The former “Western Lime” property, currently occupied by Ace Rock. This approximately 13 acre parcel, which includes a barge dock and unloading facility, is located on the Swinomish Channel directly north of the Twin Bridge Marine Park;
- (c) Approximately 31 acres of property on Turner’s Bay at the north end of Similk Bay, owned by Culbertson Marine Construction, Inc. The property has a long history of marine industrial use since the early 1900s, serving primarily but not exclusively as a marine terminal for logs and other natural resource materials, and as a log storage site.

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<sup>1</sup>Sub-policy 4A-15.6(a) was amended by Ordinance No. O20050005 which adopted a Comprehensive Plan Map amendment re-designating 12 acres of RMI to Rural Reserve and deleted the reference to the 12 acres in this subsection.

- (d) Rozema Boat Works, an approximately .37 acre parcel located in the Bay View Rural Village, on the eastern shore of Padilla Bay, which houses a boat manufacturing business.
- 4A-15.7** Because these existing marine facilities and areas are located outside of Urban Growth Areas, they are inherently dependent upon a rural location, which is one condition under which the Growth Management Hearings Boards have allowed industrial activities in the rural area. All four sites have a history of marine industrial use or regulatory approval and related site improvements pre-dating July 1, 1990, establishing them as industrial areas of more intensive development under the Growth Management Act, RCW 36.70A.070(5)(d)(i).
- 4A-15.8** Permitted uses within the Rural Marine Industrial designation are those that are “water and shoreline dependent or related,” as consistent with the County’s Shoreline Master Program. They include fabrication, maintenance, repair, storage, and outfitting of marine-related equipment, vessels, and structures; retail sales and rental of marine-related and water-dependent products; loading and off-loading of products between land and water; water-storage of vessels and upland storage of vehicles associated recreation and tourist-related boating activities; testing of marine and aquatic products and vessels; and activities for sea-plane storage, moorage, testing, repair, fabrication, loading, and offloading.
- 4A-15.9** Public services and public facilities necessary for RMI uses shall be rural in nature, limited to those necessary to serve the Rural Marine Industrial uses, and provided in a manner that does not permit low-density sprawl. Rural services should not include public storm and public sanitary sewers, except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment. Uses may utilize public facilities and services that are historically already available to the site.
- 4A-15.10** Site conditions such as topography, soils, existing vegetation, flood hazards, proximity to Ag-NRL designated lands, proximity to aquatic resource production activities, critical areas, vehicular traffic, and capacity for water, fire protection and septic systems shall be appropriate to support Rural Marine Industrial activities without adverse impacts to adjacent sites, the natural environment, agricultural practices, or water resources, including sole source aquifers.

- 4A-15.11** Development regulations shall ensure the compatibility of the Rural Marine Industrial uses with the rural character of adjacent lands, including forestry, agriculture, aquatic resource production activities, and rural residential uses.
- 4A-15.12** Where applicable, properties within the Rural Marine Industrial designation shall also be subject to land use regulations and permit requirements of the Skagit County Shoreline Management Master Program, as may be amended. Uses with an existing valid Shoreline permit may continue to operate under that permit, but uses that do not have an existing Shoreline permit are required to obtain one.
- 4A-15.13** It is the intention to both retain the rural character of Skagit County's shoreline and to allow new areas for rural marine industry on a minimal scale that are in concert with the rural character, therefore rezones may be granted only on lands contiguous to areas with existing RMI zoning.

## MAJOR INDUSTRIAL DEVELOPMENTS (MID)

### OBJECTIVE 16

*Provide for the siting of major industrial developments that have land needs not found within the Urban Growth Areas, pursuant to the development of additional Comprehensive Plan policies and development regulations consistent with the requirements of the Growth Management Act.*

Policies

- 4A-16.1** “Major industrial development” means a master planned location for a specific manufacturing, industrial, or commercial business that a) requires a parcel of land so large that no suitable parcels are available within an urban growth area; or b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent, and which does not meet the criteria for the Natural Resource Industrial designation or special use due to the size, nature, and related impacts associated with the major industrial development.
- (a) The siting of major industrial developments outside of an urban growth area shall comply with the criteria contained in RCW 36.70A.365 and CWPP 2.6 and shall require the development of additional Comprehensive Plan policies and development regulations pursuant to those criteria.
  - (b) The process for coordinating the siting of major industrial developments with the cities and towns shall follow the process included in the Memorandum of Understanding between the County and the cities for adoption of countywide planning policies.

