



Planning & Development Services

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Memorandum

To: Skagit Board of County Commissioners
From: Sarah Ruether, Senior Planner
Re: PDS Department Recommendation to the Planning Commission
Date: November 30, 2023

Summary

Planning and Development Services (PDS) is providing this memorandum in advance of the December 4, 2023, meeting of the Board of County Commissioners on the 2023 Comprehensive Plan, Map, and Development Regulation amendments (Planning Docket). This memo serves as a formal transmittal of the Planning Commission Recorded Motion within two weeks of signature. Attachment 1 contains the Planning Commission Recorded Motion and Attachment 2 includes the proposed redline code amendments.

Background

The Washington State Growth Management Act (GMA) allows the County to amend its Comprehensive Plan and land use/zoning map once per year, with a few exceptions, through an annual docket process. The Skagit Board of County Commissioners (Board) established the 2023 Docket based on petitions received by the last business day in July 2022. A public hearing was held on April 24, 2023, to receive comment on each petition followed by the creation of the docket by resolution # R20230087 on May 8, 2023.

Skagit County Planning and Development Services (PDS) analyzed the docketed proposals under the State Environmental Policy Act (SEPA) and for consistency with the existing comprehensive plan, the adopted land use/zoning map, and the unified development regulations. A full proposal was released for public review and comment on October 5, 2023. A public hearing was held with the Skagit County Planning Commission on October 24, 2023. A supplemental staff report to address comments was provided for the November 14, 2023, Planning Commission meeting. Docket item C23-7 Flow Sensitive Basin Rules was rescinded by Natural Resources because technical revisions are needed before it can be considered.

The Planning Commission recorded motion (Attachment 1) was approved on November 28, 2023. The recorded motion includes recommendations for the Board's consideration. The various staff reports, memos, public noticing documents, and public comments are available to view on the County's project webpage at the following address: <http://www.skagitcounty.net/2023CPA>. This memo serves as a formal transmittal of the Planning Commission recommendation within two weeks of signature.

Public Notice and Participation

On October 5, 2023, the Staff Report for the 2023 Docket of Proposed Policy, Code, and Map Amendments was published to the County website. The public notice opened the comment period, noticed the public hearing, and provided the environmental (SEPA) determinations.

Notice was published in the Skagit Valley Herald on October 5, 2023, the PDS email distribution list, SEPA distribution list, and posted to the PDS and legal notice webpage. Notice was also sent to landowners within 300 feet of the two rezone applications LR23-01 Dunlap Rural Reserve Rezone and LR23-03 Bayview Ridge Light Industrial Rezone.

On October 24, 2023, the Planning Commission held a public hearing on the 2023 Docket as authorized by Skagit County Code (SCC) 14.08.080. The hearing was attended by seven Planning Commission members and two people provided testimony. A full transcript of the meeting can be found on the [Planning Commission Agenda and Archive page](#).

A total of 23 comments were submitted during the comment period, October 5, 2023, to October 26, 2023. Written and verbal comments can be found in the attachments in the [November 14, 2023, Supplemental Staff Report](#).

Summary of Planning Commission's Recorded Motion

The Planning Commission heard testimony to amend the comprehensive plan, the land use/zoning map, and development regulations during a public hearing on October 24, 2023. On November 28, 2023, the Planning Commission deliberated on the docket proposals. The recorded motion (Attachment 1) was approved on November 28, 2023. The motion carried 8-0-0-0. Attachment 1 is the Recorded Motion from the Planning Commission recommending the Board adopt, deny, or defer the proposed amendments. Proposed code, map, and policy amendments can be found in Attachment 2.

The planning commission recommends the following petitions for **approval**:

- **LR23-01 Dunlap Rural Reserve Rezone** -this proposal seeks to rezone approximately 21 acres, a portion of five parcels, from Agricultural-Natural Resource Land to Rural Reserve.
- **LR23-03 Bayview Ridge Light Industrial Rezone**- this petition request to rezone part of one parcel, approximately 7.54 acres, from Bayview Ridge Residential to Bayview Ridge Light Industrial.
- **C23-2 Qualified Professional Definition** – This petition seeks to update the definition for qualified professional in SCC 14.04 as the requirements for a qualified professional are not consistent with surrounding jurisdictions. The updated definition would increase the required number of years of applicable work experience, specify types of work experience qualifications for certain specialties, and aligns the definition for stormwater professionals to match the Skagit County Stormwater Manual.
- **C23-4 Master Resort Designation** – This petition would modify SCC 14.16.900(1)(d) to remove all language referring to Master Planned Resorts. SCC 14.16.900 regulates special use permits. Master Planned Resorts are a comprehensive Plan map designation, not a use, so it should not be included as a use which requires a special use permit.
- **C23-5 Fire Marshall Code Amendment**- This petition seeks to amend SCC 14.16.850(6) to remove the requirement for foam applicators on fire hoses in a building located outside of a Skagit County fire district. Firefighting foam has been known to have carcinogenic elements and many sources have been recalled due to the hazardous impacts on users and the surrounding environment.
- **C23-6 Temporary Manufactured Homes Title Notice Requirement** – This petition would amend the code to require applicants for temporary manufactured homes to submit a title notice to the County.
- **C23-9 Primitive Campground Definition**- This petition seeks to update the definition for primitive campgrounds in SCC 14.04 to clarify which amenities may be included in a campground and still be designated as primitive.
- **C23-10 Countywide Planning Policies Update**- This petition would amend the Countywide Planning Policies to direct the Board of County Commissioners to disband

the Boundary Review Board by June 30, 2025, when the next periodic Comprehensive Plan update is due.

- **C23-11 General Code Language Clean Up-** The Department updated the Skagit County stormwater, land disturbance, and wireless facilities code in 2022. After the approved new code language was implemented, staff found several inconsistencies which need to be fixed.

The planning commission recommends the following petitions for **denial**:

- **C23-1 Seawater Intrusion Area Well Drilling Requirements** – This petition would require county review prior to drilling a well in a sole source aquifer (SSA) area with documented seawater intrusion. Guemes Island is the only area which is currently designated as a sole source aquifer.
- **C23-3 OSRSI Allowed Uses Amendment-** This petition would amend SCC 14.16.500(6) to allow for trails in the Public Open Space of Regional/Statewide Importance (OSRSI) to be an outright permitted use. Currently trails are listed as both permitted outright and as an administrative special use in the OSRSI zone.

