

1 **Section 1: A new Skagit County Code Section 14.16.155 is hereby added**
2 **to read as follows:**

3
4 **14.16.155 Bayview Ridge Community Center (BR-CC).**

5 1) Purpose. The Bayview Ridge Community Center zoning district is located in the
6 Bayview Ridge Urban Growth Area. This zoning district provides a community
7 center where employees, residents and others can obtain and utilize public
8 services and facilities such as a community meeting building, fire station, police
9 precinct office, public open space, recreation and parkland. This district is
10 intended to be pedestrian-oriented and provide for public uses and services to
11 meet the everyday needs of employees and residents of the area.

12 2) Permitted Uses.

- 13 a) Fire stations.
- 14 b) Police precinct office.
- 15 c) Community parks and recreation playfields.
- 16 d) Community club/grange halls.
- 17 e) Post office.
- 18 f) Libraries.
- 19 g) Minor utility developments.

20 3) Administrative Special Uses.

- 21 a) Temporary outdoor events.

22 4) Hearing Examiner Special Uses

23 a) Master site plan (SCC 14.16. XXX [Reserved] and binding site plan per SCC
24 14.18.500

- 25 i) Art galleries and studios.
- 26 ii) Business and professional offices.
- 27 iii) Outpatient medical and health care services.
- 28 iv) Retail and service business, including restaurants.
- 29 v) Retail nurseries/greenhouses.
- 30 vi) Bank.
- 31 vii) Fitness center.
- 32 viii) Day care center, limited to 20 clients.
- 33 ix) Gas station with underground fuel storage tanks.

34 5) Dimensional Standards

35 a) Setbacks:

- 36 i) Front: 25 feet.
- 37 ii) Side: 8 feet.
- 38 iii) Rear: 25 feet.

39 b) Maximum Size Limits. Commercial and public buildings not to exceed
40 15,000 square feet of gross building area.

- 41 i) Maximum Height: Consistent with the adopted Building Code of Skagit
42 County and shall conform to applicable Federal Aviation Administration
43 regulations concerning height restrictions pursuant to the Airport Environs
44 Overlay, Chapter 14.16.210.
- 45 ii) Maximum Lot Coverage: None.

- 1 6) Pedestrian circulation. Pedestrian walkways shall be provided between parking
- 2 areas and the uses served by that parking.
- 3 7) Additional requirements related to this zone are found in SCC 14.16.210, and
- 4 14.16.600-.900 and the rest of Skagit County Code.

1 **Section 2: Skagit County Code Section 14.16.180 is hereby amended to**
2 **read as follows:**

3
4 **14.16.180 Bayview Ridge Light Industrial (BR-LI).**

- 5 1) Purpose. The purpose of the Bayview Ridge Light Industrial zone is to allow
6 light manufacturing, limited commercial uses, offices associated with permitted
7 uses identified below, wholesale, warehousing, distribution and storage,
8 equipment storage and repair, uses requiring rail access, more direct access to SR
9 20 and/or access to high capacity utilities such as fiber optics, high voltage
10 electric lines and gas lines, and other uses compatible with a light manufacturing
11 district.
- 12 2) Permitted Uses.
- 13 a) Agricultural and food processing, storage, and transportation.
 - 14 b) Agricultural uses, on an interim basis until industrial development; provided
15 that residences shall not be allowed as an accessory use in conjunction with
16 agriculture.
 - 17 c) Bulk commodity storage and rail/truck trans-shipment terminals.
 - 18 d) Cold storage facilities.
 - 19 e) Commercial uses, including offices. Incidental retail sales of consumer goods
20 and services are permitted as accessory uses under Subsection 3), below.
21 There shall be no large scale retail centers such as department stores, malls,
22 shopping centers, and other similar facilities commonly referred to as “big
23 box” retail establishments.
 - 24 f) Construction contractors, contractors services, utility services (equipment and
25 supply yards for contractors and utility providers), and building services
26 (cleaning, maintenance, security, landscaping, etc.).
 - 27 g) Eating and drinking establishments.
 - 28 h) Historic sites open to the public.
 - 29 i) Lumber yards.
 - 30 j) Manufacture, processing, treatment, storage, blending, fabrication,
31 development, assembly or packaging of any product from natural or synthetic
32 materials.
 - 33 k) Mini-storage centers.
 - 34 l) Personal wireless services towers, subject to SCC 14.16.720.
 - 35 m) Printing, publishing, and broadcasting.
 - 36 n) Rail terminals and intermodal truck/rail storage and shipping facilities.
 - 37 o) Repair, sales, rental, and storage facilities for equipment, including heavy
38 equipment, farm equipment, marine equipment, boats, airplanes, trucks, and
39 recreational vehicles.
 - 40 p) Research, development and testing facilities.
 - 41 j)q) Retail and wholesale nurseries/greenhouses.
 - 42 r) Security services and armored car depots and services.
 - 43 s) Telephone and Internet call centers and server farms; web hosting facilities
44 and other communication centers.
 - 45 t) Vocational educational and training centers.

- 1 u) Warehousing, distribution and storage facilities.
 2 v) Wholesale businesses with incidental retail trade permitted as accessory uses
 3 under Subsection 3), below.
 4
- 5 3) Accessory Uses. Accessory uses are intended to provide goods and services
 6 primarily to complement and support permitted, administrative, and special uses
 7 in the BR-LI zone.
 8 a) Caretaker's quarters.
 9 b) Incidental retail sales of products manufactured, processed, distributed,
 10 produced, or assembled on-site; provided that, the floor area allocated to retail
 11 sales of products distributed on site shall no be greater than 10% of the gross
 12 floor area of the building occupied by the distribution facility and in no event
 13 shall said retail sale are be greater than 2000 square feet of gross floor area.
 14 c) Recreational facilities primarily serving facilities and employees located in the
 15 Bayview Ridge Subarea.
 16 d) Day care centers primarily serving employees and residents located in the
 17 Bayview Ridge Subarea.
 18 e) Outdoor storage of processed and unprocessed natural materials, waste
 19 materials or other similar materials used in conjunction with a permitted,
 20 accessory or special uses provided the same in quantities that total less than
 21 500 cubic yards.
 22 f) Electrical generating facilities producing less than 50 megawatts of electricity
 23 and electrical substations and gasworks serving permitted, accessory,
 24 administrative or special uses.
- 25 4) Administrative Special Uses.
 26 a) Expansion of existing major public uses up to 3,000 square feet.
 27 b) Minor public uses.
 28 c) Minor utility developments.
 29 d) Outdoor storage of materials in quantities greater than 50 cubic yards that may
 30 have a potential health hazard. Does not include storage of hazardous
 31 materials.
 32 f) Temporary asphalt/concrete batching.
 33 g) Temporary outdoor events.
 34 h) Trails and primary and secondary trailheads.
- 35 5) Hearing Examiner Special Uses.
 36 a) Major public uses and expansions of existing major public uses, 3,000 square
 37 feet and greater.
 38 b) Major utility developments.
 39 c) On-site hazardous waste treatment and storage facilities that are an accessory
 40 use to an otherwise permitted use on the site, provided such facilities comply
 41 with the State Hazardous Waste Siting Standards and County and State
 42 Environmental Policy Act requirements and the Clean Water Act. No
 43 treatment or storage of hazardous materials shall be permitted within 500 feet
 44 of the nearest residence.
 45 d) Recreational racetracks.

