

Special Uses

Special uses are uses of property that require additional review, but are compatible.

The applicant must demonstrate this compatibility. Skagit County Code (SCC 14.16.900(1)(v)) contains criteria that County staff uses to evaluate Type I Administrative Special Use applications and Type II Hearing Examiner Special Use applications. A Special Use must demonstrate that the proposed activity will not adversely affect or prevent those uses normally allowed within the respective district.

All special uses, including master planned resorts, shall require a development project be commenced for the entire parcel within 2 years of the permit approval, unless development is phased. A phasing plan shall be submitted and reviewed as part of the special use application.

The following chart representation of Type I or Type II applications is **reference only**. Please check with staff to verify your zoning and type of special use process your proposal may require.

Special Use	Type I	Type II	Sections		SEPA	Forms											
			1-5	A-B		A	B	C	D	E	F	G	H	I	J	K	
Temp mfg housing (elderly)	X		X	X		X											
Temp mfg housing (farm)	X		X	X			X										
Bed & Breakfast	X		X	X	X			X									
Outdoor Outfitter Enterprise		X	X	X	X				X								
Home Based Business II		X	X	X	X					X							
Ag Processing Facility		X	X	X	X						X						
Mineral Resource Lands		X	X	X	X							X					
Personal Wireless Facility	X	X	X	X	X									X			
RB expansion/change of use		X	X	X	X										X		
Master Planned Resort		X	X	X	X											X	
Other	Requirements will be outlined at a Pre-Application meeting.																X

A County planner will evaluate your application based on County codes in connection with the Health, Public Works and Environmental teams and any public agency or SEPA comments. The planner creates a staff report based on this evaluation that either concludes your proposal meets special use requirements and grants special use approval subject to any conditions (Type I), or the staff report offers recommendations to the County Hearing Examiner during a public hearing process.

This application is divided into sections and forms based on the type of special use you are proposing so you can demonstrate this compatibility. The table above indicates the sections and forms of this application that you need to complete. All applicants must complete Sections 1 through 5 as well as Sections A and B. Additionally, all applicants except those seeking temporary manufactured home approval for elder or disability care or for farm use must submit a SEPA checklist beforehand or with this application.

Section 1

Planning & Development Services Fact Sheet

PL#: _____

Community Development Division

- | | |
|---|---|
| <input type="checkbox"/> Administrative Decision | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Agricultural Variance | <input type="checkbox"/> Shoreline Exemption |
| <input type="checkbox"/> Binding Site Plan | <input type="checkbox"/> Shoreline Substantial Use Permit |
| <input type="checkbox"/> Boundary Line Adjustment | <input type="checkbox"/> Short CaRD |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Short Plat |
| <input type="checkbox"/> Long CaRD | <input type="checkbox"/> Special Use Permit Level I |
| <input type="checkbox"/> Lot Certification | <input type="checkbox"/> Special Use Permit Level II |
| <input type="checkbox"/> Modification | <input type="checkbox"/> Variance Level I |
| <input type="checkbox"/> Open Space | <input type="checkbox"/> Variance Level II |
| <input type="checkbox"/> Pre-application Review | <input type="checkbox"/> Other _____ |

Brief Project Description: _____

Other Related Permits or Approvals: _____

Applicant Name: _____

Parcel ID#: _____ Assessor Tax #: _____ - _____ - _____ - _____

Parcel ID#: _____ Assessor Tax #: _____ - _____ - _____ - _____

Section ____ Township ____ Range ____ Comprehensive Plan/Zoning Designation: _____

Site Address: _____

Recorded Lot of Record: Yes No PL# _____

Urban Growth Area: Yes No If yes, City: _____

Comp Plan/Zoning within 200 feet: _____ Mineral Resource Overlay within ¼ mile: Yes No

Critical Area/Shoreline within 200 feet: Yes No

Pre-application meeting required? Yes No Meeting verification form enclosed? Yes No

Acreage or Lot Dimensions: _____

Flood Zone: _____ FIRM Map Panel #: _____ Map Date: _____

Road access: Private County – Permit #: _____ State – Permit #: _____

Water Source: Drilled well - Permit #: _____ Community Well Public: ___PUD #1 ___Anacortes

Sewage Disposal: Septic - Permit #: _____ Public Sewer: _____

Legal Description: _____

_____ (Attach additional sheet if necessary.)

Section 2

Applicant

Name

Address

Phone Fax e-mail address

Signature

Owner

Name

Address

Phone Fax e-mail address

Contact

Name

Address

Phone Fax e-mail address

Contractor (When applicable. If owner, write owner-builder)

Name

Address

Phone Fax e-mail address

Contractors License # Expiration Date

Section 3

OWNERSHIP CERTIFICATION

I, _____, hereby certify that I am the major property owner or officer of the corporation owning property described in the attached application, and I have familiarized myself with the rules and regulations of Skagit County with respect to filing this application for a

_____ and that the statements, answers and information submitted present the argument on behalf of this application and are in all respects true and correct to the best of my knowledge and belief.

