

Chapter 14.16

ZONING

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14.16.010 Title and purpose.

This Chapter shall be known as the Zoning Code of Skagit County, Washington, constituted by the text and zoning maps. The regulations are intended to carry out the goals and policies of the Skagit County Comprehensive Plan. This Chapter is intended to benefit the public as a whole and not any specific person or group of persons. Applications for permits and approvals are subject to the provisions of this Chapter and other ordinances and laws. This Chapter classifies, designates, and regulates the development of land for agriculture, forest, mineral resource extraction, residential, commercial, industrial and public land uses for the unincorporated area of Skagit County. (Ord. 17938 Attch. F (part), 2000)

14.16.020 Scope.

- (1) Construction. This Chapter shall be liberally construed to secure and protect the public health, safety, and welfare of the people and the land. When interpreting this Code, the minimum requirement necessary to achieve the intent shall prevail. Wherever the requirements of the Chapter conflict with other laws in effect, that which imposes the higher standard while meeting the intent of the codes shall prevail.
- (2) Administrative Official. It shall be the responsibility of the Administrative Official, or designated representative, to interpret and apply the provisions of this Chapter pursuant to SCC 14.06.040.
- (3) Interpretation of Uses. When a use is not specifically listed in this Chapter, it shall be understood that the use may be allowed if it is determined by the Administrative Official that the use is similar to other uses listed. It is further recognized that not every conceivable use can be identified. In anticipation that new uses will evolve over time, this Section establishes the Administrative Official's authority to compare a proposed use and measure it against those listed in this Chapter for determining similarity. In determining similarity, the Administrative Official shall make all of the following findings:
 - (a) The proposed use shall substantially meet the intent of and be consistent with the goals, objectives and policies of the Comprehensive Plan;
 - (b) The proposed use shall meet the stated purpose and general intent of the zone in which the use is proposed to be located;
 - (c) The proposed use shall not adversely impact the public health, safety and general welfare of the residents of the County; and
 - (d) The proposed use shall share characteristics common with and not be of greater intensity, density or generate more environmental impact than those uses listed in the land use zone in which it is to be located. (Ord. 17938 Attch. F (part), 2000)

14.16.030 Districts, maps and boundaries.

Skagit County is hereby divided into land use districts to carry out the policies and objectives of the Comprehensive Plan. This Chapter describes the limitations and regulations for the use of and construction on properties within each zone. The following table illustrates the relationship between Comprehensive Plan land use designations, allowed residential densities and zoning districts.

Comprehensive Plan Land Use Designation	Zoning District	Residential Densities Dwelling Units/Acre
Rural Village Commercial	Rural Village Commercial (RVC)	Not Applicable
Rural Center	Rural Center (RC)	Not Applicable
Rural Freeway Services	Rural Freeway Services (RFS)	Not Applicable
Small Scale Recreation and Tourism	Small Scale Recreation and Tourism (SRT)	Not Applicable
Small Scale Business	Small Scale Business (SSB)	Not Applicable
Rural Business	Rural Business (RB)	Not Applicable
Natural Resource Industrial	Natural Resource Industrial (NRI)	Not Applicable
Rural Marine Industrial	Rural Marine Industrial (RMI)	Not Applicable
Urban Growth Area	Bayview Ridge Light Industrial (BR- LI)	Not Applicable
Urban Growth Area	Bayview Ridge Heavy Industrial (BR- HI)	Not Applicable
Urban Growth Area	Urban Reserve Commercial-Industrial (URC-I)	Not Applicable
Aviation Related	Aviation Related (AVR)	Not Applicable
Airport Environs Overlay	Airport Environs Overlay (AEO)	As allowed in underlying land use designation
Urban Growth Area	Bayview Ridge Community Center (BR-CC)	Not Applicable
Rural Intermediate	Rural Intermediate (RI)	1/2.5 acres or 1/256th of a section*
Urban Growth Area	Bayview Ridge Residential (BR-R)	4 – 6 units per acre, unless limited by the Airport Environs Overlay

Bayview Ridge Urban Reserve	Bayview Ridge Urban Reserve (BR-URv)	1/10 acres or 1/64th of a section; or, 1/5 acres or 1/128th of a section with CaRD
Rural Village Residential	Rural Village Residential (RVR)	1/1 acre or 1/640th of a section with public water and septic or 1/2.5 acres or 1/256th of a section with private water and septic*
Rural Reserve	Rural Reserve (RRv)	1/10 acres or 1/64th of a section or 2/10 acre with CaRD*
Residential	Residential (R)	8,400 square feet with public sewer; 12,500 square feet without public sewer
Urban Growth Area	Urban Reserve Residential (URR)	1/5 acres or 1/128th of a section unless higher densities are granted through an URDP
Agricultural—Natural Resource Lands	Agricultural—Natural Resource Lands (Ag-NRL)	1/40 acres or 1/16th of a section*
Industrial Forest—Natural Resource Lands	Industrial Forest—Natural Resource Lands (IF-NRL)	1/80 acres or 1/8th of a section*
Secondary Forest—Natural Resource Lands	Secondary Forest—Natural Resource Lands (SF-NRL)	1/20 acres or 1/32nd of a section*
Rural Resource—Natural Resource Lands	Rural Resource—Natural Resource Lands (RRc-NRL)	1/40 acres or 1/16th of a section or 4/40 acres with CaRD*
Mineral Resource Overlay	Mineral Reserve Overlay (MRO)	Not Applicable
Urban Growth Area	Urban Reserve Public—Open Space (URP-OS)	Not Applicable
Public Open Space of Regional/Statewide Importance	Public Open Space of Regional/Statewide Importance (OSRSI)	Not Applicable

*See SCC 14.16.850(8), general provisions, for exceptions to the minimum lot size related to siting public safety facilities.

- (1) **Zoning Maps.** The official zoning maps delineate the land use districts. The official zoning maps together with the exploratory matter thereon are hereby adopted by reference and declared a part of this Chapter. The districts may be redefined from time to time by adoption of amendments (rezones) to the zoning map, in accordance with this text and Chapters 36.70 and 36.70A RCW and Chapter 14.08 SCC (Legislative Actions) by a map or maps showing the geographical area and location of said amendments. The Board of County Commissioners shall enter changes on the official zoning map promptly after approval. The map, or maps, shall be filed by the County and be permanently displayed at a location available to the public. Regardless of the existence of copies of the official zoning map, which may from time to time be made or published, the official zoning map shall be located in the office of the Department, and shall be the final authority as to the current boundaries of the land use districts. The official zoning map shall show the zoning of specific parcels of land and the use regulations of the district shall apply to the land and shall be consistent with the Comprehensive Plan land use designations.
- (2) **Boundary Interpretations.** When uncertainty exists as to boundaries of any land use zone shown on the official zone map, the following rules of construction shall apply:
 - (a) When 2 different zones are separated by a road, the actual centerline of the right-of-way shall be construed to be the zone boundary.
 - (b) Where zone boundaries are indicated on such maps as approximately following the lot or tract lines, the actual lot tract line shall be construed to be the boundaries of such zone.
 - (c) Where a zoning district boundary on the official zoning map divides a parcel, the location of such district boundary thereon shall be determined by use of the scale appearing on the zoning map.
 - (d) Zone boundaries indicated as following shorelines shall be construed to follow such shorelines, and in case of change in the shoreline, shall be construed as moving with the actual shoreline, except in cases where a government meander line exists, in which case the shoreline shall be measured from the meander line.
 - (e) Boundaries indicated as following railroad lines shall be construed to be the centerline of the right-of-way.
 - (f) Where a public street or alley is officially vacated or abandoned, the regulations applicable to the abutting property to which the vacated portion reverts shall apply to such vacated or abandoned street or alley.
 - (g) In case uncertainty exists which cannot be resolved by the application of the foregoing rules, the Administrative Official shall determine the location of such zone boundaries by written decision. (Ord. O20080009 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 1A; Ord. O20030009; Ord. 17938 Attch. F (part), 2000)

14.16.100 Rural Village Commercial (RVC).

- (1) **Purpose.** The Rural Village Commercial zoning districts are located within each Rural Village identified in the Comprehensive Plan. This zoning district provides an activity center where rural residents and others can gather, work, shop, entertain and reside. This district is intended to provide for a range of commercial uses and services to meet the everyday needs of rural residents and natural resource industries, to provide employment opportunities for residents of the rural area, and to provide goods, services, and lodging for travelers and tourists to the area.
- (2) **Permitted Uses.** The following uses that primarily serve the needs of the surrounding rural population, visitors to the rural area, or natural resource industrial uses in the rural area:
 - (a) Art galleries and studios;
 - (b) Business offices;
 - (c) Church;
 - (d) Community club/grange hall;
 - (e) Family day care provider;

- (f) Gas stations;
 - (g) Historic sites open to the public;
 - (h) Kennel, day-use;
 - (i) One loft living quarter above store fronts;
 - (j) Mini-storage;
 - (k) Minor public uses;
 - (l) Natural resource support services, including office uses and wholesale, retail and service businesses serving local natural resource industries, and sales, storage, parts and repair of equipment and supplies for natural resource industries;
 - (m) Overnight lodging and related services for visitors to the rural area;
 - (n) Owner operator/caretaker quarters accessory to primary use;
 - (o) Pre-school;
 - (p) Professional offices;
 - (q) Retail and wholesale nurseries/greenhouses;
 - (r) Seasonal roadside stands under 300 square feet;
 - (s) Small animal clinic/hospital;
 - (t) Small retail and service businesses, including restaurants; and
 - (u) Outpatient medical and health care services.
- (3) Administrative Special Uses.
- (a) Expansion of existing major public uses up to 3,000 square feet.
 - (b) Group care facility;
 - (c) Kennel, boarding.
 - (d) Large animal clinic/hospital.
 - (e) Minor utility developments.
 - (f) Parks, specialized recreational facility.
 - (g) Personal wireless services towers, subject to SCC 14.16.720.
 - (h) Seasonal roadside stands over 300 square feet.
 - (i) Temporary events.
 - (j) Trails and primary and secondary trailheads.
- (4) Hearing Examiner Special Uses.
- (a) Adult group care facility.
 - (b) Churches.
 - (c) Indoor shooting clubs.
 - (d) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (e) Major utility developments.
 - (f) Mortuary.
 - (g) Public marinas with no more than 20 slips.
 - (h) Retail nurseries/greenhouses.
 - (i) Storage of unlicensed/inoperable vehicles.
- (5) Dimensional Standards.
- (a) Setbacks.
 - (i) Front: 15 feet.
 - (ii) Side and rear: None on interior lots adjacent to other commercial designations. Adjacent to other land use designations, the side setback shall be 8 feet and the rear setback shall be 20 feet.
 - (iii) Accessory Structures.
 - (A) Front: 15 feet.
 - (B) Side: 15 feet.
 - (C) Rear: 20 feet.