Planning and Development Services (PDS) Department Recommendation

PDS staff provided recommendations in staff reports to the Planning Commission. These were provided in the [October 5, 2023, Staff Report¹](#) and supported in supplemental staff reports. Generally, the department is supportive of the recommendations in the Planning Commission recorded motion, however more discussion may be needed on C23-1 seawater intrusion area well drilling requirements and C23-3 OSRSI Allowed Uses Amendment.

Requested Board Action

The Department will present the Planning Commission Recorded Motion and this memo to the Board on December 4, 2023. Attachment 2 contains the Proposed Code Amendments to 2023 Comprehensive Plan and Development Regulations.

The BoCC is authorized by SCC 14.08.090 to take the following actions to address the docket:

¹ https://inside.skagit.local/PlanningCommission/Documents/PCdocs/2023Docket_StaffReport%20-%20Work%20Session%209_12.pdf

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- 1.) Adopt the docketed proposals.
 - 2.) Adopt the docketed proposals with modifications. Per SCC 14.085.090(2)(b)(i-v), substantial changes to any of the proposals shall require an additional opportunity for public review prior to final action.
 - 3.) Decline to adopt any of the docketed proposals.
 - 4.) Defer the proposal to the next docket or remand the issue(s) to the Department or the Planning Commission for additional work, study, review or refinement.

Following this meeting, PDS will prepare an ordinance for Board deliberation on the 2023 Planning Docket.

Attachments:

Attachment 1 Recorded Motion dated November 28, 2023

Attachment 2 Proposed Code Amendments to 2023 Comprehensive Plan and Development Regulations

ATTACHMENT 1



Skagit County Planning Commission

www.skagitcounty.net/planningcommission

Chair Tim Raschko **Vice Chair** Tammy Candler
Members Vincent Henley, Amy Hughes, Jennifer Hutchison, Kathy Mitchell, Martha Rose,
Joe Woodmansee

Tuesday, November 28, 2023

Skagit County Planning Commission's Recorded Motion regarding 2023 Docket of Comprehensive Plan, Map, and Development Code Amendments

Proposal publication date: October 5, 2023

Proposal name:	2023 Docket of Comprehensive Plan, Map, and Development Code Amendments
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Documents available at:	www.skagitcounty.net/2023CPA
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Public hearing body:	Skagit County Planning Commission
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Public hearing date:	Tuesday, October 24, 2023, at 6:00 p.m.
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Written comment deadline:	Thursday, October 26, 2023 at 4:30 p.m.
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PC deliberations:	November 28, 2023
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On May 8, 2023, the Skagit County Board of Commissioners deliberated on the proposals for the 2023 docket, including public comments received, and passed Resolution R20230087 including twelve petitions in the 2022 Docket.

The Planning Commission held work sessions on the docket on May 9, July 11, and September 12, 2023, prior to the public hearing.

On October 5, 2023, the Planning and Development Services Department published a Notice of Availability (including SEPA determination of non-significance and notice of written comment period and public hearing) and staff report and transmitted a 60-day Notice of Intent to Adopt to the Department of Commerce.

The staff report published on October 5, 2023, and supplemental staff reports contain additional findings related to process, public notice, and department recommendations.

The public comment period was open from October 5, 2023, until October 26, 2023, in which the County received 23 comments.

All written comments and hearing testimony were provided to the Planning Commission in a supplemental staff report dated November 14, 2023.

On November 14, 2023, a work session with the Planning Commission was held to discuss the public comments.

Planning Commission deliberated on the docket on November 28, 2023.

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendations to the Board of County Commissioners.

Recommendations, Findings of Fact and Reasons for Action

LR23-01: Dunlap Rural Reserve Rezone

1. The Planning Commission recommends that the Board of County Commissioners **approve** the zoning map amendment to rezone the Dunlap property from Agriculture-Natural Resource Land to Rural Reserve.

Findings of fact and reasons for action:

- a. The parcels in question are a result of an error in designation as the properties are not farmable and do not consist of commercially significant soils.
- b. WAC 365-190-040(7) allows for overlapping designations if the overlapping designations are not inconsistent or incompatible with each other.
- c. There is precedent for agricultural land being zoned along the toe of the hill in Skagit County, just south of this proposed project. See figure 3 in the Staff Report located Southwest of the town of la conner off Dodge Valley Road.
- d. The parcels can be re-zoned from Ag-NRL because these parcels are on an upland slope, which is not suitable for farming activities. The petitioner has delineated the farmable areas to remain in Ag-NRL designation.
- e. The 1997 Comprehensive Plan stated agricultural lands were to be designated based on existing farming activity and presence of prime farmland soils. Historically this portion of the parcel was never farmed.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	X			
Tammy Candler, Vice Chair	X			
Kathy Mitchell	X			
Vince Henley	X			
Amy Hughes	X			
Martha Rose	X			
Joe Woodmansee	X			
Jennifer Hutchison	X			
Total	8	0	0	0

LR23-03 Bayview Ridge Light Industrial Rezone

1. The Planning Commission recommends that the Board of County Commissioners **approve** the zoning map amendment to rezone the Port of Skagit property from Bayview Ridge -Residential to Bayview Ridge-Light Industrial.

Findings of fact and reasons for action:

- a. The property requested for rezone currently has a split zoning designation between Bayview Ridge-Light Industrial and Bayview Ridge-Residential. The rezone request is consistent with the Skagit County Comprehensive Plan and the Bayview Ridge subarea plan because the rezone would ensure the entire parcel is suitable for industrial development.
- b. The parcel lies within the Airport Environ Overlay (AEO) and the proposed industrial uses would be more appropriate in the AEO and existing development regulations ensure there will be a buffer between industrial activities and the adjacent residential neighborhood.
- c. The proposed buffer will be adequate mitigation to address the neighboring properties concerns.
- d. The parcel proposed to be rezoned was erroneously mapped and zoned with a split zoning. This rezone would correct this unintended error.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair	x			
Kathy Mitchell	x			
Vince Henley	x			
Amy Hughes	x			
Martha Rose	x			
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	8	0	0	0

C23-1 Seawater Intrusion Area Well Drilling Requirements

1. The Planning Commission recommends to the Board of County Commissioners to **deny** the seawater intrusion area amendment.