MASTER PLANNED RESORTS (MPR)

The Master Planned Resort designation provides an opportunity to encourage economic development that takes advantage of the significant rural and scenic resources of the County, particularly in those areas of the County where other opportunities are more limited, or where the local economy’s dependence on the natural resource-based industries has dwindled. For example, in the eastern portions of the County, many of the existing towns and rural residential areas have experienced a downturn in Natural Resource Industrial activity.

With the designation of the North Cascades National Park and the Scenic North Cascades Highway, the eastern portions of the County have experienced an evolution from primarily a natural resource local economy to one that is also dependent on the tourist industry. In the summer months, it is estimated that approximately 300,000 tourist visitors travel through this part of the County. However, once the North Cascades Highway is closed for the winter, that tourist travel drops substantially and the local economy suffers accordingly. Development of a destination Master Planned Resort in this part of the County could help smooth the steep seasonal economic cycles currently experienced in these communities. One existing resort in this area

that has expressed strong interest in a Master Planned Resort designation to facilitate its planned expansion into a year-round destination resort is the Skagit River Resort, currently designated Small-Scale Recreation and Tourism (SRT). The Skagit River Resort currently is near the upper limits for acreage and number of lodging units allowed under the SRT designation. The MRP designation would enable the Skagit River Resort to more effectively serve tourist needs in this part of the County.

The Interstate 5 corridor between Seattle and Vancouver, B.C. is a busy year-round thoroughfare for domestic and international travelers. Skagit County sits strategically between the two cities, and also serves as the Highway 20 crossroads between the San Juan Islands and North Cascades National Park. Given the area's strategic location, the Upper Skagit Indian Tribe has purchased a substantial amount of property at the Bow Hill Road / I-5 interchange which it sees as the core of the Tribe's economic self-sufficiency efforts and the primary source of current and future employment opportunities for its members. The Upper Skagit Indian Tribe's existing casino at Bow Hill Road already generates 550 jobs with an annual payroll of \$12,000,000. Over 70 jobs are currently held by Tribal members. The Casino serves as the cornerstone of a master planning process for additional commercial and economic development that will draw heavily on the Tribe's culture, history, and its relationship with the land. This is another area for consideration as a Master Planned Resort.

The economic reasons for siting of a Master Planned Resort, however, must also be carefully balanced against the potential for significant adverse environmental effects from such a development. Any proposal must be carefully planned and regulated to prevent any type of sprawl development outside of the master planned development that would destroy the scenic and often environmentally sensitive setting. The following policies should guide adoption of development regulations for siting and individual permit review of Master Planned Resorts.

#### **OBJECTIVE 17**

*Provide for the siting of Master Planned Resorts, pursuant to the adoption of development regulations consistent with the requirements of the Growth Management Act, in locations that are appropriate from both an economic and environmental perspective.*

- 4A-17.1** Master planned resorts are self-contained and fully integrated planned unit developments, in a setting of significant natural amenities, with a primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities and visitor services.
- (a) Master planned resorts are generally larger in scale, and involve greater potential impacts on the surrounding area, than uses permitted under the Small-Scale Recreation and Tourism designation. Master planned resorts may constitute urban growth outside of urban growth areas as limited by RCW 36.70A.360 and RCW 36.70A.362.
  - (b) Owners of sites where Master Planned Resorts are proposed to be located must obtain an amendment to the Comprehensive Plan and Zoning Map, giving the site a Master Planned Resort designation prior to, or concurrent with an application for master plan review. The comprehensive plan amendment process should evaluate all of the probable significant adverse environmental impacts from the entire proposal, even if the proposal is to be developed in phases, and these impacts shall be considered in determining whether any particular location is suitable for a Master Planned Resort.
  - (c) Master Planned Resorts may include existing or new Development Agreements, as authorized by RCW 36.70B.170, to implement these policies.
  - (d) Master Planned Resorts should be of sufficient size to mitigate the potential impacts from the development on site. Where located in a rural location, the Master Planned Resort should also be of sufficient size to screen the development and its impacts from the adjacent rural areas outside of the Master Planned Resort designation.
  - (e) Master Planned Resorts should never be located on designated Ag-NRL lands and generally should not be located on other designated Natural Resource Lands, unless the County specifically makes the finding that the land proposed for a Master Planned Resort is better suited and has more long-term importance for the Master Planned Resort than for the commercial harvesting of timber or production of agricultural products, and also makes the finding that the Master

Planned Resort will not adversely affect adjacent Natural Resource Land production.