- (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- (b) Maximum Size Limits.
 - (i) Except for overnight lodging facilities and fire stations, total gross floor area of primary uses shall not exceed 6,000 square feet per parcel.
 - (ii) Fire stations shall not exceed 8,000 square feet.
 - (iii) Overnight lodging facilities shall not exceed 35 units and shall not exceed 12,000 square feet of gross floor area per parcel including any related commercial services. Operators may not allow any person to occupy overnight lodging on the premises for more than 4 months in any year.
 - (iv) Storage or other noncommercial uses that are accessory to the permitted use, including owner operator/caretaker quarters, up to a total of 1,500 square feet per parcel, shall also be permitted.
- (c) Maximum height: 30 feet or shall conform to the Skagit County Building Code.
 - (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
- (d) Maximum lot coverage: 50%.
- (6) Pedestrian Circulation. Pedestrian walkways shall be provided between parking areas and the uses served by that parking. Pedestrian facilities shall be also provided as specified by an applicable rural village plan.
- (7) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050003 (part); Ord. 17938 Attch. F (part), 2000)

14.16.110 Rural Center (RC).

- (1) Purpose. The Rural Center district recognizes centers or clusters of small retail and service businesses which serve a limited area and rural population outside of established urban growth areas and Rural Villages as designated by the Comprehensive Plan. Rural centers are intended to serve, to a limited extent, the traveling public at existing crossroads.
- (2) Permitted Uses. The following uses that primarily serve the needs of the surrounding rural population and visitors to the rural area in areas which are distant from Rural Village Commercial districts and other commercial centers:
 - (a) Bed and breakfast;
 - (b) Community club/grange hall;
 - (c) Family day care provider;
 - (d) Gas stations;
 - (e) Historic sites open to the public;
 - (f) Kennel, day-use.
 - (g) Loft living quarters;
 - (h) Laundromat;
 - (i) Mini-storage;
 - (j) Minor public uses;
 - (k) Owner operator/caretaker quarters accessory to the primary commercial use;
 - (l) Pre-schools;
 - (m) Retail and wholesale nurseries/greenhouses;
 - (n) Small retail and service businesses, including restaurants; and
 - (o) Outpatient medical and health care services.
- (3) Administrative Special Uses.
 - (a) Expansion of existing major public uses up to 3,000 square feet total.
 - (b) Kennel, boarding.
 - (c) Minor utility developments.
 - (d) Parks, specialized recreational facility.

- (e) Personal wireless services towers, subject to SCC 14.16.720.
- (f) Temporary events.
- (g) Trails and primary and secondary trailheads.
- (4) Hearing Examiner Special Uses.
 - (a) Animal clinic/hospital.
 - (b) Churches.
 - (c) Group care facility.
 - (d) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (e) Major utility developments.
 - (f) Storage of unlicensed/inoperable vehicles.
- (5) Dimensional Standards.
 - (a) Setbacks.
 - (i) Front: 35 feet. Where parking is located in front of structure, or on sides, 55 feet.
 - (ii) Side and rear: 20 feet.
 - (iii) Accessory Structures.
 - (A) Front: 35 feet.
 - (B) Side: 20 feet.
 - (C) Rear: If adjacent to an RVR, RI zone, 20 feet, or the height of the back wall of the building, whichever is greater. Otherwise, the setback shall be equal to the height of the back wall of the building.
 - (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (b) Maximum Size Limits.
 - (i) Retail and service uses, including mini-storage, shall not exceed 3,000 square feet of gross floor area per establishment, except for fire stations which shall not exceed 8,000 square feet, with a maximum of 2 establishments per parcel. Storage or other noncommercial uses that are accessory to the permitted use and do not exceed 50% of the square footage of the permitted use up to a total of 1,500 square feet per parcel shall also be permitted.
 - (c) Maximum height: Shall conform to the Skagit County Building Code.
 - (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
 - (d) Maximum lot coverage: 50%.
- (6) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050003 (part); Ord. 17938 Attch. F (part), 2000)

14.16.120 Rural Freeway Service (RFS).

- (1) Purpose. The purpose of the Rural Freeway Services district is to provide for small scale commercial uses at certain Interstate 5 freeway interchanges outside of urban growth areas as designated by the Comprehensive Plan to serve local populations and the traveling public with necessary goods and services.
- (2) Permitted Uses. The following uses that primarily serve the local rural population and the traveling public with freeway-oriented goods and services limited to:
 - (a) Gas and fueling stations, vehicle repair garages and car washes;
 - (b) Historic sites open to the public;
 - (c) Kennel, day-use.
 - (d) Minor public uses;
 - (e) Museum;
 - (f) Owner operator/caretaker quarters accessory to a commercial operation;

- (g) Park and ride;
 - (h) Restaurants and drive-ins;
 - (i) Retail food markets and convenience stores, including farmers market;
 - (j) Tourist information centers; and
 - (k) Transit station/stop.
- (3) Administrative Special Uses.
- (a) Billboard.
 - (b) Campground, developed.
 - (c) Campground, primitive.
 - (d) Commercial equipment storage.
 - (e) Expansion of existing major public uses up to 3,000 square feet.
 - (f) Kennel, boarding.
 - (g) Minor public facilities.
 - (h) Minor utility developments.
 - (i) Outdoor recreation facility.
 - (j) Personal wireless services towers, subject to SCC 14.16.720.
 - (k) Retail nurseries and accessory greenhouse.
 - (l) Temporary events.
 - (m) Trails and primary and secondary trailheads.
- (4) Hearing Examiner Special Uses.
- (a) Hotel/Motels. Hotel/motel buildings shall be no closer than 200 feet from agricultural zoned lands.
 - (b) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (c) Major utility developments.
 - (d) Off-road vehicle use areas and trails.
 - (e) Storage of unlicensed/inoperable vehicles.
- (5) Dimensional Standards.
- (a) Setbacks.
 - (i) Front: 35 feet. Where parking is located in front of structure, 55 feet.
 - (ii) Side and rear: 35 feet. Where parking is located in front of structure, 55 feet.
 - (iii) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (b) Size Limitations.
 - (i) A use shall not exceed 6,000 square feet of gross floor area with a maximum of 1 establishment per parcel.
 - (ii) Retail shall not exceed 4,500 square feet and 1,500 square feet of storage.
 - (iii) Overnight lodging facilities shall not exceed 35 units and shall not exceed 12,000 square feet of gross floor area per parcel including any related commercial services. Operators may not allow any person to occupy overnight lodging on the premises for more than 4 months in any year. Storage or other noncommercial uses that are accessory to a permitted use up to a total of 1,500 square feet per parcel shall also be permitted.
 - (c) Maximum Height: Shall conform to Skagit County Building Code.
 - (d) Maximum lot coverage: 25%.
- (6) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.16.130 Small Scale Recreation and Tourism (SRT).

- (1) Purpose. This district provides for small scale recreational and tourist uses that create opportunities to diversify the economy of rural Skagit County by utilizing, in an environmentally sensitive manner, the County's abundant recreational opportunities and scenic and natural amenities.
- (2) Permitted Uses.
 - (a) Bed and breakfast.
 - (b) Cabins and other forms of overnight lodging that are rural in scale. New residential development shall not be permitted. New residential development includes the subdivision or sale of land for year-round or second-home residential housing that is owner-occupied or rented. Lodging operators may not allow any person to occupy overnight lodging on the premises for more than 4 months in any year.
 - (c) Campground, destination.
 - (d) Campground, developed.
 - (e) Campground, primitive.
 - (f) Commercial boathouses.
 - (g) Commercial facilities, such as restaurants and small retail shops, if they serve the primary recreational or tourist use.
 - (h) Conference center.
 - (i) Display gardens.
 - (j) Grange/community center.
 - (k) Historic sites open to the public.
 - (l) Institutional camps.
 - (m) Kennel, day-use.
 - (n) Marinas with less than 20 slips.
 - (o) Off-road vehicle use areas and trails.
 - (p) Outdoor outfitters enterprises.
 - (q) Outdoor recreation facilities.
 - (r) Outdoor recreational equipment rental and/or guide services.
 - (s) Parks – community.
 - (t) Recreational, cultural or religious retreats (nonresidential).
 - (u) Stables/riding clubs.
 - (v) Trails and primary and secondary trailheads.
- (3) Accessory Uses.
 - (a) Office use, accessory to the primary permitted use.
 - (b) Owner operator/caretaker quarters.
- (4) Administrative Special Uses.
 - (a) Expansion of existing major public uses up to 3,000 square feet.
 - (b) In remote areas only, such as east of Concrete and on saltwater islands without ferry service, employee housing sufficient to operate the SRT operation; provided, that such housing shall not be for permanent residential use and is limited in size and quantity to only that necessary to house active, existing employees. Any employee housing shall be incidental in scale to the primary SRT use.
 - (c) Kennel, boarding.
 - (d) Minor public uses.
 - (e) Minor utility developments.
 - (f) Parks – specialized recreational facility.
 - (g) Retail and wholesale nurseries/greenhouses.
 - (h) Temporary events.

- (5) Hearing Examiner Special Uses.
 - (a) Animal preserve.
 - (b) Impoundments greater than 1-acre feet in size.
 - (c) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (d) Major utility developments.
 - (e) Marinas with greater than 20 slips.
 - (f) Personal wireless services towers, subject to SCC 14.16.720.
 - (g) Racetrack – recreational.
 - (h) Shooting clubs, indoor and outdoor.
 - (i) Storage of unlicensed/inoperable vehicles.
- (6) Dimensional Standards.
 - (a) Setback.
 - (i) Front: 35 feet. Where parking is located in the front or sides of a structure, 55 feet.
 - (ii) Side and rear: 35 feet.
 - (iii) Accessory.
 - (A) Front: 35 feet.
 - (B) Rear/Side: 35 feet.
 - (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (b) Maximum Size Limits. The entire SRT designated area, whose boundaries are identified on a single Comprehensive Plan Map amendment, shall be considered as 1 unit for the purpose of this calculation and shall be subject to the limits outlined in the following subsections as a whole.
 - (i) The maximum number of acres that may be devoted to the built environment is 20 acres. Additional land may be associated with an SRT development provided it remains substantially undeveloped, primarily left in a natural state, and is used for passive recreation purposes only.
 - (ii) The maximum number of units of overnight lodging is 35 units of built lodging (meaning fixed or mobile structures). This limit does not apply to the number of camping sites or recreational vehicle hook-ups within a campground or resort.
 - (iii) Retail and service uses shall not exceed 3,000 square feet of gross building area per establishment and shall be limited to 2 establishments. Storage or other uses that are accessory to the permitted use and do not exceed 50% of the square footage of the permitted use or a total of 1,500 square feet shall also be permitted.
 - (c) Maximum Height: 30 feet or shall conform to the Skagit County Building Code.
 - (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
 - (d) Maximum Lot Coverage. The following formula shall be used for calculating lot coverage allowances in the SRT district: lot coverage equals 0.35 minus (acres of SRT divided by 100); provided, that a maximum coverage of 130,680 square feet shall be allowed. The entire SRT designated area, whose boundaries are identified on a single Comprehensive Plan Map amendment, shall be considered as 1 unit and shall be subject to the above stated limit as a whole.
- (7) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.16.140 Small Scale Business (SSB).

- (1) Purpose. The Small Scale Business zoning district supports existing and new small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but that do enhance rural economic development opportunities and job opportunities for rural residents.