Findings of fact and reasons for action:

- a. The department of ecology is clearly recognized as the authority for permitting wells.
- b. The petitioners request that those persons seeking a well permit from the County provide information about their neighbor’s wells is unduly burdensome.
- c. RCW 90.54.005
- d. RCW 90.54.920
- e. RCW 90.54.900
- f. RCW 90.54.020

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair	x			
Kathy Mitchell	x			
Vince Henley	x			
Amy Hughes	x			
Martha Rose	x			
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	8	0	0	0

C23-2 Qualified Professional Definition

1. The Planning Commission recommends that the Board of County Commissioners - **approve** the Qualified Professional definition amendment.

Findings of fact and reasons for action:

- a. An updated definition of a qualified professional would promote experienced work from a hired consultant and save Staff and the Applicant time for review on projects.
- b. An updated qualified professional definition would allow for consistency of the definitions for Skagit County’s Code and the Stormwater Manual.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair	x			
Kathy Mitchell	x			
Vince Henley	x			
Amy Hughes	x			
Martha Rose	x			
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	8	0	0	0

C23-3 OSRSI Allowed Uses Amendment

1. The Planning Commission recommends to the Board of County Commissioners to **deny** the request to amend the allowed uses within the OSRSI zone.

Findings of fact and reasons for action:

- a. The Forest Advisory Board in their comments on the 2019 docket comprehensive plan policy and map and code amendments referenced Goals 4B-5.4, 4B-6 and 4B-7, which would be consistent with denial of the petition.
- b. On February 11, 2020, the Planning Commission had thorough deliberation on C4 modified Skagit County Code 14.16.500(3)(4) trails in OSRSI. Today's recommendation is consistent with the previous findings:
 - a. The amendment is consistent with Goal 2B and Policy 2B-1.2, and Goal 2E and Policy 2E-1.1 of the Comprehensive Plan.
 - b. The amendment is consistent with the Skagit County Parks and Recreation Comprehensive Plan.
 - c. The amendment has been found to be consistent with Goal 9 and Policies 9.1 and 9.2 of the Countywide Planning Policies.
 - d. The Planning Commission finds that providing notice is important to ensure that interested parties can participate in the review of proposed trails and trailheads.
 - e. The Planning Commission finds that as staff turnover there can be different policies regarding how the code is interpreted.
 - f. The Planning Commission finds that requiring a Hearing Examiner Special Use review put the proponent and public on a more even playing field.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair	x			
Kathy Mitchell	x			
Vince Henley	x			
Amy Hughes	x			
Martha Rose		x		
Joe Woodmansee	x			
Jennifer Hutchison				x
Total	6	1	0	1

C23-4 Master Planned Resort Designation

1. The Planning Commission recommends that the Board of County Commissioners - **adopt** the Master Planned Resort designation amendment.

Findings of fact and reasons for action:

- a. This proposal would correct an error in the language of SCC 14.16.900(1)(d) which is incorrectly written to refer to MPR’s as a use which would require a special use permit and thus be subject to the regulations in SCC 14.16.900(1)(d). Because the current language is incorrect it should be removed.
- b. Master Planned Resorts are a Comprehensive Plan map designation, not a use, so it should not be included as a use which requires a special use permit.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair	x			
Kathy Mitchell	x			
Vince Henley	x			
Amy Hughes	x			
Martha Rose	x			
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	8	0	0	0

C23-5 Fire Marshal Code Amendment

1. The Planning Commission recommends that the Board of County Commissioners - **approve** the Fire Marshal code amendment.

Findings of fact and reasons for action:

- a. Firefighting foam has been known to have carcinogenic elements and many sources have been recalled due to the hazardous impacts on users and the

surrounding environment. Water is now the accepted standard for fire suppression in wildland environments.

- b. Residents required to use firefighting foam under the current regulations are not trained on how to handle firefighting materials and the foam types are often recalled and will expire. Therefore, it is prudent to ban hazardous foam and have water as the standard for Skagit County residents in these areas to use only water for firefighting rather than subjecting residents without training to dangerous materials.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair	x			
Kathy Mitchell	x			
Vince Henley	x			
Amy Hughes	x			
Martha Rose	x			
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	8	0	0	0

C23-6 Temporary Manufactured Homes Title Notice Requirement

- 1. The Planning Commission recommends that the Board of County Commissioners - **approve** the amendment to require a title notice for temporary manufactured homes.

Findings of fact and reasons for action:

- a. The code provisions for these mobile homes are temporary, and therefore the title process should reflect that.
- b. SCC14.04 states temporary manufactured homes must be removed from the property when the family member or farm worker is no longer using the manufactured homes. This item clarifies the process to ensure that the temporary homes are removed when they are no longer needed.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair	x			
Kathy Mitchell	x			
Vince Henley	x			
Amy Hughes	x			
Martha Rose	x			
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	8	0	0	0

C23-9 Primitive Campground Definition Amendment

1. The Planning Commission recommends that the Board of County Commissioners - **approve** the primitive campground definition amendment.

Findings of fact and reasons for action:

- a. The definition of a primitive campground needs updating because with the current definition it is unclear if recreational vehicles can or should be allowed on a primitive campground and the Department would like to ensure amenities are kept minimal for these sites.
- b. Requiring residents with a primitive campground to abide by SCC 14.16.945 will ensure campgrounds, which are intended to be low impact, do not include more than two recreational vehicles.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair	x			
Kathy Mitchell	x			
Vince Henley	x			
Amy Hughes	x			
Martha Rose	x			
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	8	0	0	0

C23-10 Countywide Planning Policies Update

1. The Planning Commission recommends that the Board of County Commissioners - **approve** the amendments to the Countywide Planning Policies.

Findings of fact and reasons for action:

- a. Goal 12.17 of the Skagit CPPs currently includes language for when the Skagit Boundary Review Board (BRB) could be disbanded per RCW 36.93.230 that have been met by all cities in Skagit County.
- b. The Growth Management Act Steering Committee (GMASC) has determined Skagit County has met these requirements and voted in December 2021 to direct the County Commissioners to disband the Skagit BRB and provided new language for CPP 12.17
- c. On or before June 30, 2025, the Board of County Commissioners shall, as authorized by RCW 36.93.230, take action to disband the BRB for Skagit County having met the requirements per RCW 36.93.230

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair	x			
Kathy Mitchell	x			
Vince Henley	x			
Amy Hughes	x			
Martha Rose	x			
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	8	0	0	0

C23-11 General Code Language Clean Up

1. The Planning Commission recommends that the Board of County Commissioners - **approve** the amendments to stormwater and wireless facilities code.

Findings of fact and reasons for action:

- a. These changes are necessary to correct several mistakes and inconsistencies found in Skagit County code for stormwater, land disturbance, and wireless facilities code in 2022.


Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair	x			
Kathy Mitchell	x			
Vince Henley	x			
Amy Hughes	x			
Martha Rose	x			
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	8	0	0	0

The Planning Commission recommends that the Board of County Commissioners adopt the 2023 Docket of Comprehensive Plan, Map, and Development Code Amendments as recommended.

This recorded motion **approved** on this 28th day of November 2023.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair	x			
Kathy Mitchell	x			
Vince Henley	x			
Amy Hughes	x			
Martha Rose	x			
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	8	0	0	0

SKAGIT COUNTY PLANNING COMMISSION
SKAGIT COUNTY, WASHINGTON



Tim Raschko, Chair

11-29-23
Date



Jack Moore, Secretary

11-28-23
Date

Attachment 2

Amendments to 2023 Comprehensive Plan and Development Regulations

<p><u>Key to changes:</u></p> <p>Plain text = existing writing with no changes</p> <p>Strikethrough = existing writing to be deleted</p> <p><u>Underlined</u> = new writing to be added</p> <p>Double Strikethrough = existing writing moved to another location</p> <p><u>Double Underline</u> = existing writing moved from another location</p> <p><i>Italics</i> = instructions to writing reviser</p>

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C23-1 Seawater Intrusion Area Well Drilling Requirements

14.24.380 Seawater intrusion areas.

(1) **Applicability.** This Section applies to wells and applications for building permits; special use permits; shoreline substantial development, variance, and conditional use permits; and land divisions in the following areas:

- (a) Areas within one-half mile of a marine shoreline; and
- (b) The entirety of Guemes, Sinclair, Cypress, and Vendovi Islands.

(2) Application Requirements.

(a) **For Wells.** An application proposing use of a well must include all of the following, which must be submitted for review prior to drilling any new well:

- (i) A site plan, including:
 - (A) A dedicated inland well site location;
 - (B) Estimated depth of proposed well;
 - (C) An estimated land elevation of the well, except that if the well is within 250 feet of the shoreline, or if determined a hydrogeologist engaged or employed by the County, the elevation of the well must be surveyed by a licensed surveyor; and
 - (D) Depth and chloride levels of surrounding wells;
- (ii) A drilling plan; and
- (iii) Payment of applicable fees.

(b) **For Alternative Water Sources.** An application proposing use of an alternative water source must include the following:

- (i) Documentation of system design consistent with this Section and SCC 12.48.250; and
- (ii) Payment of applicable fees.

(c) **For Land Divisions.** In addition to any applicable requirements above, an application for a land division proposing use of a well must include the following:

- (i) An assessment of the available groundwater, including a report from a demonstration well located so that it will represent the groundwater under the entire land division and with consideration to where other wells will be located in the land division;
- (ii) If the proposed land division is within an area of documented chlorides in excess of 25 ppm, all well locations must be specified and spaced 100 feet or more from any other well, including wells on neighboring properties.

(d) For Wells in a Sole Source Aquifer Area. Prior to drilling any new well in an area designated a sole source aquifer area, the information set forth in subsection (2)(a) must be submitted to the Department.

(3) Development Standards for Alternative Water Sources.

(a) Where a known seawater intrusion problem exists, alternative sources of water are encouraged, but must comply with the requirements of SCC 12.48.250.

(b) **Reverse Osmosis (RO) Systems.** Any reverse osmosis (RO) system must be designed to:

- (i) Use seawater collected from the open sea as the water source; and
- (ii) Discharge effluent only to the open sea.

(4) Development Standards for Wells.

(a) **Generally.** For both existing and new wells, a well driller must:

- (i) Install a wellhead source meter;
- (ii) Install a sounding tube to allow water level measurements;
- (iii) Set the maximum pumping rate consistent with Table 14.24.380-1;
- (iv) Conduct a pump test under the supervision of a licensed well driller or licensed hydrogeologist, consistent with the following:

(A) Use the conservative maximum pumping rate defined in Table 14.24.380-1, or if the well driller proposes to use more than the maximum pumping rate in Table 14.24.380-1, include a hydrogeological assessment (including pump tests) using observation wells;

(B) Pump a minimum of 350 gallons from the formation during the test;

(C) Continue the pump test for at least four hours after water level stabilization has occurred, or for the timespan determined by a hydrogeologist engaged or employed by the County.

(b) **Documentation of Installation.** The well driller must submit the following after the pump test:

- (i) Well ID;
- (ii) Proof of the sounding tube installation;
- (iii) The maximum pumping rate set;
- (iv) A record of the static water level depth prior to starting the pump test;
- (v) Pumping rates during the pump test;
- (vi) Drawdown measurements recorded throughout the pumping test in intervals as approved by a hydrogeologist engaged or employed by the County;
- (vii) The time of day when the drawdown measurement was observed;
- (viii) Exact time of pump start and stop;
- (ix) Any changes in pumping rate during the test;

(x) Measurement of water level following pump shutoff until the water level in the well recovers to at least 95 percent of its pre-pumping level, including time of measurement.

(c) **Documentation of Elevation.** Before final inspection, the applicant must submit a land elevation of the well as surveyed by a licensed surveyor.

(d) **Maximum Pumping Rates.**

(i) The maximum pumping rate for wells must be set consistent with the following table.

(ii) A maximum pumping rate other than that in the table may be set if approved by a hydrogeologist engaged or employed by the County.

Table 14.24.380-1. Maximum pumping rates.

Location	Chloride level		
	0—24 ppm	25—99 ppm	100—250* ppm
less than 1/2 mile from the coast for areas in (1)(a)	as determined or approved by a hydrogeologist engaged or employed by the County		
less than 1/2 mile from the coast for islands in (1)(b)	3 gpm	2 gpm	1 gpm
greater than 1/2 mile from the coast for islands in (1)(b)	3 gpm	3 gpm	3 gpm

(Ord. O20160004 § 6 (Att. 6))

C23-2 Qualified Professional Definition

Qualified professional: a person with training and ~~two~~four years of work experience in the applicable field or critical area.

(1) A qualified professional for ~~watercourses~~, wetlands, ~~and wildlife habitat conservation areas~~ must have a bachelor's degree or equivalent in biology, ecology, soil science, botany, or related field and relevant professional experience in functional assessment and mitigation techniques in Western Washington or comparable systems.