1 6) Dimensional Standards.

2 a) Setbacks:

3 i) Front: 35 feet.

4 ii) Side: Shall be in conformance with the adopted Building Code of Skagit
5 County if adjacent to other commercial/industrial zoning
6 designations, and 50 feet if adjacent to other residential zoning
7 designations.

8 iii) Rear: Shall be in conformance with the adopted Building Code of Skagit
9 County if adjacent to other commercial/industrial zoning
10 designations, and 50 feet if adjacent to other residential zoning
11 designations.

12 iv) Accessory: Same as principal buildings.

13 v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

14 b) Maximum Height: Consistent with the adopted Building Code of Skagit
15 County and shall conform to applicable Federal Aviation Administration
16 regulations concerning height restrictions pursuant to the Airport Environs
17 Overlay, Chapter 14.16.210.

18 7) Buffering of Industrial and Residential Zoned Land

19 This section applies to the portion of industrial properties located within 100 feet of
20 residential zones. Properties abutting any residential zones shall provide the
21 following measures to minimize impacts from noise, vibration, dust, other industrial
22 impacts, and to maintain privacy and aesthetic compatibility.

23
24 Within 100 feet of residential zones, the following conditions apply:

25 a) Loading Areas: Truck loading operations and maneuvering areas shall
26 not be located within one hundred feet of areas zoned for residential use.

27 b) Building height: Buildings shall not exceed 35 feet. Building height may step
28 up to higher than 35 feet for those portions of a building located more than 100 feet
29 from a residential zone.

30 c) Horizontal building modulation: Buildings with exterior (façade) walls
31 greater than 60 feet in length and located within 100 feet of residentially zoned
32 properties shall be required to provide architectural modulation in accordance with
33 the following standards:

34 i. Minimum modulation depth equals 5 feet;

35 ii. Minimum modulation length equals 15 feet;

36 iii. Maximum modulation length equals 60 feet;

37 iv. Minimum height of modulation equals 50 percent of height of façade;

38 v. Any other method of architectural modulation which results in an equivalent
39 or superior articulation of the building façade, which gives the building the
40 appearance of not having flat façade surfaces for substantial portions of its length,
41 based upon building plan elevations. Examples of acceptable architectural treatment
42 include, but are not limited to, building façade modulation, orientation of doors and
43 windows, varying use of building materials and colors, use of landscaping which
44 breaks up flat expanses of building walls, or a combination of techniques providing
45 the desired effect.

- 1
2 d) All lighting fixture luminaires shall be full cut-off.
3 e) Mechanical equipment located on the roof, façade, or external portion of a
4 building shall be architecturally screened by incorporating the equipment in the
5 building and/or site design so as not to be visible from adjacent residential zones or
6 public streets.
7 f) Equipment or vents which generate noise or air emissions shall be located
8 away from adjoining residentially zones properties.
9 g) Screening: A sight-obscuring masonry or wood fence is required as part of
10 the landscape buffer abutting the residential zone.
11
12 8) Landscaping shall be provided as required by Skagit County Code 14.16.830.
13 9) Additional requirements related to this zone are found in SCC14.16.210,
14 14.16.600-.900 and the rest of the Skagit County Code.
15

1 **Section 3: Skagit County Code Section 14.16.190 is hereby amended to read**
2 **as follows:**

3
4 **14.16.190 Bayview Ridge Heavy Industrial (BR-HI).**

- 5 1) Purpose. The purpose of the Bayview Ridge Heavy Industrial zone is to allow for
6 industrial developments that have the potential for more than a minimal level of
7 disturbance to adjacent properties.
- 8 2) Permitted uses.
- 9 a) Agricultural uses, on an interim basis until industrial development; provided
10 that residences shall not be allowed as an accessory use in conjunction with
11 agriculture.
- 12 b) Automobile wrecking provided that landscaping is installed pursuant to SCC
13 14.16.830, Landscaping. If none applies pursuant to a zoning designation, a Type
14 I buffer shall be required.
- 15 c) Bulk commodity storage and rail/truck trans-shipment terminals.
- 16 d) Cold storage facilities.
- 17 e) Communication utilities offices.
- 18 f) Construction contractors, contractors services, utility services
19 (equipment and supply yards for contractors and utility providers), and building
20 services (cleaning, maintenance, security, landscaping, etc.).
- 21 g) Eating and drinking establishments.
- 22 h) Historic site open to the public.
- 23 i) Lumber yards.
- 24 j) Manufacture, processing, treatment, storage, fabrication, assembly or
25 packaging of any product from natural or synthetic materials.
- 26 k) Personal wireless services towers, subject to SCC 14.16.720.
- 27 l) Rail terminals and intermodal truck/rail storage and shipping facilities.
- 28 m) Repair and storage facilities for equipment, including heavy equipment, farm
29 equipment, marine equipment, boats, airplanes, automobiles, trucks, and
30 recreational vehicles.
- 31 n) Research, development and testing facilities.
- 32 o) Sale, rental and repair of new and used industrial and farm machinery and
33 equipment.
- 34 p) Security services/armored car depots and services.
- 35 q) Utility services offices.
- 36 r) Vocational educational and training facilities.
- 37 ~~j)s) Warehousing, distribution and storage facilities not open to retail customers.~~
- 38 t) Wholesale businesses with incidental retail trade permitted as accessory uses
39 under Subsection 3), below.
- 40 3) Accessory Uses.
- 41 a) Caretaker's quarters
- 42 b) Incidental retail sales of products manufactured, processed, distributed,
43 produced, or assembled on-site; provided that, the building area allocated to
44 retail sales of products distributed on site shall no be greater than 10% of the
45 gross floor area of the building occupied by the distribution facility and in no