- (2) Permitted Uses. The following small scale commercial or industrial uses that provide job opportunities for rural residents, but are not principally designed to serve the existing and projected rural population, limited to:
 - (a) Historic sites open to the public;
 - (b) Production, repair and servicing of specialized tools and equipment;
 - (c) Provision of services, including professional, management, consulting, construction, and repair services;
 - (d) Retail sales, limited to products produced primarily on site or which are accessory to products produced on site; and
 - (e) Small-scale production or manufacture of products and goods, including food products, furniture, apparel, artwork, metal products, and wood products.
- (3) Accessory Uses.
 - (a) Owner operator/caretaker quarters.
- (4) Administrative Special Uses.
 - (a) Expansion of existing public uses up to 3,000 square feet.
 - (b) Kennel, day-use, if accessory to an existing commercial use and only if use is secondary and incidental to primary SSB use.
 - (c) Minor public uses.
 - (d) Minor utility developments.
 - (e) Retail nurseries/greenhouses.
 - (f) Temporary events.
 - (g) Trails and primary and secondary trailheads.
- (5) Hearing Examiner Special Uses.
 - (a) Kennels.
 - (i) Boarding kennel, if accessory to an existing commercial use and only if use is secondary and incidental to primary SSB use.
 - (ii) Limited kennel, if accessory to an existing commercial use and only if use is secondary and incidental to primary SSB use.
 - (b) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (c) Major utility developments.
 - (d) Personal wireless services towers, subject to SCC 14.16.720.
 - (e) Storage of unlicensed/inoperable vehicles.
- (6) Dimensional Standards.
 - (a) Setbacks:
 - (i) Front: 35 feet, 55 feet if off-street parking is in front or sides of a structure.
 - (ii) Side: None on interior lots; 35 feet on corner lots.
 - (iii) Rear: 35 feet adjacent to RVR, RI or Agricultural zones.
 - (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (b) Accessory: Same as principal structures.
 - (c) Maximum Size Limits:
 - (i) Permitted uses shall not exceed 10,000 square feet of gross floor area with a maximum of 1 establishment per parcel.
 - (ii) Uses shall have no more than 20 full-time equivalent (FTE) on-site employees. This limitation does not apply to off-site employees. For the purposes of this Subsection, "FTE" on-site employee shall mean an employee that visits the site more than 2 times per week, including solely for purposes of vehicle transfer and shall be calculated over the course of a full year, based on a full-time equivalent of 40 hours per week, 50 weeks per year. Seasonal employee full-time equivalents shall be determined by multiplying the number of seasonal employees

times the total hours worked per employee per season, divided by 2,000 hours (40 hours times 50 weeks).

- (d) Maximum Height: 30 feet or shall conform to the Skagit County Building Code.
 - (i) Height Exemptions: Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
- (e) Maximum Lot Coverage: 25%.
- (7) Special Provisions.
 - (a) All proposed SSB uses shall comply with the following:
 - (i) All structures and outside activities shall be so located or screened from adjacent properties to avoid disturbance through glare, shading, noise, dirt or other nuisances or hazards.
 - (ii) No petroleum pumps or above ground petroleum storage shall be closer than 30 feet from any street right-of-way.
 - (iii) All development proposals within the SSB district shall include a plan, which shall be reviewed by and acceptable to Planning and Development Services. This plan shall diagram and explain how open areas shall be maintained during and after construction to avoid sewage, drainage and dust nuisances to adjacent properties, uses, and critical areas. The plan shall also demonstrate how existing easement rights or other property ownership interests in the property are protected.
 - (iv) All open portions of any lot shall have adequate grading and drainage consistent with the requirements of Chapter 14.32 SCC. Non-accessory residential uses are prohibited.
 - (v) Impacts of the use on the off-site road system shall be mitigated, particularly with regard to the impacts of tracks on substandard roads between the site and the arterial system.
- (8) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. R20020130 (part); Ord. 17938 Attch. F (part), 2000)

14.16.150 Rural Business (RB).

- (1) Purpose. The Rural Business zone is intended to provide reasonable expansion and change of use opportunities for existing isolated nonresidential uses in the rural area that provide job opportunities for rural residents and that are not consistent with the other commercial and industrial Comprehensive Plan designations and zoning districts.
- (2) Permitted Uses.
 - (a) Continuation of an existing commercial use.
 - (b) Subject to an administrative decision, a change of use from the existing use to a use which is substantially similar to the existing use in terms of the type of commercial activity performed. A substantially similar use shall fall within the same broad use category as the existing use (retail, service, restaurant, or manufacturing), shall generate equal or less traffic as the existing use, and shall continue the same basic operational characteristics as the existing use (for example, a change of use from a convenience store to a gas station would not be permitted, but a change from a convenience store to a video store would).
 - (c) A use designated Rural Business may expand, subject to the following: Expansion is limited to a maximum of 50% of the existing building footprint provided that the total expansion does not exceed a total of 1,500 square feet of gross floor area and/or 50% of the existing outdoor working area. The total square footage of allowable expansion is determined on a one-time basis, based on the area of use as of June 1, 1997. The expansion must occur on the same lot upon which the existing use is located.
 - (d) Owner operator/caretaker quarters as accessory to a business use.
- (3) Administrative Special Uses.
 - (a) Expansion of existing major public uses up to 3,000 square feet.

- (b) Minor public uses.
 - (c) Minor utility developments.
 - (d) Personal wireless services towers, subject to SCC 14.16.720.
 - (e) Temporary events.
- (4) Hearing Examiner Special Uses.
- (a) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (b) Major utility developments.
 - (c) Storage of unlicensed/inoperable vehicles.
 - (d) With an approved Hearing Examiner Special Use Permit, a use designated Rural Business which was established prior to July 1, 1990, may be expanded beyond the 1,500 square foot limit established in Subsection (2)(c) of this Section; provided, that the 50% maximums of that Subsection are met and the following criteria are met:
 - (i) The expansion will occur on the same lot upon which the existing use is located;
 - (ii) The expansion is visually compatible with the surrounding neighborhood and rural area;
 - (iii) Detrimental impacts to adjacent properties or to existing easement rights on the property will not be increased or intensified;
 - (iv) The expansion does not result in a formerly small operation dominating the area;
 - (v) The expansion will not constitute new urban growth in the rural area, except that uses may utilize urban services that are historically already available to the site; and
 - (vi) Public services and facilities are limited to those necessary to serve the isolated nonresidential use and are provided in a manner that does not permit low density sprawl.

The applicant shall have the burden of proof in demonstrating that the use was established prior to July 1, 1990.
 - (e) A Hearing Examiner special use permit is required to change from one use to another use when Subsection (2)(b) of this does not apply. The Hearing Examiner shall not grant a special use permit if he/she determines that the change of use would:
 - (i) Result in a substantially increased impact on any 1 of the following criteria; or
 - (ii) Result in smaller impacts across a number of criteria that combined, result in a substantially increased overall impact. Information in parentheses defines “substantial impact” for that particular measure.
 - (A) Traffic generation (more than 10% increase in vehicle trips per day equals substantial increase).
 - (B) Parking requirements (the need to expand existing parking facilities or the likelihood that parking would flow over to adjacent roads or properties equals substantial increase).
 - (C) Hours of operation (10% increase in hours of operation, or any measurable increase in evening and weekend hours equals substantial increase).
 - (D) Visitors/customers visiting the site (10% increase in visitors to the site equals substantial increase).
 - (E) Need for expanded septic, sewer, water, power, or other services.
 - (F) Need for increased infrastructure, such as road widening or access improvements.
 - (G) Noise, light, glare and related impacts from business operations on adjacent properties.
 - (H) Detrimental impacts on productive use of surrounding natural resource lands.
 - (I) Detrimental impacts to surrounding critical areas.
 - (J) Change to the visual character of the structure or property that would significantly and negatively affect the visual character of the surrounding rural area.
 - (K) Be inconsistent with an applicable community development plan, if one has been adopted.
 - (iii) Any use requiring the installation or extension of urban services, including sewer and stormwater, would be considered an urban use rather than a rural use and would be disqualified.

- (iv) A new use may take advantage of the one-time expansion opportunity provided to existing RB uses, provided it satisfies the expansion criteria in the Comprehensive Plan and development regulations. However, a change to a new use does not create any new expansion opportunities or rights.
- (5) Dimensional Standards.
 - (a) Setbacks.
 - (i) Front: 35 feet, where parking is located in front of structure or on sides, 55 feet.
 - (ii) Side and rear: 35 feet.
 - (iii) Accessory.
 - (A) Front: 35 feet.
 - (B) Side and rear: 35 feet.
 - (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (b) Maximum height: 30 feet or shall conform to the Skagit County Building Code.
 - (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
 - (c) Maximum lot coverage: 50%.
- (6) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.16.155 Bayview Ridge Community Center (BR-CC).

- (1) Purpose. The Bayview Ridge Community Center zoning district is located in the Bayview Ridge Urban Growth Area. This zoning district provides a community center where employees, residents and others can obtain and utilize public services and facilities such as a community meeting building, fire station, police precinct office, public open space, schools, recreation and parkland. This district is intended to be pedestrian-oriented and provide for public uses and services to meet the everyday needs of employees and residents of the area.
- (2) Permitted Uses.
 - (a) Fire stations.
 - (b) Police precinct office.
 - (c) Community parks and recreation playfields.
 - (d) Community club/grange halls.
 - (e) Post office.
 - (f) Libraries.
 - (g) Minor utility developments.
- (3) Administrative Special Uses.
 - (a) Temporary events.
- (4) Hearing Examiner Special Uses.
 - (a) Kennels.
 - (i) Day-use kennel.
 - (ii) Boarding kennel.
 - (b) Master site plan (SCC 14.16.XXX [Reserved]) and binding site plan per SCC 14.18.500.
 - (i) Art galleries and studios.
 - (ii) Business and professional offices.
 - (iii) Outpatient medical and health care services.
 - (iv) Retail and service business, including restaurants.
 - (v) Retail nurseries/greenhouses.
 - (vi) Bank.

- (vii) Fitness center.
- (viii) Day care center, limited to 20 clients.
- (ix) Gas station with underground fuel storage tanks.
- (c) Schools (public and private) subject to consistency with the following criteria:
 - (i) The proposed facility is not sited in Safety Zones 1 through 5;
 - (ii) An acoustical evaluation concludes that the proposed facility will not be adversely impacted by noise;
 - (iii) The proposed facility is appropriately sited with respect to the air traffic pattern at the Skagit Regional Airport as determined by Skagit County in consultation with the Port of Skagit County;
 - (iv) At least 25% of the proposed site will be permanent open space, playfields, or other active recreation areas;
 - (v) The location of the proposed facility shall be compatible with the goals and policies of the Bayview Ridge Subarea Plan and the applicant has investigated other potential sites within the Bayview Ridge UGA; and
 - (vi) The site is accessed by a major collector.
- (5) Dimensional Standards.
 - (a) Setbacks.
 - (i) Front: 25 feet.
 - (ii) Side: 8 feet.
 - (iii) Rear: 25 feet.
 - (b) Maximum Size Limits. Commercial and public buildings not to exceed 15,000 square feet of gross building area.
 - (i) Maximum height: consistent with the adopted building code of Skagit County and shall conform to applicable Federal Aviation Administration regulations concerning height restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210.
 - (ii) Maximum lot coverage: none.
- (6) Pedestrian Circulation. Pedestrian walkways shall be provided between parking areas and the uses served by that parking.
- (7) Additional requirements related to this zone are found in SCC 14.16.210, 14.16.600 through 14.16.900 and the rest of Skagit County Code. (Ord. O20080007 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 2)

14.16.160 Natural Resource Industrial (NRI).

- (1) Purpose. Natural resource related industrial uses that are commonly accepted in the rural area which facilitate the production of agricultural, forest, and aquatic products are permissible in the NRI zoning classification. This zoning designation allows related processing facilities, limited direct resource sales and limited natural resource support services that support local natural resource activities and which are not detrimental to the natural resource base in the long term.
- (2) Permitted Uses.
 - (a) Uses related to agriculture including, but not limited to:
 - (i) Agricultural implement sales.
 - (ii) Agricultural processing facilities.
 - (iii) Agricultural slaughtering facilities.
 - (iv) Animal clinic/hospital.
 - (v) Commercial composting.
 - (vi) Fabrication of farm related items.
 - (vii) Farm management services.
 - (viii) Fertilizer manufacturing.