(2) A qualified professional for watercourses and wildlife habitat conservation areas must have a bachelor's degree or equivalent in wildlife biology, ecology, fisheries, or closely related field and relevant professional experience in functional assessment and mitigation techniques.

(32) A qualified professional for preparing geotechnical reports and geotechnical design recommendations must be a professional engineering geologist or civil geotechnical engineer, licensed in the State of Washington, with relevant professional experience in geotechnical engineering, including experience with landslide evaluation.

(43) A qualified professional for critical aquifer recharge areas must be a hydrogeologist, geologist, or professional engineer, licensed in the State of Washington, who has relevant professional experience is trained and qualified to analyze analyzing geologic, hydrologic, and groundwater flow systems.

(4) A qualified professional for stormwater management must be a geologist licensed in the State of Washington or a professional engineer and meet the applicable requirements specified in the Skagit County Stormwater Manual. professional engineer, licensed in the State of Washington, who is trained and qualified to design stormwater facilities.

C23-3 OSRSI Allowed Uses Amendment

(3) Permitted Uses.

(a) Historic sites open to the public.

(b) Interpretive/information centers and museums.

(c) Parks that showcase significant historic, archaeological, scientific, cultural and/or unique natural features, unusual landscape features such as cliffs and bluffs or natural processes on wetlands and tidal actions.

(d) Public open space areas of regional and Statewide importance including County, State and Federal parks, recreational areas, and wildlife management areas, including those that provide linkages between neighborhood and community parks.

(e) Caretaker dwelling unit for on-site resident park manager accessory to the primary public use.

(f) Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.

(g) Trails or educational enterprises designed to offer special access to natural resource-based and recreational opportunities on lakes, creeks, streams, river corridors, shorelines, and areas with prominent views.

(h) Maintenance, drainage.

(i) Net metering system, solar.

(j) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.

(k) Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

(l) Cultivation and harvest of forest products or any forest crop, in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.

(4) Administrative Special Uses.

(a) Campgrounds, destination.

(b) Campgrounds, developed.

(c) Campgrounds, primitive.

(d) Expansion of existing major public facilities up to 3,000 square feet.

(e) In remote areas only, such as east of Concrete and on saltwater islands without ferry service, employee housing sufficient to operate the OSRSI operation.

(f) Minor public use.

(g) Minor utility developments.

(h) Outdoor recreation facilities.

(i) Personal wireless services towers, subject to SCC 14.16.720.

(j) Roadside stands not greater than 300 square feet.

(k) Stables/riding clubs.

(l) Temporary events.

- (m) ~~Trails and P~~primary and secondary trailheads.
 - (n) Water diversion structure.
- (5) Hearing Examiner Special Uses.
- (a) Animal preserve.
 - (b) Impoundment.
 - (c) Marinas not greater than 20 slips.
 - (d) Major public use and expansions of existing major public use, 3,000 square feet and greater.
 - (e) Major utility development.
 - (f) Parks, community.
 - (g) Shooting club, outdoor.

C23-4 Master Planned Resort Designation

14.16.900 Special use permit requirements.

- (1) Special Uses.
- (a) Purpose. To provide a means to recognize and approve land uses not specifically identified as allowed uses. A special use permit must demonstrate that the proposed activity will not adversely affect or prevent those uses normally allowed within the respective district.
 - (b) Process/Authority for Special Use Permit.
 - (i) Administrative special uses shall be reviewed as a Level I permit, pursuant to Chapter 14.06 SCC.
 - (ii) Hearing Examiner special uses shall be reviewed as a Level II permit, pursuant to Chapter 14.06 SCC.
 - (iii) The Hearing Examiner shall have authority to order that a special use permit be revoked, suspended, or modified based on a finding that the conditions have not been satisfied by the applicant. The Administrative Official or party of record may request a review by the Hearing Examiner on a special use permit pursuant to a Level II action, pursuant to Chapter 14.06 SCC.

- (iv) The approving authority's decision may be to grant or to deny an application.
- (v) The burden of proof shall be on the applicant to provide evidence in support of the application. The criteria for approval or denial shall include the following:
 - (A) The proposed use will be compatible with existing and planned land use.
 - (B) The proposed use complies with the Skagit County Code.
 - (C) The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.
 - (D) The proposed use will not generate intrusions on privacy of surrounding uses.
 - (E) The proposed use will not cause potential adverse effects on the general public health, safety, and welfare.
 - (F) For special uses in Industrial Forest—Natural Resource Lands, Secondary Forest—Natural Resource Lands, Agricultural—Natural Resource Lands, and Rural Resource—Natural Resource Lands, the impacts on long-term natural resource management and production will be minimized.
 - (G) The proposed use is not in conflict with the health and safety of the community.
 - (H) The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.
 - (I) The proposed use will maintain the character, landscape and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts.

(c) Approved special uses identifiable through the Department's permit tracking system shall be mapped upon request.

(d) 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. For the purposes of this Section, "commenced" shall mean either (1) the use permitted by the permit has been established or (2) a complete building permit has been filed with Planning and Development Services for

the principal building which will allow the use. Upon building permit approval, the principal building shall be completed (i.e., final inspections completed) within 3 years. Those portions of the property, which are not included within the development area and where the above time frames are not met, shall automatically be removed from the special use approval, unless a phasing plan is approved pursuant to Subsections (1)(d)(i) and (iii) of this Section. For purposes of this Subsection, “development area” shall mean all portions of the site needed to meet UDC requirements, such as lot coverage and setbacks.

(i) If an applicant desires to phase development of a special use, a phasing plan shall be submitted and reviewed as part of the special use permit application. When a special use includes a phasing plan, the initial phase shall be commenced and completed within the time frames articulated above, ~~except that for master planned resorts,~~ development in the initial phase must be commenced consistent with the approved phasing plan. Subsequent phases for special uses, ~~except for master planned resorts,~~ shall be commenced and/or constructed within the time frames established in the phasing plan, or within a 6-year period. ~~Subsequent phases for master planned resorts shall be commenced and/or constructed within the time frames established in the approved phasing plan.~~ Otherwise, the special use shall expire for those portions of the property where these requirements are not met.

(ii) Where a special use did not initially include a phasing plan, but prior to the automatic permit reversion an applicant desires the phasing of the operation, a phasing plan may be submitted to the County for consideration. This plan shall be reviewed through a Level II review process and be reviewed for compliance with the special use criteria.

(iii) The time limits established above shall be tolled pending resolution of any appeals, and may be extended by the Board of County Commissioners upon a showing that the applicant is diligently taking actions to obtain necessary permits and approvals to establish the use.