- 1 event shall said retail sale are be greater than 2,000 square feet of gross floor
 2 area.
- 3 c) Recreational facilities primarily serving facilities and employees in the
 4 Bayview Ridge Subarea.
 - 5 d) Outdoor storage of processed and unprocessed natural materials, waste
 6 materials or other similar materials used in conjunction with a permitted,
 7 accessory, or special use.
 - 8 e) Electrical generating plants producing less than 50 megawatts of electricity
 9 and electrical substations and gasworks related to subsection (2) above.
 - 10 f) Offices
- 11 4) Administrative Special Uses.
- 12 a) Expansion of existing major public uses up to 3,000 square feet.
 - 13 b) Minor public uses.
 - 14 c) Minor utility developments.
 - 15 d) Outdoor storage of materials in quantities greater than 50 cubic yards that may
 16 have a potential health hazard. Does not include storage of hazardous
 17 materials.
 - 18 e) Temporary outdoor event.
 - 19 f) Trails and primary and secondary trailheads.
- 20 5) Hearing Examiner Special Uses.
- 21 a) Adult entertainment.
 - 22 b) Major public uses and expansions of existing major public uses, 3,000 square
 23 feet and greater.
 - 24 c) Major utility developments.
 - 25 d) On-site hazardous waste treatment and storage facilities that are an accessory
 26 use to an otherwise permitted use on the site, provided such facilities are
 27 greater than 500 feet from the nearest residence and comply with the State
 28 Hazardous Waste Siting Standards and County and State Environmental
 29 Policy Act requirements and the Clean Water Act.
 - 30 e) Recreational racetracks.
- 31 6) Additional Special Uses in Heavy Industrial Zone. The following additional
 32 special uses shall be permitted, subject to a Hearing Examiner review and
 33 recommendation, provided that the Hearing Examiner must find that the proposed
 34 special use on-site operations do not pose any demonstrable threat of
 35 contamination to adjacent AG-NRL designated lands, provided that all other
 36 applicable local, State and Federal regulations regarding environmental
 37 disturbance are met, and provided that permanent land disposal of hazardous
 38 waste, oil refinery, mineral smelting and other similar operations shall not be
 39 allowed:
- 40 a) Hazardous waste treatment and storage facilities that are a principal use of the
 41 property are permitted provided that such facilities comply with the State
 42 Hazardous Waste Siting standards and County and State Environmental
 43 Policy Act and Clean Water Act requirements. No treatment or storage of
 44 hazardous materials shall be permitted within 500 feet of the nearest
 45 residence.

- 1 b) Solid waste processing, recycling and transfer facilities.
- 2 7) Dimensional Standards.
- 3 a) Setbacks:
- 4 i) Front: 35 feet.
- 5 ii) Side: Shall be in compliance with the adopted Building Code of Skagit
- 6 County if adjacent to other commercial/industrial zoning designations,
- 7 and 50 feet if adjacent to other zoning designations.
- 8 iii) Rear: Shall be in conformance with the adopted Building Code of Skagit
- 9 County if adjacent to other commercial/industrial zoning designations and
- 10 50 feet if adjacent to other non commercial/industrial zoning designations.
- 11 iv) Accessory: Same as principal buildings.
- 12 v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- 13 b) Maximum Height: Consistent with the adopted Building Code of Skagit
- 14 County and shall conform to applicable Federal Aviation Administration
- 15 regulations concerning height restrictions when located within the Airport
- 16 Environs Overlay, Chapter 14.16.210
- 17 8) Landscaping shall be provided as required by Skagit County Code 14.16.830.
- 18 9) Additional requirements related to this zone are found in SCC14.16.210,
- 19 14.16.600-.900 and the rest of the Skagit County Code.

1 **Section 5: Skagit County Code Section 14.16.210 is hereby amended to read as**
2 **follows:**

3
4 **14.16.210 Airport Environs Overlay (AEO).**

5 1) Policies

- 6 (a) It is the declared policy of this County to protect the long-term viability of the
7 Skagit Regional Airport, an essential public facility as designated in the Skagit
8 County Comprehensive Plan (1997, 2000), and to promote land uses
9 compatible with the airport within the airport's designated environs. It is the
10 further intent of this County to provide to the residents of this County proper
11 notification of the County's recognition and support, through this section, of
12 the Airport's long-term operation.
- 13 (b) The Skagit Regional Airport provides an important transportation service to
14 the region and is a vital asset to facilitate economic growth in the County.
15 The airport has been operated for general aviation and commercial purposes
16 by local municipal governments since the 1950s when it was acquired from
17 the federal government. The Port of Skagit County has owned and operated
18 the airport since 1965 and asserts that it has obtained avigation easements by
19 prescription over property surrounding the Skagit Regional Airport.
- 20 (c) The State Growth Management Act requires the County to protect public use
21 airports from incompatible land uses through comprehensive planning and
22 development regulations (RCW 36.70.547 and RCW 36.70A.510).
- 23 (d) The Washington State Department of Transportation, Aviation Division has
24 adopted *Airports and Compatible Land Use* (1999) guidelines, which provide
25 technical information and policy recommendations regarding airport land use
26 compatibility. Skagit County used this document, together with information
27 from the California State Department of Transportation (CALTRANS)
28 *Airport Landuse Planning Handbook* (1993), and information specific to the
29 Skagit Regional Airport, to prepare the *Skagit Regional Airport Land Use*
30 *Compatibility Study* (May, 2000). This County study recommends safety
31 compatibility criteria and identifies six Airport Accident Safety zones.

32 2) Purposes

- 33 (a) Where airport operations exist side-by-side with other development, or where
34 low flying air traffic over-flies other development, airport operations are
35 frequently the subject of nuisance complaints and on occasion, have been
36 forced to cease or curtail operations. Such nuisance complaints are to the
37 detriment of this essential public facility and the reduction of service resulting
38 from nuisance complaints could limit the usefulness of this essential public
39 facility. Such complaints could reduce or curtail service at the essential
40 public facility and that reduction or curtailment of service is also contrary to
41 the public interest and the requirements of the Growth Management Act. It is
42 the purpose and intent of this section to reduce any loss of airport operations
43 by limiting and defining the circumstances under which the Skagit Regional
44 Airport may be considered a nuisance.