- (ix) Irrigation systems sales, repair and storage.
 - (x) Livestock auction facility.
 - (xi) Stockyards less than 40 acres.
 - (xii) Storage and distribution of animal feeds, fertilizers, pesticides and seed.
 - (xiii) Wholesale nurseries/greenhouses.
- (b) Uses related to forestry including, but not limited to:
 - (i) Fabrication of forestry related items;
 - (ii) Forest industry storage and maintenance facility;
 - (iii) Forestry management services and forest industry support services;
 - (iv) Log scaling station;
 - (v) Manufacturing wood containers and products;
 - (vi) Operation of sawmills, chippers, shake and shingle mills, scaling stations, log dumps and sorting areas, forest industry equipment maintenance, buildings and storage yards, and forest industry residue dumping areas;
 - (vii) Prefabricated wood building and components; and
 - (viii) Wood waste recycling.
 - (c) Uses related to aquatic resources including, but not limited to, the following:
 - (i) Fabrication, maintenance, and repair of equipment, vessels, and structures associated with aquatic natural resource industries;
 - (ii) Management and propagation of fish and wildlife;
 - (iii) Seafood processing and accessory on-site sales;
 - (iv) Shellfish processing and accessory on-site sales;
 - (v) Treatment and bottling of water for commercial sales; and
 - (vi) Upland fish farm.
 - (d) Historic sites open to the public.
 - (e) Minor public uses.
- (3) Accessory Uses. The following uses are an accessory use to a permitted or special use. All accessory uses may only be used to serve the on-site primary permitted natural resource industrial use:
- (a) Explosives storage for use on NRL lands;
 - (b) Industrial vehicle storage facility for vehicles which only serve natural resource industries;
 - (c) Metalworking shop for the maintenance and repair of equipment used by the primary permitted natural resource industrial use;
 - (d) On-site hazardous waste storage and treatment facilities as an accessory use to a permitted or special use;
 - (e) Offices in conjunction with the permitted use;
 - (f) Owner operator/caretaker quarters;
 - (g) Retail sales of finished timber products; and
 - (h) Retail nurseries/greenhouses.
- (4) Administrative Special Uses.
- (a) Expansion of existing major public uses up to 3,000 square feet.
 - (b) Minor utility developments.
 - (c) Outdoor storage of materials in quantities greater than 50 cubic yards that may have a potential health hazard (for example, animal carcasses). Does not include storage of hazardous materials.
 - (d) Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.
 - (e) Storage of unlicensed/inoperable vehicles.
 - (f) Temporary events.
 - (g) Trails and primary and secondary trailheads.

- (5) Hearing Examiner Special Uses.
 - (a) Billboards.
 - (b) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (c) Major utility developments.
 - (d) Permanent or temporary asphalt or concrete batching and recycling.
 - (e) Petroleum products and gas storage—bulk.
 - (f) Personal wireless services towers, subject to SCC 14.16.720.
 - (g) Stockyards greater than 40 acres.
- (6) Dimensional Standards.
 - (a) Front, Side and Rear Setbacks. All uses on the property (except landscaping, open space, and driveways without parking) shall be set back a minimum of 50 feet from the property boundary, and edges of existing and planned public rights-of-way.
 - (b) Special Setbacks. Explosive storage, on-site hazardous waste storage and treatment facilities, and petroleum products and gas bulk storage shall be set back a minimum of 300 feet from the property boundary, and edges of existing and planned public rights-of-way.
 - (c) Maximum Size Limits. The maximum size for a contiguous NRI district is 40 acres unless adjacent to a UGA. The maximum gross floor area for all buildings, except greenhouses, in an NRI District is 15% of total lot area for NRI Districts adjacent to UGAs, Rural Villages, or Rural Centers and 10% of total lot area if not adjacent to a UGA, Rural Village, or Rural Center. Maximum gross floor area for greenhouses shall be 70, so long as all other requirements of the Skagit County Code are met.
 - (d) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (e) Maximum Height. Shall conform to the Skagit County Building Code.
 - (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers is regulated in SCC 14.16.720.
- (7) Special Provisions.
 - (a) All sides of a proposed NRI use adjacent to a Rural Village shall comply with the following:
 - (i) All structures and outside activities shall be so located or screened from adjacent properties to avoid disturbance through glare, shading, noise, dirt or other nuisances or hazards;
 - (ii) No petroleum pumps or above ground petroleum storage shall be closer than 30 feet from any street right-of-way; and
 - (iii) All development proposals within the Natural Resource Industrial district shall include a plan, which shall be reviewed by and acceptable to Planning and Development Services. This plan shall diagram and explain how open areas shall be maintained during and after construction to avoid sewage, drainage and dust nuisances to adjacent properties, uses, and critical areas. The plan shall also demonstrate how existing easement rights or other property ownership interests in the property are protected.
 - (b) All open portions of any lot shall have adequate grading and drainage consistent with the requirements of Chapter 14.32 SCC.
 - (c) Impacts of the use on the off-site road system shall be mitigated, particularly with regard to the impacts of trucks on substandard roads between the site and the arterial system.
- (8) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20070009 (part); Ord. O20030021 (part); Ord. 17938 Attch. F (part), 2000)

14.16.170 Rural Marine Industrial (RMI).

- (1) (a) Purpose. The Rural Marine Industrial zoning district is intended to recognize existing rural marine industrial facilities and to permit expansion of existing rural water and shoreline

dependent or related marine industrial activities in Skagit County, and to provide limited expansion opportunities and limited changes of use.

- (b) RMI Parcel. If multiple adjacent parcels have common ownership at the time they are all first zone RMI, then these multiple parcels shall be considered in their entirety as a single RMI parcel. If multiple adjacent parcels are under separate ownership at the time they are all first zoned RMI, then each parcel under separate ownership shall be considered a separate RMI parcel. If an RMI parcel is subdivided or a portion is sold to a different owner, the dimensional standards applied to the parcel before subdivision or sale stay in effect on the parent parcel except as provided for in Subsection (6)(e) of this Section. Changes to an RMI parcel resulting from a rezone are as noted in Subsections (6)(f)(i) through (iv) of this Section.
- (2) Permitted Uses.
 - (a) Historic sites open to the public.
 - (b) Personal wireless services towers, subject to SCC 14.16.720.
 - (c) Shore/water transfer of marine-related and/or raw natural resource materials.
 - (d) Marinas only on properties on which a marina existed as of April 1, 2002, or was vested by permit application as of April 1, 2002, shall be permitted to continue, intensify and expand on such properties as conforming uses.
 - (3) Accessory Uses.
 - (a) Moorage of marine vessels and structures associated with a permitted use.
 - (b) On parcels with a marina use permitted under Subsections (2)(d) or (5) of this Section:
 - (i) Fabrication, construction, maintenance, repair, storage, testing, and outfitting of marine-related and water-dependent products, including but not limited to marine vessels, equipment, hardware and associated structures.
 - (ii) Restaurants and/or clubhouse facilities.
 - (iii) Retail sales and rental of marine-related and water-dependent products consisting of, but not limited to, marine vessels, marine equipment and marine hardware.
 - (c) On parcels without a marina use permitted under Subsections (2)(d) or (5) of this Section, maintenance, repair, storage, testing, and outfitting of marine-related and water-dependent products, equipment, vessels and structures used in, directly relating to, or supporting permitted uses. Fabrication and construction of structures and vessels may be incidental to such activities.
 - (d) Owner operator/caretaker quarters.
 - (4) Administrative Special Uses.
 - (a) New or expanded parking areas within the required 50-foot setback. Appropriate conditions of approval to fully mitigate any increased impact to neighboring properties from parking in the 50-foot setback shall be included.
 - (5) Hearing Examiner Special Uses.
 - (a) Marinas other than those permitted outright under Subsection (2)(d) of this Section on properties designated RMI before April 1, 2002.
 - (b) Marinas with a total of 15 or fewer slips for either wet or dry storage as an accessory use.
 - (6) Dimensional Standards.
 - (a) Front, Side and Rear Setbacks. All uses on the property (except structures not requiring a permit, including all signs and fences regardless of height, landscaping, open space, and driveways) shall be set back a minimum of 50 feet from the exterior property boundary. Internal setbacks from property boundaries within an RMI parcel shall be in conformance with applicable provisions of the International Building Codes and Fire Code and the Shoreline Management Master Program (SMMP). Parking areas that are existing or included in a vested permit application as of April 1, 2002, may remain within the 50-foot setback.
 - (b) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

- (c) Maximum Height.
 - (i) Thirty feet for all structures requiring building permits on parcels without a marina use permitted under Subsection (2)(d) of this Section.
 - (ii) Sixty feet for all structures requiring building permits for parcels with a marina use permitted under Subsection (2)(d) of this Section.
 - (iii) Height Exemptions. Flagpoles, ham radio antennas, church steeples and fire towers are exempt.
- (d) Maximum Lot Coverage and Impervious Surface Limit for Parcels 30 Acres or Less in Size.
 - (i) On parcels with a marina use permitted under Subsection (2)(d) of this Section, maximum lot coverage and impervious surface shall be limited to the following square footages, based on the acreage of the contiguous RMI zoned area in the parcel:

RMI Zoned Area, Acreage	Maximum Lot Coverage, Square Feet	Maximum Impervious Surface, Square Feet
Over 15 acres	115,000	345,000

Impervious surface is defined in Chapter 14.04 SCC.

- (ii) For All Other Parcels 30 Acres or Less in Size. Maximum lot coverage and impervious surface shall be limited to the following percentages of upland RMI parcels areas:

Upland RMI Parcel Area, Acreage	Maximum Lot Coverage, Percent of Acreage	Maximum Impervious Surface, Percent of Acreage
0 — 1.5	23%	48%
1.51 — 4.5	18%	48%
4.51 — 9.5	16%	46%
9.51 — 17.5	15%	45%
17.51 — 22.5	13%	40%
22.51 — 30.0	12%	36%

Impervious surface shall include crushed rock and gravel.