- (f) The Master Planned Resort must be developed consistent with the County's development regulations established for critical areas and consistent with lawfully established vested rights, and approved development permits.
- (g) The Master Planned Resort shall consist of predominantly short-term visitor accommodations and associated activities, but may include some other permanent residential uses, including caretakers' or employees' residences and some vacation home properties, provided they must be integrated into the resort and consistent with the on-site recreational nature of the resort. Master Planned Resorts may propose clustering construction, setbacks, and lot sizes that vary from those normally found in the Rural or Natural Resource Land designations.
- (h) The Master Planned Resort may include indoor and outdoor recreational facilities, conference facilities and commercial and professional activities that support and are integrated with the resort. These facilities shall be primarily designed to serve the resort visitors, either day visitors or overnight visitors, but may also provide some goods and services for the surrounding permanent residential population.
  - (i) The Master Planned Resort commercial facilities may be larger than those otherwise permitted in rural commercial areas.
  - (ii) Where supported by historic use of the property and where such historic uses are intended to be integrated into the overall Master Planned Resort concept, Master Planned Resorts may include some commercial or industrial uses not typically associated with resort or recreational activities, such as ongoing Natural Resource Industrial activities.
- (i) The capital facilities, utilities and services, including those related to sewer, water, storm water, security, fire suppression, and emergency medical provided on-site shall be limited to meeting the needs of the resort. These facilities, utilities, and services may be

provided by outside service providers, such as the County or special purpose districts, provided that the resort pays all costs associated with service extension capacity increases, or new services that are directly attributable to the resort, and provided that the nature of the facilities and services provided are adequate to meet the increased needs of the resort, based on the planned concentration of guests, structures and other facility, utility and service demands. Normal strategies for funding service, facility and utility extension costs may be considered to pay for costs attributed to the resort.

- (j) The siting of a Master Planned Resort should not cause the need to construct additional traffic lanes on State routes through the Rural or Natural Resource designated areas, except in the immediate vicinity of or within the boundaries of the Master Planned Resort where necessary to accommodate increased traffic and turning movements to various venues within the resort.
- (k) The Master Planned Resort shall contain sufficient portions of the site in undeveloped open space for buffering and recreational amenities to help preserve the natural and rural character of the area.
- (l) The process for siting a Master Planned Resort and obtaining the necessary Comprehensive Plan designation shall include all property proposed to be included within the Master Planned Resort and shall further include a review of the adjacent Comprehensive Plan and Zoning land use designations/districts to be sure that the designation of a Master Planned Resort does not allow new urban or suburban land uses in the vicinity of the Master Planned Resort. This policy should not be interpreted, however, to prohibit locating a Master Planned Resort within or adjacent to an existing Urban Growth Area or within or adjacent to an existing area of more intense rural development, such as an existing Rural Village or an existing Rural Intermediate designation.
- (m) The County shall prepare development regulations to guide the review and designation of Master Planned Resorts that include, at a minimum, compliance with these policies.

## COTTAGE INDUSTRY/SMALL-SCALE BUSINESS (CSB)

### OBJECTIVE 18

*Provide a land use designation to recognize existing and new small-scale businesses and cottage industries, in order to enhance rural economic opportunities and provide job opportunities for rural residents. The Cottage Industry/Small-Scale Business designation is intended for businesses that are beyond the size and scale appropriate for home-based businesses.*

#### General Policies

- 4A-18.1** The Cottage Industry/Small-Scale Business (CSB) designation is intended to provide for small-scale commercial or industrial activities involving the provision of services or fabrication or production of goods, primarily for clients and markets outside of the immediate rural area. The CSB designation may be applied to existing or new businesses, whereas the Rural Business designation applies only to businesses that were established as of June 1, 1997.
- 4A-18.2** The CSB designation is consistent with the Growth Management Act's allowance for the "intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and non-residential uses, but do provide job opportunities for rural residents." (RCW 36.70A.070(5)(d)(iii))
- (a) In the context of Skagit County's historic development patterns, the County views "isolated" as a relative term that does not necessarily mean a single use or business. For example, an "isolated" cottage industry or small-scale business may be located in an existing Rural Village or existing Rural Center, where it can take advantage of existing more intense rural uses and be consistent with existing

more intense rural character. Alternatively, it may be located as a single use in the rural area. This interpretation is consistent with Comprehensive Plan Policy 4A-9.1 of this chapter, which seeks to give priority consideration to the siting of new commercial and industrial uses in areas of existing development, and only lastly to entirely undeveloped sites. CSB uses are therefore considered “isolated” as long as they are consistent with the balance of the rural policies in the Comprehensive Plan and are not of such a nature, number, or intensity that they constitute urban development or urban or rural sprawl, or require the extension of urban services to the rural area.