(2) Special Uses with Specific Criteria.

(a) Temporary Manufactured Home—Disabled or Elderly Family Members.

A temporary manufactured home to accommodate the housing needs of disabled or elderly family members, as provided:

(i) Documentation of the need for nearby care is required by a doctor and/or physician.

(b) Temporary Manufactured Home—Accessory to Farm Dwelling Unit. A temporary manufactured home accessory to a farm dwelling unit on property meeting the definition of farmland in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises, as provided:

(i) The property must meet the definition of farmland in RCW 84.34.020 (Open Space Taxation).

(ii) Demonstrate compliance with the temporary worker standards in Washington State Law including Chapters 19.27, 43.22, 43.70, 49.17 and 70.114A RCW.

(iii) Documentation that the nature of the employee's work requires said employee to be immediately available to the job site is required by the farm owner/operator.

(c) Bed and Breakfast. Bed and breakfast special use permits are subject to the following requirements:

(i) They are owner-occupied and managed.

(ii) Parking is on-site and a minimum of 10 feet away from neighboring residences.

(iii) All lighting is directed away from neighboring residences.

(iv) It is demonstrated that the impacts will be no more obtrusive than a residence.

(v) Five bedrooms or less are available for guest use.

(d) Outdoor Outfitters Enterprises. Special use permits for outdoor outfitters enterprises shall be subject to the following requirements:

(i) Temporary lodging may be allowed at temporary primitive campgrounds as regulated in each district, existing lodges/cabins, or approved bed and breakfasts.

(ii) No more than 5 self-contained RVs shall be allowed with such enterprises at any one time.

(iii) Temporary lodging in a single location shall not exceed 14 days for any 1 individual, group or party.

(iv) At least 7 days must pass before registered guests may return for lodging.

(v) A site plan showing the location, size, access of proposed primitive campsites, existing lodges/cabins, and RV sites is required to be submitted with the special use application.

(e) Home-Based Business 2. See SCC 14.16.730.

(f) Home-Based Business 3. See SCC 14.16.730.

~~(g) Master planned resorts pursuant to Chapter 14.20 SCC. Special use permits for master planned resorts are also subject to the following criteria:~~

~~(i) Compliance with the requirements of Chapter 14.20 SCC, Master Planned Resorts; and~~

~~(ii) Consistency with the resort master plan as approved or amended pursuant to Chapter 14.20 SCC, Master Planned Resorts, in conjunction with the master planned resort Comprehensive Plan Land Use Map amendment.~~

C23-5 Fire Marshal Code Amendment

(6) Nonissuance of Building Permits Outside of a Fire District.

(a) Within any zoning district, building permits shall not be issued for residential and/or commercial structures that are not determined to be within an official designated boundary of a Skagit County Fire District.

(b) Exceptions:

(i) A building permit may be approved if the Administrative Official determines that the building is a necessary component of the resource base of the zone.

(ii) A nonresidential, noncommercial building may be approved if for miscellaneous structures necessary to convey utilities, radio transmission, etc. (i.e., radio towers or transmission or water lines).

(iii) Outside of a fire district, with the exception of lands zoned Industrial Forest-Natural Resource Lands, a single-family dwelling or accessory building permit may be applied for if it meets all of the following or comparable alternative fire protection requirements as determined by the Fire Marshal:

(A) The lot was a lot of record prior to the adoption of interim controls on June 11, 1990.

(B) Approved noncombustible roofing materials must be used.

(C) Slash abatement within 200 feet of any portion of the exterior of the structure.

(D) A safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of the structure on level ground and 100 feet downhill on sloped ground.

(E) Building sprinklers installed per National Fire Protection Association 13D (NFPA 13D).

(F) Exception: Buildings of 800 square feet or less, which are:

(I) Unheated separate accessory structures to a full-time dwelling unit 20 feet from all other buildings; or

(II) A building used as a vacation cabin and not as a full-time residence.

(G) There is availability of 300 gallons of water on-site, 400 feet of 1-inch fire hose ~~with foam applicator~~, and an internal combustion engine powered pump.

(iv) On saltwater islands that do not contain any land designated Natural Resource Lands (NRLs) or Public Open Space of Statewide/Regional Importance (OSRSI), and that are not within a fire district, a single-family dwelling or accessory building permit may be applied for if it meets all of the following or comparable alternative fire protection requirements as determined by the Fire Marshal:

(A) Approved noncombustible roofing materials must be used.

(B) Slash abatement within 200 feet of any portion of the exterior of the structure.

(C) A safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of the structure on level ground and 100 feet downhill on sloped ground.

(D) There is availability of 300 gallons of water on-site, 400 feet of 1-inch fire hose ~~with foam applicator~~, and an internal combustion engine powered pump, or an equivalent system as approved by the Skagit County Fire Marshal.

(E) Building sprinklers installed per National Fire Protection Association 13D (NFPA 13D).

Exceptions from the sprinkling requirement in this Subsection may be provided if:

(I) The lot was a legal lot of record prior to the adoption of interim controls on June 11, 1990; and

(II) The proposed single-family dwelling or accessory building does not exceed 1,500 square feet of heated structure.

C23-6 Temporary Manufactured Homes Title Notice Requirement

14.16.900 Special use permit requirements.

(1) *[No change]*

(2) Special Uses with Specific Criteria.

(a) Temporary Manufactured Home—Disabled or Elderly Family Members. A temporary manufactured home to accommodate the housing needs of disabled or elderly family members, as provided:

(i) Documentation of the need for nearby care is required by a doctor and/or physician.

(ii) Title Notice. The applicant must record a title notice with the County Auditor that contains the following language:

The above-referenced property contains a temporary manufactured home to accommodate the housing needs of disabled or elderly family member. This second temporary dwelling unit was approved by a special use permit pursuant to the Skagit County Code and must be removed from the property when the family member is no longer using the manufactured home.

(b) Temporary Manufactured Home—Accessory to Farm Dwelling Unit. A temporary manufactured home accessory to a farm dwelling unit on property meeting the definition of farmland in RCW 84.34.020 to accommodate agricultural workers and their families employed on the premises, as provided:

(i) The property must meet the definition of farmland in RCW 84.34.020 (Open Space Taxation).

(ii) Demonstrate compliance with the temporary worker standards in Washington State Law including Chapters 19.27, 43.22, 43.70, 49.17 and 70.114A RCW.