- 1 (b) An additional purpose of this Section is to promote land uses compatible with
- 2 the Airport within the Airport’s designated environs and to protect public
- 3 health, safety, and general welfare within the aforementioned airport
- 4 environs.
- 5 (c) An additional purpose of this Section is to promote a good neighbor policy
- 6 between the Airport and other property owners by advising purchasers and
- 7 users of property within Airport Safety Zones 1 through 6 as identified in the
- 8 *Skagit Regional Airport Land Use Compatibility Study* (May, 2000) of the
- 9 inherent Overflight Effects associated with purchase of a residence, business,
- 10 or land. These Overflight Effects may include, but are not limited to, noise,
- 11 exhaust fumes, illumination, smoke, vibration, and loss of quiet enjoyment
- 12 due to aircraft overflights associated with landing and taking off (“Overflight
- 13 Effects”). It is intended that through mandatory disclosures, purchasers and
- 14 users will better understand the impact of living or owning a business near the
- 15 Skagit Regional Airport, and will be prepared to accept attendant conditions
- 16 as the natural result of their location.
- 17 (d) An additional purpose of this Section is to establish an avigational easement
- 18 that recognizes that Overflight Effects will arise from airport operations.

19 .

20 3) Determination of Airport Environs. For purposes of this Section, the airport

21 environs is that geographic area affected by the airport and defined on the basis of

22 factors including, but not limited to, aircraft noise, aircraft flight patterns, airport

23 safety zones, local circulation patterns and area development plans. The

24 boundaries of the Airport Environs are depicted on the Skagit County Airport

25 Environs Overlay map and include Airport Safety Zones 1-6. Maps portraying

26 the airport environs and noise contours shall be on file for public inspection in the

27 office of the Port of Skagit County and the Skagit County Planning and Permit

28 Center.

29 4) Application of Airport Environs Overlay Review.

- 30 a) New buildings, structures, subdivisions, binding site plans, and/or land uses
- 31 and their associated permits/approvals, which lie within the AEO , shall be
- 32 subject to the provisions of this Section.
- 33 i) The following land uses shall be prohibited in all airport safety zones:
- 34 (a) Hospitals; nursing homes;; outdoor stadiums and other similar land
- 35 uses, as may be determined by the Administrative Official, for which
- 36 the significant common element is the relative inability of the people
- 37 occupying the space to move out of harms way in a safe and rapid
- 38 manner.
- 39 (b) Above ground bulk storage of flammable or hazardous materials
- 40 which are not incidental to the permitted use.
- 41 (c) Manufactured home parks.
- 42 ii) The following uses shall be allowed in zone 6 and prohibited in zones 1 –
- 43 5: K-12 schools and churches.
- 44 iii) All development within the Bayview Ridge Subarea AEO which impedes
- 45 the contours shown on the Bayview Ridge Subarea Plan FAA Permit

- 1 Contour Map shall be required to apply for a permit from the Federal
2 Aviation Administration using form 7460-1 (Notice of Proposed
3 Construction or Alteration). In other cases Skagit County shall assist the
4 applicant in reviewing Federal Aviation Administration (FAA) Form
5 7460-1 (Notice of Proposed Construction or Alteration) to determine if
6 notice to the FAA is required. The purpose of said Notice of Proposed
7 Construction or Alteration is to minimize land uses and activities that:
8 create obstructions as defined by Section 77.23 of the Federal Aviation
9 Regulations [Doc. No. 10183, 36 FR 5970, Apr. 1, 1971], create electrical
10 interference with navigational signals or radio communication between the
11 airport and aircraft; make it difficult for pilots to distinguish between
12 airport lights and others; result in glare in the eyes of pilots using the
13 airport; impair visibility in the vicinity of the airport; create bird strike
14 hazards; or otherwise in any way endanger or interfere with the landing,
15 takeoff, or maneuvering of aircraft intending to use the airport.
- 16 b) Outdoor activities. All activities, which are to occur in unenclosed space
17 involving human use or assembly, which lie wholly or in part within the
18 airport environs, shall be subject to the provisions of this Section. Such
19 activities include, but are not limited to:
- 20 i) Open storage areas, roofed or unroofed, separate or adjoining another
21 structure.
- 22 ii) Parks, playgrounds and playing fields.
- 23 5) Exemptions. The provisions of this Section shall not be deemed applicable to the
24 following when allowed in the underlying zone:
- 25 a) Existing Uses. Uses existing on the effective date of the Ordinance adopting
26 this Section shall not be required to change operations to comply with these
27 regulations. However, any use shall not be so changed as to result in a greater
28 degree of nonconformity with respect to these regulations.
- 29 b) Temporary uses. Within Airport Safety Zone 6, temporary uses including, but
30 not limited to, circus, carnival or other outdoor entertainment events and
31 religious assemblies as long as the period of operation does not exceed 5 days.
- 32 c) Temporary Structures. Temporary buildings and structures, so long as such
33 uses and associated structures are constructed or erected as incidental to a
34 development, do not involve any significant investment, are solely used for
35 the designated purpose, and remain for a maximum of 1 year.
- 36 d) Other Uses. As determined by the Administrative Official to be minor or
37 incidental and within the intent or objective of these regulations.
- 38 6) Height (Airport Safety Zones A. 1-6).
- 39 a) Obstructions as defined by Section 77.23 of the Federal Aviation
40 Regulations [Doc. No. 10183, 36 FR 5970, Apr. 1, 1971] have the
41 potential for endangering the lives and property of users of the Skagit
42 Regional Airport and property or occupants of land in its vicinity. An
43 obstruction may affect existing and future instrument approach minimums
44 of Skagit Regional Airport. An obstruction may reduce the size of areas
45 available for the landing, takeoff and maneuvering of aircraft thus tending