- 4A-18.3** Typical uses within the CSB designation include the small-scale production or manufacture of goods, including furniture, apparel, artwork, metal products, and wood products; the production, repair and servicing of specialized tools and equipment; and the provision of services, including professional, management, consulting, construction, and repair services. The business may have customers visit the site, but retail sales are limited to products produced on site.
- 4A-18.4** One purpose for the CSB designation is to provide locations for home-based businesses that are providing job opportunities for rural residents but have outgrown their residential locations. Permitted uses within the CSB designation include those permitted under the Home Based Business special use, provided that the primary markets and customers are outside of the immediate rural area. However, the scale of activities within a CSB designation is typically greater than can be accommodated through a Home Based Business.
- (a) Nothing in these policies is intended to create a presumption that the property on which a Home Based Business is located should be re-designated to CSB if that business outgrows its home-based status. There is no automatic progression from Home Based Business to Cottage Industry/Small-Scale Business. Decisions about whether to designate a property as CSB shall be based entirely on the public interest tests identified in designation Policies 4A-18.7 through 4A-18.15, not on the needs of an individual property owner.

- 4A-18.5** The primary use of property designated CSB is for commercial or industrial purposes, rather than residential use, although caretaker quarters may be located on site.
- 4A-18.6** A Cottage Industry/Small-Scale Business may have up to 20 full-time equivalent (FTE) employees, meaning an employee that visits the business site more than two times per week, including solely for purposes of vehicle transfer.

#### Designation Policies

- 4A-18.7** Businesses designated CSB are shown in the combined Comprehensive Plan Map and Zoning Map. New CSB uses will require a Comprehensive Plan amendment and rezone to the CSB designation and zoning district.
- 4A-18.8** New CSB designations may be approved if:
- (a) the proposed use is consistent with the policies in this section;
  - (b) the property owner presents a development project that will commence and may be phased within a specified amount of time following the property's designation/rezone to CSB. The time lines for commencement and phasing will be specified in the development regulations. The regulations shall also describe procedures by which a development project that has not commenced according to the specified timelines, or those portions of a phased project that have not proceeded according to an approved phasing schedule, would lose their CSB designation/zoning and the property or subject portions thereof would return to their prior designation/zoning;
  - (c) the County's rural commercial and industrial needs analysis demonstrates a need for additional cottage industry/small-scale business activity. The appropriate acreage shall be deducted from the County's rural C/I allocation upon designation of a property as CSB; and
  - (d) the proposed designation is consistent with an applicable Community Development Plan, if one has been adopted.
- 4A-18.9** In considering new CSB designations, the County should give priority consideration to siting of new uses in areas of existing development,

including existing Rural Villages and existing Rural Centers, followed by already developed sites in the remaining rural area, and only lastly to wholly undeveloped sites in the rural area, consistent with Policy 4A-9.1 of this chapter. The presence of a home based business shall not be considered as an already developed site for the purposes of this policy.

**4A-18.10** Undeveloped sites may be designated for CSB use if:

- (a) the applicant can demonstrate that:
  - (i) the proposed new use is appropriate in a particular rural location; and
  - (ii) the location provides needed job opportunities to a particular rural area or population; and
- (b) the County gives adequate consideration to Policy 4A-18.9 and Policy 4A-9.1 of this chapter, encouraging priority consideration of siting of new uses in areas of existing development, but nonetheless finds that the proposed undeveloped site is a preferable location.

**4A-18.11** CSB designations should not be located on designated natural resource lands.

**4A-18.12** In approving new CSB designations, the County shall consider and apply measures to ensure:

- (a) the protection of critical areas, frequently flooded areas, and surface water and ground water resources, including sole source aquifers; and
- (b) the protection against conflicts with the use of agricultural, forest, and mineral resource lands.

**4A-18.13** A Cottage Industry/Small-Scale Business shall not adversely affect surrounding residential uses, the natural environment, or the conduct of natural resource activities in the vicinity. It shall not create a level of vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to the surrounding area.

**4A-18.14** Public services and public facilities necessary for CSB uses shall be rural in nature, limited to those necessary to serve the isolated nonresidential

use, and provided in a manner that does not permit low-density sprawl. Rural services should not include storm and sanitary sewers except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment. Uses may utilize urban services that are historically already available to the site.

- 4A-18.15** Development regulations shall further establish standards to address potable water, buffers, screening, lighting, noise, drainage, traffic impacts, lot coverage, land use intensities, visual compatibility with the surrounding rural area, and non-urban levels of service in an effort to maintain the existing character of the rural area in which the commercial use is proposed.