Street Address: _____

City, State, Zip: _____

Phone: (_____) _____

Signature(s):

for: _____

(corporation or company name, if applicable)

ACKNOWLEDGMENT

STATE OF WASHINGTON)

ss.)

COUNTY OF SKAGIT)

On this day personally appeared before me _____, known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purpose therein mentioned.

GIVEN under my hand and official seal the _____ day of _____, _____.

NOTARY PUBLIC in and for the State of Washington residing at

My Commission Expires: _____

Section 4



Planning & Development Services Critical Areas Checklist Pursuant to Skagit County 14.24.080

Section ___ Township ___ Range ___ Parcel Number _____ Related Permits: _____

Site Address: _____

Proposed uses: _____

PLEASE ANSWER THE FOLLOWING QUESTIONS CONCERNING CRITICAL AREA INDICATORS LOCATED ON OR WITHIN 200 FEET OF THE PROJECT AREA.

- a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, *please attach a list of document titles).
 Yes* No Unknown
- b. Are there any surface waters (including year-round and seasonal streams, saltwater, lakes, ponds, bogs, fens, swamps, marshes)?
 Yes No Unknown
- c. Is there vegetation that is associated with wetlands?
 Yes No Unknown
- d. Have any wetlands been identified?
 Yes No Unknown
- e. Are there areas where the ground is consistently inundated or saturated with water?
 Yes No Unknown
- f. Are there any State or Federally listed sensitive, endangered or threatened species and habitats?
 Yes No Unknown
- g. Are there slopes of 15% or greater?
 Yes No Unknown
- h. Is the project located within a Flood Hazard Zone?
 Yes No Unknown
- i. Do you know of any landslide hazard areas?
 Yes No Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of SCC 14.24, the Skagit County Critical Areas Ordinance.

Applicant's Signature

Date

Section 5 Site Plan Requirement Checklist

Site plan must be prepared on 8 ½” x 11” *or* 11” x 17” paper.

***The first 7 requirements of the Drainage Plan may be met by utilizing a third copy of this site plan.**

- 1. **Title Block**
Indicate applicant's name, site address, Assessor's Tax Account # and Property ID # (P#) for the subject property.
- 2. **Scale**
Indicate map scale. Use any appropriate scale and note it on your site plan. Example - Scale: 1" = 40'
- 3. **North Arrow**
Show an arrow indicating the ↑ NORTH direction.
- 4. **Property Boundaries/Easements**
Show property lines and all easements (*utility, drainage, dike, access, railroad, etc.*). Indicate site dimensions and names of adjacent roads.
- 5. **Driveway**
Show entire length and width of driveway in feet. Indicate grade of driveway in percent (%) of slope. Turnouts are required every 300 feet. To create a turnout the road shall be widened to 20 feet in width for a distance of 30 feet in length to allow for vehicles to pull over and allow emergency vehicles to proceed.
- 6. **Building Footprint**
Show location, dimensions and setbacks of all existing and proposed buildings or structures. If this project includes an addition, please clearly show the addition different from the existing building. Identify each building by its use (*residence, garage, etc.*). Indicate roof overhang lines and any decks, porches or retaining walls.
- 7. **Impervious Surface**
Indicate the amount of **new** impervious area. Impervious areas include the square footage of new building roof area, parking area, patios and any new driveway.
- 8. **Setbacks**
Indicate the building setbacks from all property lines with a dashed line. Include shoreline setbacks when applicable.
- 9. **Well Location or Water Lines**
Indicate the drinking water supply (*existing and/or proposed, public or individual*). Show all private well(s), public water mains and water supply pipes to all buildings.
- 10. **On-Site Septic System Location or Sewer Lines**
Indicate method of sewage disposal: Private septic - show existing and proposed on-site sewage system(s). Include drainfield replacement area(s). (Tanks are required to be 50' and drainfields 100' from a well.) Public sewer - indicate location of sewer main and private pipes to building.
- 11. **Propane**
Show the location of the propane tank (if any).
- 12. **Slope**
Indicate slope (elevation change) of building site. Use contour lines or arrows to show direction and percent (%) of slope(s). Identify any erosion or landslide areas as well as any potential unstable slopes greater than 15%.
Percentage % of slope = Rise (drop in height) divided by Run (distance) multiplied by 100.