- 1 to destroy or impair the utility of the Skagit Regional Airport and the
2 public investment therein.
- 3 b) All development within the AEO as depicted on the Bayview Ridge
4 Subarea Plan Building Height Restriction Contours Map shall not impede
5 the airspace above an imaginary plane; as such plane is defined by Section
6 77.25 of the Federal Aviation Regulations [Doc. No. 10183, 36 FR 5970,
7 Apr. 1, 1971; 36 FR 6741, Apr. 8, 1971]. Said plane is depicted on the
8 Bayview Ridge Subarea Plan Building Height Restriction Contours Map
9 minus the underlying ground elevations.
- 10 c) All development within the Bayview Ridge Subarea AEO which impedes
11 the contours shown on the Bayview Ridge Subarea Plan FAA Permit
12 Contour Map shall be required to apply for a permit from the Federal
13 Aviation Administration using form 7460-1 (Notice of Proposed
14 Construction or Alteration).
- 15 7) Avigation Easement Required. (Airport Safety Zones 1-6). No permit of any
16 type, including subdivisions and binding site plans, shall be issued for any
17 development or activity on non-Port of Skagit County property subject to this
18 Section until the Port of Skagit County is provided an avigation easement
19 permitting the right of flight in the airspace above the subject property. Such
20 easement shall be recorded on the title of the subject property. Said easement shall
21 be substantially in the form set forth as follows, or in the form that has been
22 approved by the Port of Skagit County and recorded prior to the adoption of these
23 development regulations, and shall include complete exhibits:
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

[The following Avigation Easement is not codified.]

After recording return document to:

Document Title: **Avigation Easement** _____

Reference Number of Related Document: _____

Grantor(s): _____

Additional Grantor(s) on page ____ of document.

Grantee(s): **Port of Skagit County** _____

Additional Grantee(s) on page ____ of document.

Abbreviated legal description: _____

Additional legal description(s) o page(s) ____ of document.

Assessor's tax/parcel numbers: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

AVIGATION EASEMENT

This easement made this ____ day of _____, _____ between _____ (hereafter “Grantor”), and the Port of Skagit County, a municipal corporation within the County of Skagit of the State of Washington (hereafter “Grantee”), provides that:

RECITALS

The parties hereto acknowledge the following:

- A. Grantor owns certain real property in Skagit County, Washington, described on Exhibit A and depicted on Exhibit B (the “Property”). All exhibits mentioned herein and attached hereto are incorporated herein as if set forth in full.
- B. Grantee is the owner and operator of the Skagit Regional Airport (“Airport”), an identified essential public facility pursuant to the Washington Growth Management Act, Chapter 36.70A RCW. The Airport is operated pursuant to federal law and Title 53 RCW and RCW 36.70A.510 and RCW 36.70.547 and legally described in Exhibit C and depicted in Exhibit D hereto.
- C. The Airport is the principal airport in Skagit County, serving both recreational and commercial aircraft, including freight and passenger carriers. The Airport represents a public asset currently valued at over \$132,230,000. The Airport provides an essential transportation service and facilitates economic growth in Skagit County.
- D. Skagit County has identified undeveloped property in the vicinity of the Airport as part of an Urban Growth Area in which urban development is planned to occur. Unless carefully managed, urban development in the vicinity of airports leads to incompatible uses. Persons owning or occupying property within the vicinity of airports experience noise, exhaust fumes, illumination, smoke, vibration and loss of quiet enjoyment due to aircraft overflights associated with landing and taking off (“Overflight Effects”). In response to Overflight Effects, some persons are prone to assert legal claims or to exert other pressures to limit or terminate airport operations. The occurrence of urban development in the vicinity of the Airport therefore could, unless mitigated, have a harmful effect on Airport operations, limit the usefulness of an essential public facility and be contrary to the public interest and the requirements of the Growth Management Act.
- E. Portions of the Property lie within the Skagit Regional Airport Safety Overlay Zones established by the Washington State Department of Transportation’s Aviation Division as set forth in the Airport Land Use Compatibility Study, prepared by Reid Middleton and published in 2000 and on file with Skagit County. Portions of the Property also lie within certain aircraft noise contours established in the Airport Master Plan, 1995, prepared by W & H Pacific and on file at the Port of Skagit County. These zones and contours are depicted on maps comprising a portion of the Skagit County UDC Airport Environs Overlay Map Portfolio.

- 1 F. The Property has been continuously subject to aircraft overflights, either
2 directly above the Property or over adjacent properties for an uninterrupted
3 period in excess of ten years. These overflights, known to Grantor and/or
4 Grantor’s predecessors, by aircraft either landing at or taking off from the
5 Skagit Regional Airport have subjected the Property to Overflight Effects.
6 Grantee has not sought, nor has either Grantor nor Grantor’s predecessors
7 granted, permission to operate the Airport or to cause Overflight Effects
8 upon the Property.
9
- 10 G. The term “Average sound level” as used herein shall mean the level, in
11 decibels, of the mean-square, A-weighted sound pressure during a specified
12 period, with reference to the square of the standard reference sound pressure
13 of 20 micropascals.
14
- 15 H. The term “Day-night average sound level” or “DNL” as used herein shall
16 mean the 24-hour Average Sound Level, in decibels, for the period from
17 midnight to midnight, obtained after the addition of ten decibels to sound
18 levels for the periods between midnight and 7 a.m., and between 10 p.m.,
19 and midnight, local time.
20
- 21 I. The Federal Aviation Administration has determined that noise from
22 Overflight Effects is incompatible with ground uses when in excess of
23 sixty-five (65) DNL.
24
- 25 J. Urban Development in the vicinity of the Airport upon which noise from
26 Overflight Effects is sixty-five (65) DNL or less poses minimal risk of
27 harmful effects on the Airport.
28
- 29 K. Pursuant to Section 14.16.210 of the Skagit County Code, Grantor must
30 grant to Grantee an aviation easement for the portions of Grantor’s real
31 property within the Skagit Regional Airport Safety Overlay Zones.
32
- 33 L. Grantor is willing to grant Grantee an easement with respect to Grantor’s
34 real property in accordance with the terms and conditions of this Agreement
35 as a condition of development approval by Skagit County.
36

37
38 **CONVEYANCE OF EASEMENT**
39

- 40 1. The GRANTOR for and in consideration of fulfillment of a condition of a
41 Skagit County project approval, Skagit County permit number _____,
42 does hereby grant to Grantee, its successors and assigns, a perpetual and
43 assignable easement in, near, upon and over the Property (legally described
44 in Exhibits “A” and “B”) for the free and unrestricted passage and flight of
45 aircraft of the class size and category as is now or hereinafter may be
46 operationally compatible with the Skagit Regional Airport (“Aircraft”),
47 across and about the airspace above an imaginary plane, as such plane is
48 defined by Part 77 of the Federal Aviation Regulations, over or in the
49 vicinity of the Property (the “Airspace”).
50
- 51 2. The aforesaid easement described in Paragraph Number 1 above includes but is
52 not limited to:
53

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

a. For the use and benefit of the public and Grantee, the continuing right to fly, or cause or permit the flight by any and all persons of Aircraft in, through, across or about any portion of the Airspace hereinabove described; and

b. The right to cause or create, or permit or allow to be caused or created upon the Property, Overflight Effects as may be inherent in the proper operation of Aircraft.

c. Provided, that the rights conveyed to Grantee pursuant to this Avigation Easement shall be limited to those operations of the Skagit Regional Airport that meet noise level classification sixty-five (65) DNL.