## HOME-BASED BUSINESS (HBB1 & HBB2)

### OBJECTIVE 19

*To provide opportunities for rural entrepreneurs to establish small-scale service or fabrication businesses within their homes that provide economic and limited employment opportunities in the rural area and are compatible with surrounding uses.*

#### General Policies

- 4A-19.1** Home-Based Businesses (HBB) are intended to provide increased rural economic opportunities by providing the ability to supplement a family income, start up a business, or establish a work place at home.
- 4A-19.2** HBB1 and HBB2 are located entirely within a single family structure or permitted accessory outbuilding and remain clearly incidental and secondary to the primary use of the premises as a residence. Because they take place on residential property, they do not require a commercial or industrial acreage allocation.

- 4A-19.3** Home-Based Business 1 (HBB1) consists of limited-scale services or fabrication activities. They are carried on exclusively by a member or members of a family residing in the residential dwelling unit. HBB1 does not have clients or customers come to the site. HBB1 should not have any on-premises or off-premises signs. They are permitted outright and do not require a special use permit from the County.
- 4A-19.4** Home-Based Business 2 (HBB2) consists of limited small-scale commercial or industrial activities involving the provision of services or fabrication or production of goods. HBB2 may have clients or customers come to the site. Examples include dressmaking, upholstery, weaving, baking, limited metal working activities, and computer software development. HBB2 may have a small, on-premises sign identifying the HBB2 activity.
- 4A-19.5** HBB2 involves the owner or lessee of the property residing within the dwelling unit and no more than three (3) non-resident full-time equivalent employees. HBB2 requires a special use permit from the County.
- 4A-19.6** HBB1 and HBB2 may locate wherever residential dwelling units are permitted, provided they meet all other applicable Comprehensive Plan and Zoning Code requirements.
- 4A-19.7** The provisions for HBB1 and HBB2 are consistent with the Growth Management Act's allowance for the "intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and non-residential uses, but do provide job opportunities for rural residents." (RCW 36.70A.070(5)(d)(iii))
- 4A-19.8** Public services and public facilities necessary for HBB1 and HBB2 uses are limited to those necessary to serve those uses and shall be provided in a manner that does not permit low-density sprawl.
- 4A-19.9** Development regulations for HBB2 further establish standards which address potable water, buffers, screening, lighting, noise, drainage, traffic impacts, lot coverage, land use intensities, visual compatibility with the surrounding rural area, and non-urban levels of service in an effort to maintain the existing character of the rural area in which the commercial use is proposed.

- 4A-19.10** There shall be no off-premises signs or other indications of a commercial or industrial enterprise visible off-premises, and auto and truck traffic, noise, and pollutant emissions shall not exceed that normally associated with a residential property.

## RURAL BUSINESS (RB)

### OBJECTIVE 20

*Recognize and provide reasonable expansion and change of use opportunities for existing isolated nonresidential uses in the rural area that provide job opportunities for rural residents.*

#### General Policies

- 4A-20.1** The Rural Business designation is intended to acknowledge certain significant existing uses in the unincorporated areas that are not consistent with the other commercial and industrial Comprehensive Plan designations and zoning districts but are consistent with GMA provisions for existing rural commercial and industrial use.
- 4A-20.2** The Rural Business (RB) designation provides reasonable expansion and change of use opportunities to these pre-existing rural uses. The designation is consistent with the Growth Management Act's allowance for "the intensification of development on lots containing isolated nonresidential uses" (RCW 36.70A.070(5)(d)(iii)).

#### Expansion of Use

- 4A-20.3** Uses designated RB may expand by up to 50 percent of the existing building footprint and/or up to 50 percent of the existing outdoor working area. The expansion is permitted provided that the total expansion does not exceed a total of 1,500 square feet of gross floor area, and that the expansion occurs on the same lot upon which the existing use is located. The total square footage of allowable expansion is determined on a one-time basis, based on the area of use as of June 1, 1997.