- (e) Maximum Lot Coverage and Impervious Surface Limit for Parcels Over 30 Acres in Size. Maximum lot coverage and impervious surface shall be limited to the following square footages, and shall be calculated based solely on the upland acreage that is located pursuant to whichever of the following options yields a greater amount of excluded area: (i) outside the geographical jurisdiction of the SMMP; or (ii) more than 200 feet landward of the ordinary high water mark. If an RMI parcel over 30 acres in size is decreased in size through subdivision or sale of a portion to a different owner, then

the limits of Subsection (6)(d) of this Section shall apply to any parcel that is located entirely outside the geographical jurisdiction of the SMMP and located entirely beyond 200 feet landward of the ordinary high water mark and the limits of Subsection (6)(e) of this Section shall otherwise apply.

RMI Zoned Area, Acreage Before Subsection (6)(e) Exclusion	Maximum Lot Coverage, Square Feet for Acreage After Subsection (6)(e) Exclusions	Maximum Impervious Surface, Square Feet for Acreage After Subsection (6)(e) Exclusions
More than 30	5,000 per acre	15,000 per acre

Impervious surface shall include crushed rock and gravel.

- (f) Rezones.
 - (i) New areas zoned RMI must be on lands contiguous to areas with existing RMI zoning. If parcels are rezoned to RMI after July 14, 2000, and those parcels are in common ownership, then the new RMI parcels shall be considered in their entirety as a single RMI parcel. If parcels are rezoned to RMI after July 14, 2000, and those new RMI parcels are in separate ownership, then each parcel under separate ownership shall be considered a separate RMI parcel. In either case, the status of adjacent pre-existing RMI zoning as 1 or more RMI parcels is unaffected.
 - (ii) If a parcel zoned RMI that was originally 30 acres or less in size is decreased in size by a rezone, then the upland RMI parcel area acreage stated in Subsection (6)(d)(ii) of this Section shall be the remaining upland RMI parcel area.
 - (iii) If a parcel that was originally over 30 acres in size is decreased in size by a rezone, then the limits of Subsection (6)(d)(ii) of this Section shall apply to the remaining upland RMI parcel area. If the remaining area is 30 acres or less in size and is both all outside the geographical jurisdiction of the SMMP and more than 200 feet landward of the ordinary high water mark, then the limits of Subsection (6)(e) of this Section shall otherwise apply.
 - (iv) Notwithstanding the foregoing, if an RMI parcel on which a marina permitted under Subsection (2)(d) of this Section is located is decreased in size by a rezone, the lot coverage and impervious surface coverage limitations in Subsection (6)(d)(i) of this Section shall be decreased proportionally.
- (7) Special Provisions.
 - (a) All uses or expansions of use shall comply with the following:
 - (i) All structures and outside activities shall be so located or screened from adjacent properties to avoid disturbance through glare, shading, noise, dirt or other nuisances or hazards consistent with SCC 14.16.840, Performance standards; and
 - (ii) No petroleum pumps or above ground petroleum storage shall be closer than 15 feet from any street right-of-way or 100 feet from parcels of different ownership; except, that on parcels on which marinas are permitted under Subsection (2)(d) of this Section, these setbacks shall not apply and location of petroleum pumps and storage shall be governed by the building and fire codes; and
 - (iii) All development proposals within this designation shall include a plan, which shall be reviewed and approved by Planning and Development Services for compliance with SCC 14.16.170. This plan shall include a diagram and explanation on how the open areas shall be maintained during and after construction to avoid sewage, drainage and dust nuisances to adjacent properties, uses,

and critical areas. The plan shall also demonstrate how existing easement rights or other property ownership interests in the property are protected.

- (b) Residential accessory uses are prohibited except as allowed under Subsection (3)(a) of this Section.
 - (c) Impacts to the off-site road system shall be mitigated, particularly with regard to the impacts of trucks on substandard roads between the parcel and the arterial system.
 - (d) All proposed uses shall be consistent with the State Shoreline Management Act and Chapter 14.26 SCC, the SMMP, and Chapter 14.32 SCC, Drainage Ordinance.
 - (e) On parcels regulated by Subsection (6)(e) of this Section, any new buildings or new outdoor storage areas shall be located:
 - (i) Outside the geographical jurisdiction of the SMMP; and
 - (ii) More than 200 feet landward of the ordinary high water mark.
- (8) Additional requirements related to this zone are found in SCC 14.16.600 through 14.60.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20070009 (part); Ord. O20030014 (part); Ord. 17938 Atch. F (part), 2000)

14.16.175 Hamilton Industrial (H-I).

- (1) Purpose. To allow natural resource-related industrial uses that are commonly accepted in the rural area and that facilitate the production of products from agricultural, forest, and aquatic natural resources. This zone is intended to allow such uses in the unincorporated portion of the Hamilton Urban Growth Area until these lands are annexed to the town and full urban services are provided. This zoning designation allows natural resource-related processing facilities, limited direct resource sales and limited natural resource support services that support local natural resource activities and which will not preclude the transition to urban industrial development in the future.
- (2) Permitted Uses.
- (a) Uses related to agriculture including, but not limited to:
 - (i) Agricultural implement sales.
 - (ii) Agricultural processing facilities.
 - (iii) Agricultural slaughtering facilities.
 - (iv) Animal clinic/hospital.
 - (v) Commercial composting.
 - (vi) Fabrication of farm-related items.
 - (vii) Farm management services.
 - (viii) Fertilizer manufacturing.
 - (ix) Irrigation systems sales, repair and storage.
 - (x) Livestock auction facility.
 - (xi) Stockyards less than 40 acres.
 - (xii) Storage and distribution of animal feeds, fertilizers, pesticides and seed.
 - (xiii) Wholesale nurseries/greenhouses.
 - (b) Uses related to forestry including, but not limited to:
 - (i) Fabrication of forestry-related items;
 - (ii) Forest industry storage and maintenance facility;
 - (iii) Forestry management services and forest industry support services;
 - (iv) Log scaling station;
 - (v) Manufacturing wood containers and products;
 - (vi) Operation of sawmills, chippers, shake and shingle mills, scaling stations, log dumps and sorting areas, forest industry equipment maintenance, buildings and storage yards, and forest industry residue dumping areas;
 - (vii) Prefabricated wood building and components; and

- (viii) Wood waste recycling.
- (c) Uses related to aquatic resources including, but not limited to, the following:
 - (i) Fabrication, maintenance, and repair of equipment, vessels, and structures associated with aquatic natural resource industries;
 - (ii) Management and propagation of fish and wildlife;
 - (iii) Seafood processing and accessory on-site sales;
 - (iv) Shellfish processing and accessory on-site sales;
 - (v) Treatment and bottling of water for commercial sales; and
 - (vi) Upland fish farm.
- (d) Historic sites open to the public.
- (e) Minor public uses.
- (3) Accessory Uses. The following uses are an accessory use to a permitted or special use. All accessory uses may only be used to serve the on-site primary permitted natural resource industrial use:
 - (a) Explosives storage for use on NRL lands;
 - (b) Industrial vehicle storage facility for vehicles which only serve natural resource industries;
 - (c) Metal-working shop for the maintenance and repair of equipment used by the primary permitted natural resource industrial use;
 - (d) On-site hazardous waste storage and treatment facilities as an accessory use to a permitted or special use;
 - (e) Offices in conjunction with the permitted use;
 - (f) Owner operator/caretaker quarters;
 - (g) Retail sales of finished timber products; and
 - (h) Retail nurseries/greenhouses.
- (4) Administrative Special Uses.
 - (a) Expansion of existing major public uses up to 3,000 square feet.
 - (b) Minor utility developments.
 - (c) Outdoor storage of materials in quantities greater than 50 cubic yards that may have a potential health hazard (for example, animal carcasses). Does not include storage of hazardous materials.
 - (d) Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.
 - (e) Storage of unlicensed/inoperable vehicles.
 - (f) Temporary events.
 - (g) Trails and primary and secondary trailheads.
- (5) Hearing Examiner Special Uses.
 - (a) Billboards.
 - (b) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (c) Major utility developments.
 - (d) Permanent or temporary asphalt or concrete batching and recycling.
 - (e) Petroleum products and gas storage—bulk.
 - (f) Personal wireless services towers, subject to SCC 14.16.720.
 - (g) Stockyards greater than 40 acres.
- (6) Dimensional Standards.
 - (a) Front, Side and Rear Setbacks. All uses on the property (except landscaping, open space, and driveways without parking) shall be set back a minimum of 50 feet from the property boundary and edges of existing and planned public rights-of-way.
 - (b) Special Setbacks. Explosive storage, on-site hazardous waste storage and treatment facilities, and petroleum products and gas bulk storage shall be set back a minimum of 300 feet from the property boundary, and edges of existing and planned public rights-of-way.

- (c) **Maximum Size Limits.** The maximum gross floor area for all buildings, except greenhouses, in an H-I District is 15% of total lot area. Maximum gross floor area for greenhouses shall be 70%, so long as all other requirements of the Skagit County Code are met.
 - (d) **Setbacks from NRL lands** shall be provided per SCC 14.16.810(7).
 - (e) **Maximum Height.** Shall conform to the Skagit County Building Code.
 - (f) **Height Exemptions.** Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers is regulated in SCC 14.16.720.
- (7) **Special Provisions.**
- (a) All sides of a proposed H-I use shall comply with the following:
 - (i) All structures and outside activities shall be so located or screened from adjacent properties to avoid disturbance through glare, shading, noise, dirt or other nuisances or hazards;
 - (ii) No petroleum pumps or aboveground petroleum storage shall be closer than 30 feet from any street right-of-way; and
 - (iii) All development proposals within the Hamilton Industrial district shall include a plan, which shall be reviewed by and acceptable to Planning and Development Services. This plan shall diagram and explain how open areas shall be maintained during and after construction to avoid sewage, drainage and dust nuisances to adjacent properties, uses, and critical areas. The plan shall also demonstrate how existing easement rights or other property ownership interests in the property are protected.
 - (b) All open portions of any lot shall have adequate grading and drainage consistent with the requirements of Chapter 14.32 SCC.
 - (c) Impacts of the use on the off-site road system shall be mitigated, particularly with regard to the impacts of trucks on substandard roads between the site and the arterial system.
- (8) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080010 (part))

14.16.180 Bayview Ridge Light Industrial (BR-LI).

- (1) **Purpose.** The purpose of the Bayview Ridge Light Industrial zone is to allow light manufacturing, limited commercial uses, offices associated with permitted uses identified below, wholesale, warehousing, distribution and storage, equipment storage and repair, uses requiring rail access, more direct access to SR 20 and/or access to high capacity utilities such as fiber optics, high voltage electric lines and gas lines, and other uses compatible with a light manufacturing district.
- (2) **Permitted Uses.**
 - (a) Agricultural and food processing, storage and transportation.
 - (b) Agricultural uses, on an interim basis until industrial development; provided, that residences shall not be allowed as an accessory use in conjunction with agriculture.
 - (c) Bulk commodity storage and rail/truck trans-shipment terminals.
 - (d) Cold storage facilities.
 - (e) Commercial uses, including offices associated with permitted uses, but excluding principally retail uses such as the sales of goods or services. Incidental retail sales of consumer goods and services are permitted as accessory uses under Subsection (3) of this Section. There shall be no large scale retail centers such as department stores, malls, shopping centers, and other similar facilities commonly referred to as “big box” retail establishments.
 - (f) Construction contractors, contractors’ services, utility services (equipment and supply yards for contractors and utility providers), and building services (cleaning, maintenance, security, landscaping, etc.).
 - (g) Eating and drinking establishments.
 - (h) Historic sites open to the public.