3. The easement herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which now or hereinafter constitutes the Skagit Regional Airport, and shall further be deemed in gross, being conveyed to the GRANTEE for the benefit of the GRANTEE, and any and all members of the general public who may use said easement taking off from, landing upon, or operating such aircraft in or about the Airport, or in otherwise flying through said Airspace.

4. This grant of avigation easement shall not operate to deprive the GRANTOR, its successors or assigns, of any rights that it may otherwise have from time to time against any individual or private operator for negligent or unlawful operation of aircraft.

5. It is understood and agreed that these covenants and agreements run with the land and shall be binding upon the heirs, representatives, administrators, executives, successors, and assigns of the GRANTOR, and that for the purposes of this instrument, the Property shall be the servient tenement and the Airport shall be the dominant tenement.

6. The avigation easement, covenants and agreements described herein shall continue in effect until the Airport shall be abandoned or shall cease to be used for public airport purpose, at which time this easement shall terminate.

GRANTOR:

_____		_____	
Signature	Date	Signature	Date
_____		_____	
Print Name and Title		Print Name and Title	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

(Acknowledgement for Individual Grantor)

STATE OF WASHINGTON)
) SS
COUNTY OF SKAGIT)

On this ____ day of _____, 2002, before me, personally appeared _____, to me known to be the individual described in and who executed the within instrument and acknowledged he signed and sealed the same as his free and voluntary act and deed for the uses and purposes herein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

(signature)

(print name)
NOTARY PUBLIC in and for the State of Washington,
residing at _____
My appointment expires: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

(Acknowledgement for Corporate Grantor)

STATE OF WASHINGTON)
) SS
COUNTY OF SKAGIT)

On this ____ day of _____, 2002, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and _____, to me known to be the _____ and _____, respectively, of the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they was duly authorized to execute the same and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto the day and year in this certificate first above written.

(signature)

(print name)

NOTARY PUBLIC in and for the State of Washington,
residing at _____

My appointment expires: _____

1
2 8) Notice and Acknowledgement to Purchasers Required (Airport Safety Zones 1-6
3 A and B). No permit of any type shall be issued for any development or activity
4 subject to this Section, including subdivisions and binding site plan approvals
5 until the proponent executes and records with Skagit County the following Notice
6 and Acknowledgement running with the land in the chain of title for the subject
7 property.
8

9 NOTICE AND ACKNOWLEDGEMENT

10 AIRPORT AND AIRCRAFT OPERATIONS AND NOISE DISCLOSURE

11 SKAGIT REGIONAL AIRPORT ENVIRONS

12
13
14
15
16 Permit Number: _____

17 Property Legal Description:
18
19 _____
20 _____
21 _____
22 _____
23 _____

24
25 Property Address/Location:
26 _____
27

28 *****

29
30 *NOTICE*

31
32 The above referenced property is located within the Airport Environs Overlay Zone
33 and is included in a mapped airport-impacted area in the vicinity of the Skagit
34 Regional Airport (and depicted in Exhibits A, B & C, attached hereto). Skagit
35 Regional Airport has been identified in the Skagit County Comprehensive Plan as
36 an Essential Public Facility pursuant to Chapter 36.70A RCW (Washington Growth
37 Management Act). It is the policy of Skagit County to support the continued use of
38 Skagit Regional Airport, including its future accommodation of both increased
39 aircraft traffic and utilization of aircraft of the class, size and category as is now or
40 may hereafter be operationally compatible with the Skagit Regional Airport. The
41 Port of Skagit County, which owns and operates Skagit Regional Airport, claims to
42 have acquired through prescriptive avigation easements the right to operate Skagit
43 Regional Airport with the attendant impacts of low flying aircraft over, near and
44 upon those properties identified in Exhibit A attached hereto.
45

46 The Skagit Regional Airport is an aviation facility and is depicted on the maps
47 attached as Exhibits A, B and C. The property subject to this notice will routinely
48 experience the effects of low flying aircraft. As a result, the subject property will
49 experience aircraft noise, exhaust fumes, vibration, glare and invasion of quiet
50 enjoyment resulting from propeller-driven and jet aircraft. The airport noise
51 contours for the immediate vicinity of the Skagit regional Airport have been
52 identified for the then existing 1994 - 1995 traffic volumes (Exhibit "B") and those

1 forecast for the year 2013 (Exhibit "C"). The contours and the level of noise
2 received by properties in the vicinity of Skagit Regional Airport will change in the
3 future and impacts to property occupants may increase.
4

5 More specific information regarding airport operation and aircraft noise can be
6 obtained by calling the Port of Skagit County, Skagit Regional Airport, Operations
7 Office at (360) 757-0011.
8

9 This notice conveys actual and constructive knowledge to any person or entity
10 acquiring or obtaining a real property interest or right of occupancy in or on the
11 subject property.
12

13 ACKNOWLEDGEMENT
14

15 I, _____, the owner of the referenced property hereby
16 acknowledge that I have read and understand the **NOTICE** provided above. I
17 understand that that this **NOTICE AND ACKNOWLEDGEMENT** will be
18 recorded with the Skagit County Auditor.

19 The Auditor will convey notice to of its contents to all persons or entities acquiring
20 or obtaining an interest or right occupancy in or on the subject property. I have
21 freely executed this **ACKNOWLEDGEMENT** as a condition of approval for
22 permit/subdivision/binding site plan application number _____, as
23 required by Skagit County Code Section 14.16.210 (6).
24

25 Dated the _____ day of _____, 200__.

26
27
28 By _____ By _____
29 Owner Owner
30

31 _____
32 Printed Name

_____ Printed Name

33
34 **(Acknowledgement for Individual Grantor)**

35
36 **(Acknowledgement for Corporate Grantor)**
37
38
39
40
41

- 42 9) Airport Safety (Zones 1-6). In an effort to protect the safety of pilots and people
43 on the ground in the event of an airplane crash, the requirements shown in the
44 following Table 1 are imposed within Airport Safety Zones 1-6.
45 10) Open space located in Airport Safety Zones 1- 5 shall be maintained as pavement,
46 mowed lawn or vegetation not more than four feet in height, except that trees may
47 be used as landscaping adjacent to buildings or other areas not specifically
48 included as required open space. In all other Airport Safety Zones or locations
49 outside the Airport Safety Zones, landscaping plans shall include trees.