- 4A-20.4** Uses designated RB that were established as of July 1, 1990 may expand by up to 50 percent of the existing building footprint and/or up to 50 percent of the existing outdoor working area, provided that the expansion does not result in greater than 50 percent lot coverage by buildings, and subject further to the requirements of Policy 4A-20.5, but not subject to the 1,500 sq. ft. limitation in Policy 4A-20.3. The total square footage of allowable expansion is determined on a one-time basis, based on the area of use as of June 1, 1997.
- 4A-20.5** A use designated Rural Business that was established as of July 1, 1990 must obtain an approved Hearing Examiner Special Use Permit in order to take advantage of the expansion opportunity described in Policy 4A-20.4. The Hearing Examiner shall approve, deny, or condition a use's expansion, and may limit it to less than the maximum expansion allowed in Policy 4A-20.4, based on evaluation of the following criteria:
- (a) The expansion will occur on the same lot upon which the existing use is located;
  - (b) The expansion is visually compatible with the immediate neighborhood and the surrounding rural area;
  - (c) Detrimental impacts to adjacent properties will not be increased or intensified;
  - (d) The expansion does not result in a formerly small operation dominating the vicinity;
  - (e) The expansion will not constitute new urban development in the rural area and will not require extension or expansion of urban services; however, urban services historically already available to the site may be utilized;
  - (f) Public services and facilities are limited to those necessary to serve the isolated nonresidential use and are provided in a manner that does not permit low-density sprawl.

#### Change of Use

- 4A-20.6** Properties with a Rural Business designation may change uses provided that the new use is rural in nature and does not result in a substantial change to rural character or create substantially greater impacts on

surrounding properties, critical areas, natural resource lands, and other factors as further identified in the development regulations.

- 4A-20.7** Changes from one use to an identical or "substantially similar" use are subject to Administrative Review only. The Administrative Official will determine if the new use is an identical or substantially similar use based on a definition contained in the development regulations.
- 4A-20.8** A Hearing Examiner special use permit is required to change from one use to another use that is not determined to be identical or substantially similar to the prior use. The Hearing Examiner shall not grant a special use permit for change of use if he determines, based on criteria contained in the development regulations, that the change of use would:
- (a) result in a substantially increased impact on any one of the change of use criteria contained in the development regulations; or
  - (b) result in smaller impacts across a number of criteria that, combined, result in a substantially increased overall impact; or
  - (c) be inconsistent with an applicable community development plan, if one has been adopted.
- 4A-20.9** Any use requiring the installation or extension of urban services, including storm or sanitary sewers, shall be considered an urban use rather than a rural use and shall be disqualified. Uses may utilize urban services that are historically already available to the site.
- 4A-20.10** A new use may take advantage of the one-time expansion opportunity provided to existing RB uses, as identified in Policies 4A-20.3 through 4A-20.5. However, a change to a new use does not create any new expansion opportunity.
- 4A-20.11** Commercial or industrial uses not designated Rural Business or one of the other commercial or industrial designations will, by default, be considered Pre-Existing Non-Conforming Uses subject to the policies described below. Through the annual Comprehensive Plan amendment process, Pre-Existing Non-Conforming Uses may apply for designation as a Rural Business (provided they were established as of June 1, 1997) or other commercial/industrial designation, based on their consistency with the policies and criteria for those various designations.

## PRE EXISTING, NON-CONFORMING USES AND DEVELOPMENT APPROVALS

### GOAL B

*Address pre-existing, non-conforming uses and development approvals.*

### OBJECTIVE 1

*Recognize existing development approvals that have been granted but may not yet have been constructed or acted upon, such as subdivisions, short plats, PUDs, special use permits, conditional use permits, and contract rezones that are non-conforming with Comprehensive Plan land use map designations and policies when they do not threaten the health and safety of residents.*

#### Policies

- 4B-1.1** Legal lots of record with residential development rights that exist on June 1, 1997 shall retain their development rights unless public health and safety is threatened or the parcel is located within an Industrial Forest land use designation and subject to the residential restrictions within such designation.
- 4B-1.2** Substandard (not meeting dimensional standards for the zoning district) lots of record existing on June 1, 1997 which have residential development rights shall retain their development right unless public health and safety is threatened. Development of substandard lots requiring on-site sewage systems must demonstrate compliance with the minimum land area density requirements pursuant to the Skagit County Sewage Code – Rules and

Regulations Chapter 12.05.210(2)(d) and not reduce levels of service standards for public services/facilities.

- 4B-1.3** Historic land use approvals such as conditional use permits, special use permits, and contract rezones that already have been exercised may continue to operate under the conditions of their original permit or land use approval. Any expansion or change beyond the conditions of the original permit or land use approval shall require a revised permit or land use approval or appropriate Comprehensive Plan designation and zoning.
- 4B-1.4** Historic subdivisions shall be subject to the provisions of RCW 58.17.170. Other historic land use approvals with vested development rights that have not yet been exercised will remain valid for five years from the date property owners are given notice of adoption of this policy. Property owners will be notified within two years of adoption of this policy. Land use approvals not exercised within this five-year period shall expire.