OTHER FEATURES TO INCLUDE ON YOUR SITE PLAN:

- Shorelines**
For shoreline properties, show the ordinary high water mark (OHWM) and setbacks from OHWM to all structures, including neighbor's, within 300 feet from both side property lines.
- Dike District**
Show both measurements from the water ward side and the landward side of the dike and distance to project.

Section A

Please answer the following questions describing your proposal in detail. Attach a separate page if necessary.

1. Describe your proposal/business? _____

2. What days and hours will your operation be open? _____

3. How many employees will you have? _____

4. State their working hours: _____

5. Will the employees be working on-site? _____

If not, how many will be working off-site? _____

6. Will there be signs indicating the operation? _____

If so, where will they be placed and how big will they be? _____

7. Businesses need to be concealed from public view. How do you intend to do this? Will you use

plants, shrubs or fences as a buffer? _____

8. Describe the parking area. (You will need to ensure that you don't encroach on neighbors or into the road right-of-way.) _____

Please state your schedule for the development of this business/operation. _____

If development is phased please describe timelines. _____

9. Describe the traffic impact of your operation on the County or State road system (such as the use of large trucks or constant vehicle traffic)? _____

10. Will your operation have an internal road system? _____

***If so, please provide a layout plan of that system.**

11. How is your property accessed? By private, county or state road? _____

12. Will the operation generate heat from machinery or equipment? _____

14. Will the operation generate noise or odors? _____

15. Will steam, smoke or dust be generated by the operation? _____

16. Is heavy equipment or machinery being used? Will there be vibrations that may be felt by adjoining properties? _____

17. Will chemicals, waste oils, solvents, fuel, etc. be stored at the operation? _____

If so, please state what kinds, how much and how they will be stored. _____

How will they be disposed of? _____

18. Will visitors, customers or employees have access to adjoining property? _____

Please describe your plans for preventing trespassing. _____

19. If your operation will be using a building please describe the size, height and construction type. This building must be shown on the site plan.

20. Describe the sewage disposal plan for employees and the public. _____

21. Describe the water supply for employees and the public. _____

22. Is water served by PUD, community water or drilled well? _____

23. Address any fire flow issues. _____

Section B

Please address the General Special Use Permit Application Evaluation Criteria. Attach a separate page if necessary.

The burden of proof shall be on the Applicant to provide evidence in support of the application.

1. Describe how the proposed use is compatible with the neighboring properties. _____

2. How does the proposed use comply with the Skagit County Code? Please cite code section. ____

3. How will the proposed use create noise, odor, heat, vibration, and air or water pollution?

4. How will the operation impact dwellings and property in the immediate area? _____

5. How will the proposed use intrude on the privacy of the surrounding areas? _____

6. What potential effects could your proposal have to the general public health, safety and general welfare?

***For special uses in Industrial Forest – Natural Resource Lands, Secondary Forest – Natural Resource Lands, Agricultural – Natural Resource Lands, and Rural Resource – Natural Resource Lands,**

1. How will the impacts on long-term natural resource management and production be minimized?

2. Describe how the proposed use complies with the health and safety of the community? _____

3. Will the proposed use be supported by adequate public facilities and services? _____

4. Describe the plan to minimize the impacts on these facilities? _____

5. Describe any impact to those facilities. _____

Please address Special Uses with Specific Criteria.

Failure to address the required criteria will cause delays in processing your application.

Provide the corresponding form for your application type.

See Forms A - K

Form H. Personal Wireless Facilities Special Uses:

Tower Design/Noise Criteria. New personal wireless service facilities shall be designed to accommodate co-location unless the Applicant demonstrates why such design is not feasible for economic, technical or physical reasons. Thus, the Applicant shall address the following design criteria:

- **View corridors.** The Applicant shall provide 3-dimensional, visual simulation of the facilities and other appropriate graphics to demonstrate the visual impact on the view of the County's foothills, mountains and open space areas as viewed from major transportation corridors or public open space. Due consideration shall be given so that placement of personal wireless service facilities does not obstruct or diminish these views.
- **Setback.** A tower's setback shall be measured from the base of the tower to the property line of the parcel on which it is located. In the Rural Village Residential (RVR) zoning district and in land use areas where residential uses are permitted or existing, towers where permitted shall be set back from all property lines a distance equal to 100% of the tower height as measured from ground level. All other towers shall comply with the minimum setback requirements of the zoning district in which they are located.
 - **Lights, signals and signs.** No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA.
 - **Height.** The Applicant shall demonstrate that the tower is the minimum height required to function satisfactorily. No tower that is taller than this minimum height shall be approved.
 - **Fencing.** Security fencing no less than 6 feet in height with access through a locked gate shall be required around each tower and its related equipment and support structures.
 - **Required parking.** If the cell site is not fully automated, adequate parking shall be required for maintenance workers. If the site is automated, other arrangements for adequate off-street parking shall be made and documentation thereof provided to the County.
 - **Site location/integrity.** Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized unless such disturbance would result in less visual impact of the site on the surrounding area.
 - **Structural integrity.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with all applicable Federal standards (i.e., FCC and FAA standards), State and local regulations, and the applicable standards of the Electronic Industries Association (EIA), as amended from time to time.
 - **Cause for removal.** If, upon inspection, the County concludes that a tower fails to comply with such standards or constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the County shall notify the owner that a violation has occurred.
 - **Improvements/additions.** Towers shall be constructed to the EIA Standards that may be amended from time to time and all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer, which demonstrate compliance with the EIA Standards and all other good industry practices. Said plans shall be submitted and reviewed at the time building permits are requested.

Antenna Siting Criteria. Antenna on or above a structure shall be subject to the following requirements:

- **Compatibility.** The antenna must be architecturally compatible with the building and wall on which it is mounted, and designed and located so as to minimize any adverse aesthetic impact.
- **Height.** The Applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved unless it is co-location approved.
- **Special use review.** If a proposed antenna is to be located on a building or a lot subject to a special use permit review, written County approval is required prior to the issuance of a building permit for the antenna.

- **Historic landmarks/districts.** No antenna shall be permitted on property designated as an historical landmark or as a part of an historic district, unless such antenna has been approved in accordance with this Section and written permission is obtained from the County.
- **Roof mounting.** The antenna may be mounted on the roof of a building if the following additional criteria are satisfied:
 - a) The County finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
 - b) No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein.
 - c) Roof-mounted antennas are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

Support Facilities Design. Support facilities should be designed to complement or maintain the integrity of the surrounding landscape and built environment.

- **Compatibility.** Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated through location and design to blend in with the existing characteristics of the site.
- **Color.** Towers and antennas shall have a color generally matching the building, surroundings or background that minimizes their visibility, unless the FCC or FAA requires a different color. Muted colors, earth tones and subdued colors shall be used wherever possible.
- **Equipment structures.** Ground level equipment, related base stations for mounted antennas, buildings and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:
- Equipment mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antennas may also be located within the building on which the antennas are mounted, subject to good engineering practices.
- In instances where equipment buildings are located in residential zones, equipment buildings shall comply with setback requirements and shall be designed so as to conform in appearance with nearby residential structures.
- If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color. The structure must be architecturally and visually (color, size and bulk) compatible with surrounding existing buildings, structures, vegetation and uses. Such facilities will be considered architecturally and visually compatible if they are adequately screened to disguise the facilities.

Landscaping and Screening.

(a) **Landscaping.** The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening. The County may permit any combination of existing vegetation, berming, topography, walls, decorative fences, or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. Landscaping shall be required except that the County may waive the standards pursuant to SCC 14.06 for those sides of the facility that are not in public view:

- A row of evergreen trees a minimum of 10 feet tall at planting and a maximum of 6 feet apart shall be planted around the perimeter of the fence, or other approved landscaping or screening plan. The intent is for the immediate screening of towers.
- A continuous hedge at least 36 inches high at planting capable of growing to at least 48 inches in height within 18 months shall be planted in front of the tree line referenced above.
- In the event that landscaping is not maintained at the required level, the County, after giving 30 days' advance written notice, shall maintain or establish the landscaping and bill both the owner and provider for such costs until such costs are paid in full.

Application Process. Developers of towers and antennas are encouraged to consult with the Skagit County Planning and Development Services staff prior to making application in order to review the siting

policies, priority of locations and to discuss the permitting process and application requirements. In reviewing any application to provide personal wireless services or to install personal wireless service facilities, the Planning and Development Services shall act within a reasonable period of time taking into account the nature and scope of the application. Any decision to deny such an application shall be in writing and supported by substantial evidence contained in a written record. The review and approval process is defined in SCC 14.06 (Permit Procedures).