1 11) Marking and Lighting. The owner of any existing nonconforming structure or
2 tree shall permit the removal, or installation, operation and maintenance hereon of
3 such markers and lights as shall be deemed necessary by the Port of Skagit
4 County to indicate to the operators of aircraft in the vicinity of the airport the
5 presence of such airport obstruction. Such markers and lights shall be installed,
6 operated and maintained at the expense of the landowner.
7

Table 1

SAFETY ZONE	URBAN GROWTH AREA LAND USE¹	NON-UGA LAND USE	OPEN SPACE
1	No new structures or uses permitted (except aviation-related Port uses)	Not applicable	All land shall be in open space, except airport structures.
2	Use limited to warehousing, light industrial allowed with no air emissions that obscure visibility; maximum building size footprint is 13,000 square feet limited to one per acre, except aircraft hangars.	No new development allowed. Existing structures and uses permitted to be replaced.	30% open space
3S	Use limited to warehousing, light industrial allowed with no air emissions that obscure visibility; maximum building size footprint is 13,000 square feet limited to one per acre, except aircraft hangars.	Not applicable	15% open space
3L	Existing residences and residential lots allowed to be replaced, built and/or created per the residential standards in the BR-R zone. Other use limited to warehousing, light industrial allowed with no air emissions that obscure visibility; maximum structure size footprint is 13,000 square feet limited to one per acre, except aircraft hangars.	New residential land divisions not to exceed 1 dwelling unit/ 5 acres.	15% open space
4S	Existing residences and residential lots allowed to be replaced, built and/or created; provided that, newly created residential lots are to be based on a 1 dwelling unit per 2 acre density. Industrial development allowed with a maximum structure size of 100,000 square feet with no air emissions that obscure visibility.	Not applicable.	10% open space
4L	Existing residences and residential lots allowed to be replaced, built and/or created per the residential standards in the BR-R zone. Industrial development allowed with a maximum structure size of 100,000 square feet with no air emissions that obscure visibility.	New residential land divisions not to exceed 1 dwelling unit/ 5 acres.	10% open space
5	Use limited to warehousing, light industrial allowed with no air emissions that obscure visibility; maximum building size 30,000 square feet limited to one per acre, except aircraft hangars.	Not applicable.	30% open space

3

4 Table 1 (continued on next page)

¹ Based on the application of the Uniform Building Code and the SCC zoning code parking requirements, these limitations fully comply with the recommended industrial density limitations expressed in employees per acre in the Skagit Regional Airport Land Use Compatibility Study. Building size may increase or decrease as long as the overall ratio of building size to acreage remains the same.

1 Table 1 (continued from previous page)

2

SAFETY ZONE	URBAN GROWTH AREA LAND USE ²	NON-UGA LAND USE	OPEN SPACE
6	<p>Existing residences and residential lots allowed to be replaced, built and/or created per the residential standards in the BR-R zone.</p> <p>For churches and schools (public and private), the density of the facility shall not exceed 100 people/acre and the proposed site shall include or abut a permanent open space area.</p> <p>Industrial development allowed with no air emissions that obscure visibility to the extent that it creates a safety hazard to aircraft.</p> <p>Community Center development allowed for public facilities and services with a maximum building footprint of 15,000 square feet and commercial buildings with a maximum structure size of 15,000 square feet.</p>	<p>New residential land divisions not to exceed those land use densities as prescribed by the Skagit County Comprehensive Plan and Skagit County Code 14.16.</p> <p>Expansion of Bay View Ridge Elementary School is allowed.</p>	10% open space

² Based on the application of the Uniform Building Code and the SCC zoning code parking requirements, these limitations fully comply with the recommended industrial density limitations expressed in employees per acre in the Skagit Regional Airport Land Use Compatibility Study. Building size may increase or decrease as long as the overall ratio of building size to acreage remains the same.

\\ADMNTMV2\Planning\shared\Community Planning\Subarea Plans\Bayview Ridge Subarea Plan\Bayview Ridge dev regs\April 2005\c. BR zoning districts4-7.doc

1 **Section 7: A new Skagit County Code Section 14.16.335 is hereby added**
2 **to read as follows:**

3
4 **14.16.335 Bayview Ridge Residential (BR-R).**

- 5 1) Purpose. The purpose of this district is to provide for residential development and
6 densities to meet contemporary building and urban living standards and other
7 related uses.
8 2) Permitted Uses.
9 a) Single-family dwellings, including manufactured homes when on a
10 permanent foundation.
11 b) Duplexes and townhouses (if approved as part of the approval of a land
12 division application and referenced on a recorded plat).
13 c) Home Based Business I.
14 d) Agricultural uses, on an interim basis until residential development.
15 e) Residential accessory uses.
16 3) Administrative Special Uses
17 a) Duplex, provided that it shall be located no closer than 300 feet to another
18 duplex, measured along the right of way.
19 b) Family day care.
20 c) Townhouses, not to exceed four dwellings units.
21 d) Condominiums, not to exceed four dwelling units
22 4) Hearing Examiner Special Uses
23 a) Bed and breakfast.
24 b) Golf courses, including a clubhouse and restaurant if in conjunction with
25 the golf course.
26 c) Home Based Business 2
27 d) Kennels.
28 e) Townhouses (more than four dwelling units).
29 f) Condominiums (more than four dwelling units)
30 g) Apartments, not to exceed 12 units per building.
31 h) Schools (public and private) and churches subject to consistency with the
32 following criteria:
33 i. The proposed facility is not sited in Safety Zones 1 through 5, and is
34 sited as close to the outer edge of zone 6 as possible;
35 ii. An acoustical evaluation concludes that the proposed facility will not
36 be adversely impacted by noise;
37 iii. The proposed facility is appropriately sited with respect to the air
38 traffic pattern at the Bayview Ridge Airport.
39 iv. The proposed site includes, or abuts, permanent open space;
40 v. The applicant has investigated other potential sites and found that no
41 other site is reasonably available; and
42 vi. The site is accessed by a major collector
43
44 5) Dimensional Standards.