## **OBJECTIVE 2**

*Prohibit expansions of pre-existing non-conforming uses that are not in conformance with the Comprehensive Plan or development regulations.*

### **General Policies**

- 4B-2.1** A nonconforming use is any use established in conformance with Skagit County rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site's current zone or to the current development standards of the Code due to changes in the Code or its application to the subject property.
- 4B-2.2** Nonconforming uses will be allowed to continue operation subject to County regulations governing nonconforming uses and general municipal police powers regarding health and safety. Expansion of such uses, however, shall only be permitted when pursuant to development rights vested prior to the adoption of this policy or in the event that the building,

as existing when this policy is adopted, was designed to accommodate an expansion of the nonconforming use.

- 4C-2.3** The owner of a property containing a pre-existing, non-conforming uses may apply to the County for a Comprehensive Plan land use designation/rezone, or a special use permit, as appropriate, to modify the status of their use under the Comprehensive Plan and development regulations, subject to the provisions of those documents.

## **PUBLIC USES**

Public Uses, generally, are government or quasi-government owned and operated facilities such as, but not limited to, primary and secondary schools, libraries, postal services, offices, training facilities, fire and police stations, courts. Public Uses under this section do not necessarily include Essential Public Facilities as provided for in Chapter 15 of this Comprehensive Plan.

### **GOAL C**

*Address public land uses as site specific related developments not requiring comprehensive plan amendments.*

### **OBJECTIVE 1**

*Provide site specific project review for land uses which are defined as a public use within any comprehensive plan land use designation.*

### Policies

- 4C-1.1** Within each comprehensive plan land use designation, except as provided below, public uses should be considered as “special uses” under Skagit County Code 14.16, the zoning ordinance. Public uses should be reviewed as site-specific projects so that public benefits and land use impacts can be analyzed and, if necessary, appropriate mitigation applied.
- (a) Except as provided in subsection (i) below, an Administrative Special Use Permit shall be required for new minor public uses and for the expansion of existing major public uses up to 3000 square feet.
    - (i) Minor public uses may be authorized as a Permitted Use in Rural Centers (RC) and Rural Village Commercial (RVC), subject to the limitations of those respective districts.
  - (b) A Hearing Examiner Special Use Permit shall be required for new major public uses and for the expansion of major public uses 3,000 square feet or greater.

## LAND DIVISION

### GOAL D

*To develop innovative techniques that create land use patterns that provide for greater efficiency and flexibility of land use, housing diversity, natural resource land conservation, critical area protection, maintenance of rural character and lifestyles and the retention of open space benefits.*

Within each comprehensive plan land use designation innovative techniques for land division are encouraged (e.g., Planned Unit Developments and Conservation and Reserve Developments (CaRD)) as an alternative to traditional and conventional planning and land division regulations. The CaRD land division concept is attractive because it

provides future land use options and protects and conserves natural resource lands, rural lifestyles and critical areas. It also allows landowners to maintain some equity and development potential on the land while retaining open spaces and minimizing infrastructure costs. If CaRD land division is not required, sufficient incentives should be provided to encourage voluntarily participation in this approach to land division.

A technique related to CaRD land division is the Planned Unit Development (PUD). PUDs are similar in that they involve variations in controls related to density and other design elements. PUDs and CaRDs are different from standard land divisions, because they routinely involve density bonus beyond what is normally permitted in a given land use designation or zone in exchange for meeting certain land use management objectives such as setting aside land for open space, natural resource land and critical area conservation or to reserve lands for potential future development. PUDs differ from CaRDs in that PUDs normally involve permitting of mixed uses (commercial/residential). Under these comprehensive plan policies, PUDs will also involve higher urban densities than the rural densities found in CaRDs. PUDs are more appropriately located in urban growth areas where urban services and utilities are provided.

### **OBJECTIVE 1**

*To buffer and protect natural resource lands.*

#### Policies

- 4D-1.1** Lands near designated natural resource lands are locations where CaRD land divisions are encouraged. The duration of any conservation easement or conditions, covenants and restrictions (CCRs) provided in a CaRD land division should not be less than the duration of the natural resource lands designation.

### **OBJECTIVE 2**

*To reserve lands that may be appropriate for future urban growth areas.*

Policies

- 4D-2.1** When land divisions are proposed on lands near designated urban growth areas, those proposals should incorporate CaRD lands.