- (i) Kennels.
 - (i) Day-use kennel.
 - (ii) Boarding kennel.
 - (iii) Limited kennel.
 - (j) Lumber yards.
 - (k) Manufacture, processing, treatment, storage, blending, fabrication, development, assembly or packaging of any product from natural or synthetic materials.
 - (l) Mini-storage centers.
 - (m) Personal wireless services towers, subject to SCC 14.16.720.
 - (n) Printing, publishing, and broadcasting.
 - (o) Rail terminals and intermodal truck/rail storage and shipping facilities.
 - (p) Repair, sales, rental, and storage facilities for equipment, including heavy equipment, farm equipment, marine equipment, boats, airplanes, trucks, and recreational vehicles.
 - (q) Research, development and testing facilities.
 - (r) Retail and wholesale nurseries/greenhouses.
 - (s) Security services and armored car depots and services.
 - (t) Telephone and Internet call centers and server farms; web hosting facilities and other communication centers.
 - (u) Vocational educational and training centers.
 - (v) Warehousing, distribution and storage facilities.
 - (w) Wholesale businesses with incidental retail trade permitted as accessory uses under Subsection (3) of this Section.
- (3) Accessory Uses. Accessory uses are intended to provide goods and services primarily to complement and support permitted, administrative, and special uses in the BR-LI zone.
- (a) Day care centers primarily serving employees and residents located in the Bayview Ridge Subarea.
 - (b) Electrical generating facilities producing less than 50 megawatts of electricity and electrical substations and gasworks serving permitted, accessory, administrative or special uses.
 - (c) Incidental retail sales of products manufactured, processed, distributed, produced, or assembled on-site; provided, that the floor area allocated to retail sales of products distributed on-site shall not be greater than 10% of the gross floor area of the building occupied by the distribution facility and in no event shall said retail sale area be greater than 2,000 square feet of gross floor area.
 - (d) Outdoor storage of processed and unprocessed natural materials, waste materials or other similar materials used in conjunction with a permitted, accessory or special uses provided the same in quantities that total less than 500 cubic yards.
 - (e) Owner operator/caretaker quarters.
 - (f) Recreational facilities primarily serving facilities and employees located in the Bayview Ridge Subarea.
- (4) Administrative Special Uses.
- (a) Expansion of existing major public uses up to 3,000 square feet.
 - (b) Minor public uses.
 - (c) Minor utility developments.
 - (d) Outdoor storage of materials in quantities greater than 50 cubic yards that may have a potential health hazard. Does not include storage of hazardous materials.
 - (e) Temporary asphalt/concrete batching.
 - (f) Temporary events.
 - (g) Trails and primary and secondary trailheads.
- (5) Hearing Examiner Special Uses.
- (a) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.

- (b) Major utility developments.
 - (c) On-site hazardous waste treatment and storage facilities that are an accessory use to an otherwise permitted use on the site, provided such facilities comply with the State Hazardous Waste Siting Standards and County and State Environmental Policy Act requirements and the Clean Water Act. No treatment or storage of hazardous materials shall be permitted within 500 feet of the nearest residence.
 - (d) Recreational racetracks.
- (6) Dimensional Standards.
- (a) Setbacks.
 - (i) Front: 35 feet.
 - (ii) Side: shall be in conformance with the adopted building code of Skagit County if adjacent to other commercial/industrial zoning designations, and 50 feet if adjacent to other residential zoning designations.
 - (iii) Rear: shall be in conformance with the adopted building code of Skagit County if adjacent to other commercial/industrial zoning designations and 50 feet if adjacent to other residential zoning designations.
 - (iv) Accessory: same as principal buildings.
 - (v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (b) Maximum height: consistent with the adopted building code of Skagit County and shall conform to applicable Federal Aviation Administration regulations concerning height restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210.
- (7) Buffering of Industrial and Residential Zoned Land. This Section applies to the portion of industrial properties located within 100 feet of residential zones. Properties abutting any residential zones shall provide the following measures to minimize impacts from noise, vibration, dust, other industrial impacts, and to maintain privacy and aesthetic compatibility.
- Within 100 feet of residential zones, the following conditions apply:
- (a) Loading Areas. Truck loading operations and maneuvering areas shall not be located within 100 feet of areas zoned for residential use.
 - (b) Building Height. Buildings shall not exceed 35 feet. Building height may step up to higher than 35 feet for those portions of a building located more than 100 feet from a residential zone.
 - (c) Horizontal Building Modulation. Buildings with exterior (facade) walls greater than 60 feet in length and located within 100 feet of residentially zoned properties shall be required to provide architectural modulation in accordance with the following standards:
 - (i) Minimum modulation depth equals 5 feet;
 - (ii) Minimum modulation length equals 15 feet;
 - (iii) Maximum modulation length equals 60 feet;
 - (iv) Minimum height of modulation equals 50 percent of height of facade;
 - (v) Any other method of architectural modulation which results in an equivalent or superior articulation of the building facade, which gives the building the appearance of not having flat facade surfaces for substantial portions of its length, based upon building plan elevations. Examples of acceptable architectural treatment include, but are not limited to, building facade modulation, orientation of doors and windows, varying use of building materials and colors, use of landscaping which breaks up flat expanses of building walls, or a combination of techniques providing the desired effect.
 - (d) All lighting fixture luminaires shall be full cut-off.
 - (e) Mechanical equipment located on the roof, facade, or external portion of a building shall be architecturally screened by incorporating the equipment in the building and/or site design so as not to be visible from adjacent residential zones or public streets.

- (f) Equipment or vents which generate noise or air emissions shall be located away from adjoining residentially zoned properties.
- (g) Screening. A sight-obscuring masonry or wood fence is required as part of the landscape buffer abutting the residential zone.
- (8) Landscaping shall be provided as required by SCC 14.16.830.
- (9) Additional requirements related to this zone are found in SCC 14.16.210, 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 3; Ord. 17938 Attch. F (part), 2000)

14.16.190 Bayview Ridge Heavy Industrial (BR-HI).

- (1) Purpose. The purpose of the Bayview Ridge Heavy Industrial zone is to allow for industrial developments that have the potential for more than a minimal level of disturbance to adjacent properties.
- (2) Permitted Uses.
 - (a) Agricultural uses, on an interim basis until industrial development; provided, that residences shall not be allowed as an accessory use in conjunction with agriculture.
 - (b) Automobile wrecking; provided, that landscaping is installed pursuant to SCC 14.16.830, Landscaping. If none applies pursuant to a zoning designation, a Type I buffer shall be required.
 - (c) Bulk commodity storage and rail/truck trans-shipment terminals.
 - (d) Cold storage facilities.
 - (e) Communication utilities offices.
 - (f) Construction contractors, contractors' services, utility services (equipment and supply yards for contractors and utility providers), and building services (cleaning, maintenance, security, landscaping, etc.).
 - (g) Eating and drinking establishments.
 - (h) Historic site open to the public.
 - (i) Lumber yards.
 - (j) Manufacture, processing, treatment, storage, fabrication, assembly or packaging of any product from natural or synthetic materials.
 - (k) Personal wireless services towers, subject to SCC 14.16.720.
 - (l) Rail terminals and intermodal truck/rail storage and shipping facilities.
 - (m) Repair and storage facilities for equipment, including heavy equipment, farm equipment, marine equipment, boats, airplanes, automobiles, trucks, and recreational vehicles.
 - (n) Research, development and testing facilities.
 - (o) Sale, rental and repair of new and used industrial and farm machinery and equipment.
 - (p) Security services/armored car depots and services.
 - (q) Utility services offices.
 - (r) Vocational educational and training facilities.
 - (s) Warehousing, distribution and storage facilities.
 - (t) Wholesale businesses with incidental retail trade permitted as accessory uses under Subsection (3) of this Section.
- (3) Accessory Uses.
 - (a) Electrical generating plants producing less than 50 megawatts of electricity and electrical substations and gasworks related to Subsection (2) of this Section.
 - (b) Incidental retail sales of products manufactured, processed, distributed, produced, or assembled on-site; provided, that the building area allocated to retail sales of products distributed on-site shall not be greater than 10% of the gross floor area of the building occupied by the distribution facility and in no event shall said retail sale area be greater than 2,000 square feet of gross floor area.
 - (c) Offices.

- (d) Outdoor storage of processed and unprocessed natural materials, waste materials or other similar materials used in conjunction with a permitted, accessory, or special use.
- (e) Owner operator/caretaker quarters.
- (f) Recreational facilities primarily serving facilities and employees in the Bayview Ridge Subarea.
- (4) Administrative Special Uses.
 - (a) Expansion of existing major public uses up to 3,000 square feet.
 - (b) Minor public uses.
 - (c) Minor utility developments.
 - (d) Outdoor storage of materials in quantities greater than 50 cubic yards that may have a potential health hazard. Does not include storage of hazardous materials.
 - (e) Temporary events.
 - (f) Trails and primary and secondary trailheads.
- (5) Hearing Examiner Special Uses.
 - (a) Adult entertainment.
 - (b) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (c) Major utility developments.
 - (d) On-site hazardous waste treatment and storage facilities that are an accessory use to an otherwise permitted use on the site, provided such facilities are greater than 500 feet from the nearest residence and comply with the State Hazardous Waste Siting Standards and County and State Environmental Policy Act requirements and the Clean Water Act.
 - (e) Recreational racetracks.
- (6) Additional Special Uses in Heavy Industrial Zone. The following additional special uses shall be permitted, subject to a Hearing Examiner review and recommendation; provided, that the Hearing Examiner must find that the proposed special use on-site operations do not pose any demonstrable threat of contamination to adjacent AG-NRL designated lands; provided, that all other applicable local, State and Federal regulations regarding environmental disturbance are met; and provided, that permanent land disposal of hazardous waste, oil refinery, mineral smelting and other similar operations shall not be allowed.
 - (a) Hazardous waste treatment and storage facilities that are a principal use of the property are permitted; provided, that such facilities comply with the State Hazardous Waste Siting standards and County and State Environmental Policy Act and Clean Water Act requirements. No treatment or storage of hazardous materials shall be permitted within 500 feet of the nearest residence.
 - (b) Solid waste processing, recycling and transfer facilities.
- (7) Dimensional Standards.
 - (a) Setbacks.
 - (i) Front: 35 feet.
 - (ii) Side: shall be in conformance with the adopted building code of Skagit County if adjacent to other commercial/industrial zoning designations, and 50 feet if adjacent to other zoning designations.
 - (iii) Rear: shall be in conformance with the adopted building code of Skagit County if adjacent to other commercial/industrial zoning designations and 50 feet if adjacent to other noncommercial/industrial zoning designations.
 - (iv) Accessory: same as principal buildings.
 - (v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (b) Maximum height: consistent with the adopted building code of Skagit County and shall conform to applicable Federal Aviation Administration regulations concerning height restrictions when located within the Airport Environs Overlay, SCC 14.16.210.
- (8) Landscaping shall be provided as required by SCC 14.16.830.