1 a) Minimum lot area and minimum width: The minimum lot size and minimum
 2 lot width shall be determined by the following table:
 3

Land Use	Minimum Lot Area	Minimum Lot Width
Single Family Dwelling (as allowed in 2(a) above)	8,400 square feet	60 feet
Duplex	12,000 square feet	60 feet
Townhouse/Condominium	12,000 square feet	60 feet

4

5 b) Setbacks:

6 i) Primary Structures:

- 7 (1) Front: 20 feet
- 8 (2) Side: 15 feet total, minimum of 5 feet on one side.
- 9 (3) Rear: 20 feet.

10 ii) Accessory Structures:

- 11 (1) Front: 20 feet.
- 12 (2) Side: 15 feet, 3-foot setback is permitted from the side and rear lot
 13 lines when the accessory building is a minimum of 75 feet from the
 14 front property line or when there is an alley along the rear property
 15 line providing that the structure is 1,000 square feet or less in size and
 16 16 feet or less in height. A side yard setback of 20 feet is required for
 17 all accessory buildings when the side property line is adjacent to a
 18 street right-of-way.
- 19 (3) Rear Yard: 20 feet, 3-foot setback is permitted from the side and rear
 20 lot lines when the accessory building is a minimum of 75 feet from the
 21 front property line or when there is an alley along the rear property
 22 line providing that the structure is 1,000 square feet or less in size and
 23 16 feet or less in height.
- 24 (4) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

25 c) Maximum lot coverage: None

26 d) Maximum height: Consistent with the adopted Building Code of Skagit
 27 County and shall conform to applicable Federal Aviation Administration
 28 regulations concerning height restrictions when located within the Airport
 29 Environs Overlay, Chapter 14.16.210.

30 6) Residential, Open Space and General Provisions.

31 a) Planned Residential Development (PRD) regulations are required for
 32 construction of five or more units within one legal lot of record or for
 33 residential land divisions when 5 or more lots are proposed. See SCC
 34 14.18.410 [Reserved].

35 b) Ten percent (10%) permanent open space (mowed lawns or vegetation) is
 36 required for new land divisions to minimize the life and safety risks
 37 associated with aircraft operations within the airport environs. Where

- 1 practical, open space areas should be strategically located, contiguous and
- 2 oriented to the centerline of the runway to provide the greatest benefit.
- 3 c) Additional requirements related to this zone are found in SCC 14.16.210,
- 4 14.16.600-.900 and the rest of Skagit County Code.
- 5
- 6

1 **Section 8: A new Skagit County Code Section 14.16.336 is hereby added**
2 **to read as follows:**

3
4 **14.16.336 Bayview Ridge Urban Reserve (BR-URv).**

- 5 1) Purpose. The purpose of this district is to protect land on the outside fringe of the
6 urban growth area from premature land division and development that would
7 preclude efficient transition to urban development. These lands are identified as
8 potential future additions to the urban growth area which will be added to the
9 urban growth area as needed, through amendments to the Comprehensive Plan
10 and/or Subarea Plan.
- 11 2) Permitted Uses.
- 12 a) Single-family dwellings, including manufactured homes when on a
 - 13 permanent foundation.
 - 14 b) Home Based Business I.
 - 15 c) Agricultural uses.
 - 16 d) Residential accessory uses.
- 17 3) Administrative Special Uses
- 18 a) Bed and breakfast, subject to SCC 14.16.900(3)(c).
 - 19 b) Minor utility developments.
 - 20 c) Parks - specialized recreational facility.
 - 21 d) Temporary manufactured home.
 - 22 e) Temporary outdoor events.
 - 23 f) Trails and primary and secondary trailheads.
- 24 4) Hearing Examiner Special Uses
- 25 a) Golf courses, including a clubhouse and restaurant if in conjunction with
 - 26 the golf course.
 - 27 b) Home Based Business 2
 - 28 c) Major public uses and expansion of existing major public uses, 3,000
 - 29 square feet and greater.
 - 30 d) Minor public facilities.
 - 31 e) Impoundments greater than 1-acre feet in volume.
 - 32 f) Kennels.
 - 33 g) Family day care.
 - 34 h) Parks-community.
- 35 5) Dimensional Standards.
- 36 a) Setbacks primary structure:
 - 37 (i) Front: 35 feet.
 - 38 (ii) Side: 8 feet on an interior lot, 20 feet on a street right-of-way.
 - 39 (iii)Rear: 25 feet.
 - 40 b) Setbacks, accessory structure:
 - 41 (i) Front: 35 feet.
 - 42 (ii) Side: 8 feet; provided that, a 3-foot setback is permitted from the side
 - 43 and rear lots when the accessory building is a minimum of 75 feet
 - 44 from the front property line or when there is an alley along the rear
 - 45 property line, 20 feet from the street right-of-way.

- 1 (iii)Rear: 25 feet; provided that, a 3-foot setback is permitted from the
- 2 side and rear lots when the accessory building is a minimum of 75 feet
- 3 from the front property line or when there is an alley along the rear
- 4 property line.
- 5 c) Setbacks from Natural Resource Lands shall be provided per SCC
- 6 14.16.810(7).
- 7 d) Maximum Height: Consistent with the adopted Building Code of Skagit
- 8 County and shall conform to applicable Federal Aviation Administration
- 9 regulations concerning height restrictions when located within the Airport
- 10 Environs Overlay, SCC 14.16.210.
- 11 e) Minimum Lot Size: 10 acres or 1/64th of a section, unless created through
- 12 a CaRD.
- 13 f) Minimum Lot Width: 150 feet (for new land division).
- 14 g) Maximum Lot Coverage: 35%.
- 15 h) Land Division Requirements.
- 16 (i) CaRD land division required for parcels 10 acres or larger.
- 17 (ii) Ten percent (10%) open space (mowed lawn or vegetation) is required
- 18 for new land divisions to minimize the life and safety risks associated
- 19 with aircraft operations within the airport environs. Where practical,
- 20 open space areas should be strategically located, contiguous and
- 21 oriented to the centerline of the runway to provide the greatest benefit.
- 22 i) Additional requirements related to this zone are found in SCC 14.16.210,
- 23 14.16.600-.900 and the rest of Skagit County Code.
- 24
- 25