(iii) Documentation that the nature of the employee's work requires said employee to be immediately available to the job site is required by the farm owner/operator.

(iv) Title Notice. The applicant must record a title notice with the County Auditor that contains the following language:

The above-referenced property contains a temporary manufactured home to accommodate agricultural workers and their families employed on the premises. This second temporary dwelling unit was approved by a special use permit pursuant to the Skagit County Code and must be removed from the property when the farm employee is no longer using the manufactured home.

(c) – (j) [No Changes]

(3) [No Changes]

C23-9 Primitive Campground Definition

14.04.020 Definitions

Campground, primitive: a campground with a minimal level of [shared](#) amenities, including, ~~at a minimum~~ vault or chemical toilets and garbage service, and which may include running water; [does not include any amenities listed in developed campground or destination campground, and which complies with SCC 14.16.945.](#)

C23-11 General Code Language Clean Up

14.16.340 Bayview Ridge Residential

(5) Density and Dimensional Standards

(c) Setbacks

(i) Primary Structures

(A) Front.

Front Setback	House	Garage
Road classes 09 and 19 (local neighborhood streets)	20	25
Roads other than class 09 and 19	35	40

14.22.020 Applicability

(3) Exemptions. The following activities are exempt from the requirements of this Chapter:

(a) Except as provided in Subsections (3)(b) and (3)(c) of this Section, cumulative land disturbing activity, over a five-year period, totaling:

(i) Less than 7,000 square feet within the NPDES permit area; and

(ii) [Less than 14,000](#) ~~Fourteen thousand~~ square feet outside the NPDES permit area cumulatively.

14.32.060 Residential Projects outside the NPDES permit area.

(2) Modified Minimum Requirement No. 2, Construction Stormwater Pollution and Protection Plan, is required for all projects.

(a) Minimum Requirement No. 1, Stormwater Site Plan.

(i) The infiltration test for the stormwater site plan may be performed consistent with the simplified procedure provided by the Department.

(e) Minimum Requirement No. 5, On Site Stormwater Management.

(iii) Geotechnical Analysis. A geotechnical analysis must be required when:

(A) Grading or the construction of retention facilities, detention facilities, or other stormwater and drainage facilities is proposed within 200 feet of slopes steeper than 15 percent; or

(B) The Administrative Official deems that the proposed construction poses a potential hazard due to its proximity to a geologically hazardous area or Category I aquifer recharge area.

14.06.100 Determination of completeness.

(3) For applications determined to be incomplete, the Administrative Official or designee shall identify, in writing, the specific requirements or information necessary to constitute a complete application and inform the applicant that the required information must be submitted to the Department within 180 days. If the applicant does not submit all of the required information within the 180-day period, the application shall lapse. The applicant may request in writing an extension of time if the request is made at least 14 days prior to the expiration of the 180-day period. The Administrative Official or designee may grant one or more (although not exceeding three) three-month extensions if the required studies or information warrants additional time. Upon submittal of the additional information, the Administrative Official or designee shall, within 14 days, issue a determination of completeness or identify what additional information is required except for eligible collocation and modification requests for wireless facility services~~personal wireless services facilities~~ which require a response within 10 days of receipt of additional information. An application will not be deemed complete for purposes of vesting until all information requested for a complete application is received by the Department, unless Subsection (4) of this Section applies.

14.06.210 Timing of decisions.

(1) In general, all development permit decisions shall be issued within 120 days of the date the letter of completeness is issued.

(a) Final decision on preliminary subdivisions and binding site plans shall generally be issued within 90 days from the date the letter of completeness is issued.

(b) Final decisions on final plats and short plats shall generally be issued within 30 days from the date the letter of completeness is issued.

(c) Final decisions on eligible collocation and modification requests for [wireless facility services](#)~~personal wireless services facilities~~ must be issued within 60 days of the date a letter of completeness is issued.

(4) The provisions of this Section notwithstanding, the failure to issue a final decision within the time frames specified shall not be considered an implicit approval or denial of the development permit, nor shall it be reason in and of itself for the County to be liable for damages for failure to meet the specified time frames.

(a) Exception. If the County fails to issue a final decision for an eligible collocation or modification request for a ~~personal wireless services facility~~ [wireless facility](#) within 60 days (accounting for any tolling) the application is deemed granted. The approval does not become effective until the applicant notifies the County in writing after the review period has expired that the application has been deemed granted. The County may challenge this determination in a court of competent jurisdiction. (Ord. O20160004 § 6 (Att. 6); Ord. O20110007 Atch. 1 (part); Ord. 17938 Atch. F (part), 2000)

14.16.100 Rural Village Commercial (RVC)

(3) Administrative Special Uses

(g) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720

(5) Dimensional Standards

(c) Maximum height: 40 feet

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.110 Rural Center (RC)

(3) Administrative Special Uses

(e) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720

(5) Dimensional Standards

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers, and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.120 Rural Freeway Service

(3) Administrative Special Uses

(i) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.130 Small Scale Recreation and Tourism (SRT)

(5) Hearing Examiner Special Uses.

(f) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(c) Maximum height: 50 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.140 Small Scale Business (SSB).

(5) Hearing Examiner Special Uses.

(d) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(d) Maximum height: 50 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.150 Rural Business (RB)

(3) Administrative Special Uses.

(d) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.160 Natural Resource Industrial (NRI).

(4) Administrative Special Uses.

(e) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(e) Maximum height: 50 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.170 Rural Marine Industrial (RMI)

(4) Administrative Special Uses.

(b) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(c) Maximum height: 50 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.180 Bayview Ridge Light Industrial

(4) Administrative Special Uses.

(e) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 50 feet, except within the buffer area to a residential zone (Subsection (7) of this Section), or as limited by the Airport Environs Overlay, SCC 14.16.210, whichever is less.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.190 Bayview Ridge Heavy Industrial (BR-HI).

(4) Administrative Special Uses.

(e) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 50 feet or shall conform to the applicable Federal Aviation Administration regulations concerning height restrictions when located within the Airport Environs Overlay, SCC 14.16.210, whichever is less.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.195 Urban Reserve Commercial-Industrial (URC-I)

(3) Administrative Special Uses.

(g) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.200 Aviation Related (AVR)

(4) Hearing Examiner Special Uses.

(e) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

14.16.300 Rural Intermediate (RI).

(4) Hearing Examiner Special Uses.

(q) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.310 Rural Village Residential

(5) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.320 Rural Reserve

(4) Hearing Examiner Special Uses.