- (9) Additional requirements related to this zone are found in SCC 14.16.210, 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 4; Ord. 17938 Attch. F (part), 2000)

14.16.195 Urban Reserve Commercial-Industrial (URC-I).

- (1) Purpose. The purpose of the Urban Reserve Commercial-Industrial district is to allow for limited commercial, industrial, or other nonresidential uses of the land in certain unincorporated UGAs at lower than urban intensities and without requiring the provision of urban services and/or utilities. The Urban Reserve Commercial-Industrial district is also intended to reserve the remainder of the land for more intensive urban commercial/industrial development in the future. More intensive development than that allowed under the Urban Reserve Commercial-Industrial district will require annexation to the appropriate jurisdiction or will require approval of an urban reserve development permit pursuant to SCC 14.16.910.
- (2) Permitted Uses.
- (a) Art galleries and studios.
 - (b) Business offices.
 - (c) Community club/grange hall.
 - (d) Family day care provider.
 - (e) Gasoline service stations and automobile repair garages conducted inside a building.
 - (f) Historic sites open to the public.
 - (g) Indoor or outdoor storage facilities, excluding unlicensed and inoperable vehicles.
 - (h) Kennel, day-use.
 - (i) Loft living quarters above store fronts.
 - (j) Mini-storage.
 - (k) Minor public uses.
 - (l) Natural resource support services, including office uses and wholesale, retail and service businesses serving local natural resource industries, and sales, storage, parts and repair of equipment and supplies for natural resource industries.
 - (m) Outside sales of new and used vehicles, boats and mobile homes or equipment.
 - (n) Owner operator/caretaker quarters accessory to primary use.
 - (o) Pre-school.
 - (p) Professional offices.
 - (q) Production, repair, and servicing of specialized tools and equipment.
 - (r) Provision of services, including professional, management, consulting, construction, and repair services.
 - (s) Restaurants.
 - (t) Retail and wholesale nurseries/greenhouses.
 - (u) Small animal clinic/hospital.
 - (v) Small retail and service businesses.
 - (w) Small scale production or manufacture of products and goods, including food products, furniture, apparel, artwork, metal products, and wood products.
 - (x) Warehouses and distribution and wholesale uses.
- (3) Administrative Special Uses.
- (a) Active recreational facilities.
 - (b) Expansion of existing major public uses up to 3,000 square feet.
 - (c) Kennels.
 - (i) Boarding kennel.
 - (ii) Limited kennel.

- (d) Large animal clinic/hospital.
 - (e) Minor utility developments.
 - (f) Parks, specialized recreational facility.
 - (g) Personal wireless services towers, subject to SCC 14.16.720.
 - (h) Race track, indoor.
 - (i) Temporary events.
 - (j) Trails and primary and secondary trailheads.
- (4) Hearing Examiner Special Uses.
- (a) Church.
 - (b) Group care facility.
 - (c) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (d) Major utility developments.
 - (e) Storage of unlicensed/inoperable vehicles.
- (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.
- (a) Setbacks, Primary and Accessory Structure.
 - (i) Front: 35 feet.
 - (ii) Side and rear: None on interior lot lines adjacent to other commercial designations. On lot lines adjacent to other land use designations: side: 15 feet; rear: 20 feet.
 - (b) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (c) Maximum building height: 30 feet or shall conform to the Skagit County Building Code.
 - (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
 - (d) Maximum Size Limits. Total gross building area of primary and accessory uses shall not exceed 5,000 square feet of new construction per parcel, calculated on a cumulative basis after August 26, 2003, unless the owner has obtained an urban reserve development permit pursuant to SCC 14.16.910.
 - (e) Minimum lot size: 5 acres or 1/128th of section; unless the owner has obtained an urban reserve development permit, pursuant to SCC 14.16.910. No variances to this minimum lot size requirement shall be granted. Existing lots smaller than this minimum lot size shall be subject to the provisions of SCC 14.16.850, lot certification.
 - (f) Maximum lot coverage: 50%.
- (6) Infrastructure Development Standards. Subdivisions of land, building permits, and land use actions which are allowed by this Section shall meet those development standards for infrastructure established by Chapter 14.18 SCC and applicable generally to land outside the unincorporated UGAs and the following additional requirements:
- (a) If public water service is available, as a condition of any development approval in the unincorporated UGA, the property owner shall obtain a certificate of water availability for the proposed use from a public water utility, and connect to the water system. Fire flow requirements shall be as specified in Chapter 14.28 SCC, Appendix A (Minimum Fire Flow Design Standards).
 - (b) Any short plat, subdivision, binding site plan, or other subdivision of land to the rural densities or sizes permitted in this Section without obtaining an urban reserve development permit shall contain a notation on the face of the short plat, subdivision, binding site plan, or other subdivision of land that identifies an area within the parcel where structures are not permitted to accommodate future rights-of-way for urban transportation infrastructure and utilities that will be required when the property is further subdivided and developed at urban densities and land uses.

- (i) This area of restriction may be modified administratively, at the request of the property owner, without requiring an amendment to the short plat, subdivision, binding site plan, or other subdivision of land.
 - (ii) The County shall consult with the city in whose UGA the property is located and base its determination of the appropriate location and width of these reserve areas on the development regulations and planning documents of the city in whose UGA the property is located.
 - (iii) The note on the face of the short plat, subdivision, binding site plan, or other subdivision of land shall specify that when the property is further subdivided for urban densities and land uses and when dedication of rights-of-way for roads and utilities is completed as part of that future subdivision and urban development approval, the permanent structures restriction contained in the initial short plat, subdivision, binding site plan, or other subdivision of land shall expire and shall be replaced with that future dedication.
- (c) Nothing in this Section shall preclude Skagit County from requiring that additional infrastructure, including transportation, fire, police, and parks, be provided as a condition of a specific development on a case-by-case basis, pursuant to SEPA, special studies, or other requirements and standards, under the process for approval provided in Skagit County development regulations for all developments. Skagit County shall consider applicable municipalities' capital facilities plans for public facilities and services, together with all relevant facts, in establishing the conditions for approval, as provided by County ordinance.
 - (d) Maximum Wastewater Output. The proposed use or expansion added since August 26, 2003, shall generate an increase in wastewater output no greater than that generated by an equivalent single-family residential unit (ERU). For purposes of this Subsection, an ERU is defined as a structure or facility that does not exceed 20 fixture units under the Uniform Plumbing Code as adopted by Skagit County. The County shall not permit a nonresidential development in this zone that exceeds 20 fixture units, unless the proposed use and associated wastewater generation is approved pursuant to an urban reserve development permit.
 - (e) In accordance with the Growth Management Act and the Skagit County Comprehensive Plan, cities are the units of local government most able to provide urban services, including services necessary to treat wastewater in this district. In the event that off-site treatment of wastewater is desired, such treatment services must be provided by the appropriate city government.
- (7) Pedestrian Circulation. Pedestrian walkways shall be provided between parking areas and the uses served by that parking.
 - (8) Additional requirements related to this zone are found in SCC 14.16.800, 14.16.810, 14.16.830 (specifically Type III landscaping as required for RVC, RC, SSB and R zones), 14.16.840, 14.16.850, 14.16.870, 14.16.880 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050007 § 4)

14.16.200 Aviation Related (AVR).

- (1) Purpose. The purpose of the Aviation Related district is to provide a place for regional airfields and uses which require proximity and access to an established airfield. Land designated as AVR should be located adjacent and accessible to airport terminals, hangar areas, taxiways, and related facilities. Federal Aviation Administration regulations and the applicable Airport Master Plan for the airport facility under review further restrict building and site development within the AVR zone.
- (2) Permitted Uses.
 - (a) Air charter services.
 - (b) Aircraft fueling.
 - (c) Aircraft maintenance and repair.
 - (d) Aircraft parking and hangars.

- (e) Aircraft related manufacturing.
 - (f) Aircraft sales and sales of aircraft parts.
 - (g) Airport including terminal facilities.
 - (h) Aviation schools.
 - (i) Regional airfields.
 - (j) Restaurant.
 - (k) Temporary events related to aviation uses.
 - (l) Uses that require or utilize aviation access and those that serve the aviation industry and/or air passengers.
 - (m) Uses accessory or related to aviation, such as aviation-related navigation aids.
 - (n) Uses permitted in the BR-LI zone.
 - (o) Vehicle rental.
 - (p) Warehousing for airport users.
- (3) Administrative Special Uses.
- (a) Expansion of existing major public uses up to 3,000 square feet.
 - (b) Minor public uses.
 - (c) Minor utility developments.
 - (d) Temporary events.
 - (e) Trails and primary and secondary trailheads.
- (4) Hearing Examiner Special Uses.
- (a) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (b) Major utility developments.
 - (c) Outdoor storage of materials in quantities greater than 50 cubic yards that may have a potential health hazard. Does not include storage of hazardous materials.
 - (d) Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.
 - (e) Personal wireless services towers, subject to SCC 14.16.720.
 - (f) Storage of unlicensed and/or inoperable vehicles.
- (5) Dimensional Standards.
- (a) Setbacks.
 - (i) All setbacks shall conform to the adopted building code of Skagit County.
 - (b) Maximum height: consistent with the adopted building code of Skagit County regulations concerning height restrictions pursuant to the Airport Environs Overlay, SCC 14.16.210.
- (6) Special Provisions.
- (a) All improvements shall conform to applicable Federal regulations concerning dimensional restriction on air operations including height restrictions and required setbacks from air operations areas.
- (3) Additional requirements related to this zone are found in SCC 14.16.210, 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20070009 (part); Ord. O20060007 Exh. D § 5: Ord. 17938 Attch. F (part), 2000)

14.16.210 Airport Environs Overlay (AEO).

- (1) Policies.
- (a) It is the declared policy of this County to protect the long-term viability of the Skagit Regional Airport, an essential public facility as designated in the Skagit County Comprehensive Plan (1997, 2000), and to promote land uses compatible with the airport within the airport's designated environs. It is the further intent of this County to provide to the residents of this County proper notification of the County's recognition and support, through this Section, of the airport's long-term operation.