Application Package Requirements. A complete application form provided by the Planning and Development Services, with supporting documents as required below, that contains sufficient information to determine compliance with adopted rules and regulations as outlined in SCC 14.16.850 shall be submitted. At the discretion of the Planning and Development Services, all personal wireless service facilities Applicants shall be required to submit any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information:

- a.) **Parcel description.** Legal description of the parcel, including Assessor account number and property identification number.
 - i. **Photo simulations.** Photo simulations of the existing site and proposed facility from all adjacent properties and public rights-of-way at a radius of 1 mile from the proposed personal wireless service facility, including additional height of 20 feet for possible co-location. Photo simulations shall be made from a range of elevations of surrounding residential areas. The photo simulation shall be coded to a scaled vicinity map.
 - ii. **Site plan.** A scaled site plan showing the location, point of reference, type, height and longitude and latitude of the proposed towers and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadway right of ways, parking areas if applicable, proposed means of access, setbacks from property lines and the approximate distance between the proposed tower and the property lines. The method of fencing and, if applicable, the method of camouflage, noise screening, and illumination shall be indicated. The application shall also include elevation drawings of the proposed tower and any other proposed structures. A vicinity map shall be included.
 - iii. **Landscaping plan.** A landscaping plan shall be prepared indicating the specific placement of the facility on the site. Trees and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility shall also be indicated.
 - iv. **Service area map.** A current map showing the location of the proposed tower, the locations and service areas of other personal wireless service facilities operated by the Applicant and those proposed by the Applicant that are close enough to impact service within the County.
 - v. **Co-location statements.** A statement by the Applicant as to whether construction of the tower will accommodate co-location of additional antenna(s) for future users. In addition, a signed statement shall be included indicating that: (i) the Applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the Applicant's structure or within the same site location; and (ii) the Applicant and/or landowner agree to remove the facility within 60 days after abandonment.
 - vi. **Environmental documentation.** Copies of any environmental documents if required by any Federal or State agency.
 - vii. **Compliance letter.** A letter signed by the Applicant stating the tower and antenna will comply with all applicable Federal, State and local laws and regulations, EIA standards and this Section.
 - viii. **Co-location attempt.** A narrative of the attempt to co-locate shall be included which lists names and dates of parties contacted for potential co-locations. A statement by the Applicant has made a diligent attempt to mount the facilities on an existing tower or structure that is within a 2,500-foot radius of the chosen site.
 - ix. **Interference certification.** Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions of other communications facilities.
 - x. **Licenses.** The personal wireless service provider must demonstrate that the FCC licenses it, if required to be licensed under FCC regulations for the provision of service within the County.
 - xi. **Lease agreements.** The Applicant, if not the personal wireless services provider, shall submit proof of lease agreements with an FCC-licensed personal wireless services provider, if such provider is required to be licensed by FCC regulations.

- xii. **Use of private roads.** In cases where personal wireless services facilities are to be accessed by private roads which are also used to access adjoining properties, permittee shall repair and maintain roads back to original (pre-facility) conditions, unless all parties of interest agree to a different standard.
- xiii. **E911 compliance.** All providers shall attest to and demonstrate compliance with FCC and Washington State laws relating to Emergency 911 regulations.
- xiv. **Financial security.** The application for any tower shall be accompanied by a letter of credit, performance bond, or other security in an amount to be determined by the County, which may be drawn upon by the County as necessary to cover the costs of removal of the facility.
- xv. **Historic documentation.** If applicable, a letter of permission from the designated County Official if the site is on a National Landmark or located in a Historic District.
- xvi. **County recommendation.** If the Applicant proposes to use County-owned property, a letter of recommendation from the Director of the Skagit County Parks and Recreation Department, Public Works Department or other applicable official.

Building Permit Requirements. Upon approval of a special use permit, the subsequent completed building permit application will require the following items:

- **Parcel description.** Legal description of the parcel, including Assessor account number and property identification number.
- **Site plan.** A scaled site plan showing the location, point of reference, type, height and longitude and latitude of the proposed towers and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadway right-of-ways, parking areas. if applicable, proposed means of access, setbacks from property lines and the approximate distance between the proposed tower and the property lines. The method of fencing and, if applicable, the method of camouflage, noise screening, and illumination shall be indicated. The application shall also include elevation drawings of the proposed tower and any other proposed structures.
- **Landscaping plan.** A landscaping plan shall be prepared indicating the specific placement of the facility on the site. Trees and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility shall also be indicated.