(y)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.330 Residential District (R).

(6) Dimensional Requirements.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.340 Bayview Ridge Residential (BR-R)

(5) Density and Dimensional Standards.

(e) Maximum height: 40 feet or shall conform to the applicable Federal Aviation Administration regulations concerning height restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210, whichever is less.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt from the maximum height, but shall conform to the applicable Federal Aviation Administration regulations. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.370 Urban Reserve Residential (URR).

(4) Hearing Examiner Special Uses.

(q)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Requirements.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.385 Hamilton Urban Reserve (H-URv)

(4) Hearing Examiner Special Uses.

(h)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.400 Agricultural-Natural Resource Lands (Ag-NRL).

(3) Administrative Special Uses.

(h)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.410 Industrial Forest-Natural Resource Lands (IF-NRL)

(4) Administrative Special Uses.

(e)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.420 Secondary Forest-Natural Resource Lands (SF-NRL)

(3) Administrative Special Uses.

(f)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards.

(b) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.420 Secondary Forest-Natural Resource Lands (SF-NRL)

(3) Administrative Special Uses.

(f)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.430 Rural Resource (Natural Resource Lands (RRc-NRL)

(3) Administrative Special Uses.

(i)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.450 Urban Reserve Public-Open Space (URP-OS)

(3) Administrative Special Uses.

(f)-[Wireless facilities](#)~~Personal wireless services towers~~, subject to SCC 14.16.720.

(5) Dimensional Standards. The following dimensional requirements shall apply, unless the project receives an urban reserve development permit, pursuant to SCC 14.16.910, in which case the development standards, any design review standards, landscaping, parking, and signage standards from the applicable city code in whose UGA the project is located shall apply.

(c) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of [wireless facilities](#)~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.500 Public Open Space of Regional/Statewide Importance (OSRSI)

(4) Administrative Special Uses.

(i) ~~Wireless facilities~~~~Personal wireless services towers~~, subject to SCC 14.16.720.

(6) Dimensional Standards. No minimum lot size where the proposed development can meet the requirements of the Skagit County Code.

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers and fire towers are exempt. The height of ~~wireless facilities~~~~personal wireless services towers~~ is regulated in SCC 14.16.720.

14.16.810 Setback requirements.

(4) Administrative Reduction of Setbacks. An applicant may request a variance to reduce the standard setbacks per SCC Chapter 14.10. This provision may not be used in locations where 100 percent height of tower setbacks are required per SCC 14.16.720(22)e for ~~wireless facility services~~~~personal wireless services facilities~~.

14.16.850 General Provisions

(4) Development of Lots of Record.

(d) In the following zones, if the proposed use for the substandard lot of record is one of the following nonresidential uses and otherwise meets all requirements for the use in the zone, it may be allowed regardless of the determination pursuant to SCC 14.06.045(1)(b):

(i) Rural Village Residential.

(B) Hearing Examiner special uses: cemetery; community club/grange hall; expansion of existing major public uses up to 3,000 square feet; historic sites open to the public; minor public uses; parks, community; ~~wireless facilities~~~~personal wireless services towers~~, subject to SCC 14.16.720.

(ii) Rural Intermediate.

(C) Hearing Examiner special uses: cemetery; community club/grange hall; expansion of existing major public uses up to 3,000 square feet; historic sites open to the public; impoundments greater than 1-acre feet in size; minor public uses; outdoor recreational facilities; parks, community; ~~wireless facilities~~~~personal wireless services towers~~, subject to SCC 14.16.720.

(iii) Rural Reserve.

(C) Hearing Examiner special uses: animal preserve; cemetery; community club/grange hall; expansion of existing major public uses up to 3,000 square feet; historic sites open to the public; impoundments greater

than 1-acre feet in volume; manure lagoon; minor public uses; natural resources training/research facility; outdoor outfitters enterprises; outdoor recreational facilities; parks, community; ~~wireless facilities~~~~personal wireless services towers~~, subject to SCC 14.16.720.

(iv) Urban Reserve Residential.

(B) Hearing Examiner special uses: cemetery; community club/grange hall; display gardens; historic sites open to the public; parks, community; ~~personal wireless services towers~~~~wireless facilities~~, subject to SCC 14.16.720.

(v) Urban Reserve Commercial-Industrial.

(B) Administrative special uses: expansion of existing major public uses up to 3,000 square feet; minor utility developments; parks, specialized recreational facility; ~~wireless facilities~~~~personal wireless services towers~~ subject to SCC 14.16.720; temporary events; trails and primary and secondary trailheads.

(vi) Urban reserve Public Open Space.

(B) Administrative special uses: natural resources training/research facility, outdoor recreation facilities, ~~wireless facilities~~~~personal wireless services towers~~, subject to SCC 14.16.720, Water diversion structure.

14.18.000 General

(2) Applicability/Exemptions. This Chapter shall apply to all divisions and redivisions of land for the purposes of sale, lease, or other transfer except:

(d) A division for the purpose of leasing land for facilities providing ~~wireless facility services~~~~personal wireless services~~ while used for that purpose.

14.04.020 Definitions

Cell site or site: a tract or parcel of land that contains the ~~wireless facility services~~~~personal wireless service facilities~~, including any antenna, support structure, accessory buildings and parking, and may include other uses associated with and ancillary to ~~wireless facilities~~~~personal wireless services~~.

Mount: the structure or surface upon which personal wireless service facilities are mounted. There are generally 3 types of mounts:

- (1) Building-Mounted. A ~~personal~~ wireless ~~facility services~~~~service facility~~ mount fixed to the roof or side of a building;
- (2) Ground-Mounted. A ~~personal~~ wireless ~~facility service~~~~service facility~~ mount fixed to the ground, such as a tower;

(3) Structure-Mounted. A ~~personal-wireless~~ facility service service facility fixed to a structure other than a building, such as light standards, utility poles and bridges.

~~Personal wireless services and personal wireless service facilities: shall be defined in the same manner as in 47 U.S.C. 332(e)(7)(e), and as they may be amended.~~

Provider: a wireless facility services ~~personal wireless services~~ provider or wireless infrastructure provider and includes any person that owns or operates wireless facilities within or outside of the right-of-way.

Tower: any structure that is designed and constructed primarily for the purpose of supporting 1 or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses wireless facilities ~~personal wireless service facilities towers~~, microwave towers, common-carrier towers, cellular telephone towers, personal communications services towers, alternative tower structures, and the like.