**OBJECTIVE 3**

- *To help retain the rural landscape, character, and lifestyle.*
- *To protect critical areas by transferring development potential from the critical area portion of a site to a non-critical area portion of a site.*
- *To create development patterns that provide for greater efficiency and flexibility for current and future land use; housing diversity; natural resource land and critical area conservation and protection; retention of open space; and provide incentives for utilizing CaRD land divisions.*

Policies

- 4D-3.1** Planned Unit Developments shall be allowed only in Urban Growth Areas where public services and utilities are available or will be provided concurrent with development.
- 4D-3.2** The intent of a CaRD land division is to achieve some or all of the following benefits:
- (a) Flexibility in site development which may result in more compact clustered lots or environmentally sound use of the land, while assuring compatible development and maintaining the county's rural character.
  - (b) Buffer areas to reduce land use conflicts and minimize the loss of designated natural resource lands.

- (c) Provides for more very low, low and moderate cost housing encouraged by reducing site development costs and allowing more intense use of buildable areas.
- (d) Greater opportunity for property owners to derive reasonable economic use of the land by maintaining larger parcel sizes that will enhance the production of food, fiber, or minerals.
- (e) More flexible land development options within areas with potential to be designated urban growth areas in the future.
- (f) Large tracts of open space land held for recreation, natural resource management, and protection of significant cultural resources and critical areas.

**4D-3.3** A CaRD land division ordinance, development standards and permitting procedures shall be established. These development standards and procedures will include incentives which include, but are not limited to, the following:

- (a) Reductions of infrastructure engineering and construction costs.
- (b) Creation of a permitting process which expedites the review and decision-making timeline in comparison to traditional, conventional land division proposals.
- (c) Adoption of application fees which are less than those for traditional, conventional land division proposals.
- (d) Allowance of bonus development lots when a landowner meets the various requirements of the CaRD provisions.
- (e) CaRD standards should have differing requirements for short CaRDs (four or fewer lots) and long CaRDs (five or more lots), recognizing that short CaRDs will have less impact on infrastructure and rural character.

**4D-3.4** CaRD land divisions shall be designed to minimize impacts on neighbors, infrastructure systems, and the surrounding environment.

**4D-3.5** CaRD land divisions should be encouraged where any of the following criteria exist:

- (a) existing lots, tracts, or parcels of land exceeding 10 acres in size;
- (b) the land to be developed, or any part of it, is within 500 feet of designated natural resource land or identified critical areas;
- (c) the land to be developed is within 1 mile of a designated urban growth area.
- (d) development will not require extension of urban services.

**4D-3.6** CaRD land divisions and development design guidelines and standards should address the following issues:

- (a) flexible dimensional requirements for establishing lots, setbacks and road frontages;
- (b) minimum and maximum lot sizes;
- (c) determine the allowable number of dwellings (overall density) so projects support viable open spaces but are small enough to prevent the residential development from changing the overall character and appearance of the surrounding rural and natural resource land area;
- (d) specific criteria addressing the location and amount of conservation and reserve land on the parcel;
- (e) CaRD maintenance responsibility, covenants, restrictions and conditions;
- (f) ownership of CaRD land which may be through, but not limited to, land trusts, conservation organizations, homeowners associations, or landowner(s);
- (g) permitted types of dwellings and design standards, if any;
- (h) infrastructure requirements for rural fire, water, and sanitary systems, roads, utilities, drainage and other development related regulations.

**4D-3.7** Innovative land use techniques should be utilized to off-set landowner financial burdens and to retain current and future land development and conservation options such as, but not limited to:

- (a) transfer of development rights,
- (b) current use taxation,
- (c) public acquisition or donation, private land trusts, conservation easements, and land banking,
- (d) conservation and protection of natural resource lands critical areas, open space and wildlife habitat/corridors, and
- (e) future urban growth and recreational facilities.

**4D-3.8** When CaRD land divisions are approved for Long CaRDs their conservation easements or conditions/covenants/restrictions (CCRs) shall be in place for a specified period of time.

- (a) Certain identified critical areas shall be set-aside as a Protected Critical Areas (PCAs) and others may be placed into Open Space Preservation Areas (OS-Pas). Designated natural resource, urban growth areas and rural lands shall be set-aside as a conservation easement in perpetuity when such lands are part of a transfer of development rights, purchase of development rights, conservation futures, or similar type of financial compensation or acquisition program.
- (b) A long CaRD land division which has designated Natural Resource Lands (NRL) not satisfying 4D-3.8(a) above shall have the remaining NRL set-aside as a condition/covenant/restriction (CCR), which removes the development right on such lands until such time as the land no longer has long-term commercial significance for the production of food, agricultural products, timber, or extraction of minerals.
- (c) A long CaRD land division that has designated Rural lands not satisfying 4D-3.8(a) above shall have the undeveloped lands set-aside as a land reserve until the land is reclassified as part of a comprehensive plan amendment or is included within an Urban Growth Area.

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