- (b) The Skagit Regional Airport provides an important transportation service to the region and is a vital asset to facilitate economic growth in the County. The airport has been operated for general aviation and commercial purposes by local municipal governments since the 1950s when it was acquired from the Federal government. The Port of Skagit County has owned and operated the airport since 1965 and asserts that it has obtained avigation easements by prescription over property surrounding the Skagit Regional Airport.
 - (c) The State Growth Management Act requires the County to protect public use airports from incompatible land uses through comprehensive planning and development regulations (RCW 36.70.547 and 36.70A.510).
 - (d) The Washington State Department of Transportation, Aviation Division has adopted Airports and Compatible Land Use (1999) guidelines, which provide technical information and policy recommendations regarding airport land use compatibility. Skagit County used this document, together with information from the California State Department of Transportation (CALTRANS) Airport Landuse Planning Handbook (1993), and information specific to the Skagit Regional Airport, to prepare the Skagit Regional Airport Land Use Compatibility Study (May, 2000). This County study recommends safety compatibility criteria and identifies six Airport Accident Safety zones.
- (2) Purposes.
- (a) Where airport operations exist side-by-side with other development, or where low flying air traffic over-flies other development, airport operations are frequently the subject of nuisance complaints and on occasion, have been forced to cease or curtail operations. Such nuisance complaints are to the detriment of this essential public facility and the reduction of service resulting from nuisance complaints could limit the usefulness of this essential public facility. Such complaints could reduce or curtail service at the essential public facility and that reduction or curtailment of service is also contrary to the public interest and the requirements of the Growth Management Act. It is the purpose and intent of this Section to reduce any loss of airport operations by limiting and defining the circumstances under which the Skagit Regional Airport may be considered a nuisance.
 - (b) An additional purpose of this Section is to promote land uses compatible with the airport within the airport's designated environs and to protect public health, safety, and general welfare within the aforementioned airport environs.
 - (c) An additional purpose of this Section is to promote a good neighbor policy between the airport and other property owners by advising purchasers and users of property within Airport Safety Zones 1 through 6 as identified in the Skagit Regional Airport Land Use Compatibility Study (May, 2000) of the inherent overflight effects associated with purchase of a residence, business, or land. These overflight effects may include, but are not limited to, noise, exhaust fumes, illumination, smoke, vibration, and loss of quiet enjoyment due to aircraft overflights associated with landing and taking off ("overflight effects"). It is intended that through mandatory disclosures, purchasers and users will better understand the impact of living or owning a business near the Skagit Regional Airport, and will be prepared to accept attendant conditions as the natural result of their location.
 - (d) An additional purpose of this Section is to establish an avigational easement that recognizes that overflight effects will arise from airport operations.
- (3) Determination of Airport Environs. For purposes of this Section, the airport environs is that geographic area affected by the airport and defined on the basis of factors including, but not limited to, aircraft noise, aircraft flight patterns, airport safety zones, local circulation patterns and area development plans. The boundaries of the airport environs are depicted on the Skagit County Airport Environs Overlay map and include Airport Safety Zones 1 through 6. Maps portraying the airport environs and noise contours shall be on file for public inspection in the office of the Port of Skagit County and Skagit County Planning and Development Services.
- (4) Application of Airport Environs Review.

- (a) New buildings, structures, subdivisions, binding site plans, and/or land uses and their associated permits/approvals, which lie within the AEO, shall be subject to the provisions of this Section.
 - (i) The following land uses shall be prohibited in all airport safety zones:
 - (A) Hospitals; nursing homes; outdoor stadiums and other similar land uses, as may be determined by the Administrative Official, for which the significant common element is the relative inability of the people occupying the space to move out of harm's way in a safe and rapid manner.
 - (B) Above ground bulk storage of flammable or hazardous materials which are not incidental to the permitted use.
 - (C) Manufactured home parks.
 - (ii) The following uses shall be allowed in Zone 6 and prohibited in Zones 1 through 5: K-12 schools and churches.
 - (iii) All development within the AEO which impedes the contours shown on the AEO FAA Permit Contours Map shall be required to apply for a permit from the Federal Aviation Administration using Form 7460-1 (Notice of Proposed Construction or Alteration) or its successor. In other cases Skagit County shall assist the applicant in reviewing Federal Aviation Administration (FAA) Form 7460-1 (Notice of Proposed Construction or Alteration), or its successor, to determine if notice to the FAA is required. The purpose of said Notice of Proposed Construction or Alteration is to minimize land uses and activities that: create obstructions as defined by Section 77.23 of the Federal Aviation Regulations [Doc. No. 10183, 36 FR 5970, Apr. 1, 1971], create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- (b) Outdoor Activities. All activities, which are to occur in unenclosed space involving human use or assembly, which lie wholly or in part within the airport environs, shall be subject to the provisions of this Section. Such activities include, but are not limited to:
 - (i) Open storage areas, roofed or unroofed, separate or adjoining another structure; and
 - (ii) Parks, playgrounds and playing fields.
- (5) Exemptions. The provisions of this Section shall not be deemed applicable to the following when allowed in the underlying zone:
 - (a) Existing Uses. Uses existing on the effective date of the ordinance adopting this Section shall not be required to change operations to comply with these regulations. However, any use shall not be so changed as to result in a greater degree of nonconformity with respect to these regulations.
 - (b) Temporary Uses. Within Airport Safety Zone 6, temporary uses including, but not limited to, circus, carnival or other outdoor entertainment events and religious assemblies as long as the period of operation does not exceed 5 days.
 - (c) Temporary Structures. Temporary buildings and structures, so long as such uses and associated structures are constructed or erected as incidental to a development, do not involve any significant investment, are solely used for the designated purpose and remain for a maximum of 1 year.
 - (d) Other Uses. As determined by the Administrative Official to be minor or incidental and within the intent or objective of these regulations.
- (6) Height (Airport Safety Zones 1 through 6).
 - (a) Obstructions as defined by Section 77.23 of the Federal Aviation Regulations [Doc. No. 10183, 36 FR 5970, Apr. 1, 1971] have the potential for endangering the lives and property of users of the Skagit Regional Airport and property or occupants of land in its vicinity. An obstruction may affect existing and future instrument approach minimums of Skagit Regional Airport. An obstruction may

- reduce the size of areas available for the landing, takeoff and maneuvering of aircraft thus tending to destroy or impair the utility of the Skagit Regional Airport and the public investment therein.
- (b) Prior to permit approval, the applicant of any development within the AEO which impedes the contours shown on the AEO Plan FAA Permit Contours Map shall be required to demonstrate that application has been made for a permit from the Federal Aviation Administration using Form 7460-1 (Notice of Proposed Construction or Alteration) or its successor.
 - (c) All development within the AEO as depicted on the AEO Building Heights Restriction Contours Map shall not impede the airspace above an imaginary plane; as such plane is defined by Section 77.25 of the Federal Aviation Regulations [Doc. No. 10183, 36 FR 5970, Apr. 1, 1971; 36 FR 6741, Apr. 8, 1971]. Said plane is depicted on the AEO Building Heights Restriction Contours Map minus the underlying ground elevations.
- (7) Avigation Easement Required (Airport Safety Zones 1 through 6). No permit of any type, including subdivisions and binding site plans, shall be issued for any development or activity on non-Port of Skagit County property subject to this Section until the Port of Skagit County is provided an avigation easement permitting the right of flight in the airspace above the subject property. Such easement shall be recorded on the title of the subject property. Said easement shall be substantially in the form set forth in Ordinance O20060007, or in the form that has been approved by the Port of Skagit County and recorded prior to the adoption of these development regulations, and shall include complete exhibits.
- (8) Notice and Acknowledgement to Purchasers Required (Airport Safety Zones 1 through 6). No permit of any type shall be issued for any development or activity on non-Port of Skagit County property subject to this Section, including subdivisions and binding site plan approvals, until the proponent executes and records with Skagit County the following notice and acknowledgement running with the land in the chain of title for the subject property:

NOTICE AND ACKNOWLEDGEMENT

AIRPORT AND AIRCRAFT OPERATIONS AND NOISE DISCLOSURE

SKAGIT REGIONAL AIRPORT ENVIRONS

Permit Number: _____

Property Legal Description:

Property Address/Location:

NOTICE

The above referenced property is located within the Airport Environs Overlay Zone and is included in a mapped airport-impacted area in the vicinity of the Skagit Regional Airport (and depicted in Exhibits A, B & C, attached hereto). Skagit Regional Airport has been identified in the Skagit County Comprehensive Plan as an Essential Public Facility pursuant to Chapter 36.70A RCW

(Washington Growth Management Act). It is the policy of Skagit County to support the continued use of Skagit Regional Airport, including its future accommodation of both increased aircraft traffic and utilization of aircraft of the class, size and category as are now or may hereafter be operationally compatible with the Skagit Regional Airport. The Port of Skagit County, which owns and operates Skagit Regional Airport, claims to have acquired through prescriptive avigation easements the right to operate Skagit Regional Airport with the attendant impacts of low-flying aircraft over, near and upon those properties identified in Exhibit A attached hereto.

The Skagit Regional Airport is an aviation facility and is depicted on the maps attached as Exhibits A, B and C. The property subject to this notice will routinely experience the effects of low-flying aircraft. As a result, the subject property will experience aircraft noise, exhaust fumes, vibration, glare and invasion of quiet enjoyment resulting from propeller-driven and jet aircraft. The airport noise contours for the immediate vicinity of the Skagit Regional Airport have been identified for the then-existing 1994-1995 traffic volumes (Exhibit "B") and those forecast for the year 2013 (Exhibit "C"). The contours and the level of noise received by properties in the vicinity of Skagit Regional Airport will change in the future and impacts to property occupants may increase.

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

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

ACKNOWLEDGEMENT

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

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

Dated the _____ day of _____, 20__.

By _____
Owner

By _____
Owner

Printed Name

Printed Name

(Acknowledgement for Individual Grantor)

(Acknowledgement for Corporate Grantor)

- (9) Airport Safety (Zones 1 through 6). In an effort to protect the safety of pilots and people on the ground in the event of an airplane crash, the requirements shown in the following Table 1 are imposed within Airport Safety Zones 1 through 6.
- (10) Open space located in Airport Safety Zones 1 through 5 shall be maintained as pavement, mowed lawn or vegetation not more than four feet in height, except that trees may be used as landscaping adjacent to buildings or other areas not specifically included as required open space. In all other Airport Safety Zones or locations outside the Airport Safety Zones, landscaping plans shall include trees.
- (11) Marking and Lighting. The owner of any existing nonconforming structure or tree shall permit the removal, or installation, operation and maintenance hereon, of such markers and lights as shall be deemed necessary by the Port of Skagit County to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the landowner.

Table 1

SAFETY ZONE	URBAN GROWTH AREA LAND USE ¹	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	<p>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.</p> <p>Industrial development allowed with a maximum structure size of 100,000 square feet with no air emissions that obscure visibility.</p>	Not applicable.	10% open space
4L	<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>Industrial development allowed with a maximum structure size of 100,000 square feet with no air emissions that obscure visibility.</p>	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
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. Schools locating within the Community Center zoning district shall</p>	<p>New residential land divisions not to exceed those land use densities as prescribed by the Skagit County Comprehensive Plan and Chapter 14.16 SCC.</p> <p>Expansion of Bayview Ridge Elementary School is allowed.</p>	10% open space

be exempt from the 15,000-square-foot maximum size limit.		
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¹ Based on the application of the International Building Codes 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.

(Ord. O20080009 (part); Ord. O20080007 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 6: Ord. 17938 Atch. F (part), 2000)

14.16.215 Bayview Ridge Urban Growth Area.

- (1) Purpose. This Section sets forth development standards within the Bayview Ridge Urban Growth Area for streets, water service, stormwater, and sanitary sewer service.
- (2) Applicability. The following requirements apply to development within the Bayview Ridge Urban Growth Area, as specified in each subsection.
- (3) General Regulations.
 - (a) Street Standards. The property owner shall construct streets consistent with the Urban Standards outlined in the Skagit County Road Standards.
 - (i) The Administrative Official may grant an exception to the requirements for curb, gutter and sidewalk on property if it is determined that such exception is necessary to protect wetlands and their required buffers under the County’s Critical Areas Ordinance and if, as an alternative to sidewalks along the street, the Port of Skagit County (Port) and/or landowner has constructed or will have constructed prior to occupancy, a pedestrian trail system consistent with and augmenting the trail system adopted by the Port in Resolution No. 99-09 on August 3, 1999, pursuant to Ordinance No. 18264, Attachment 1, Appendix 2.
 - (b) Water Service. The property owner shall submit a letter of water availability for the proposed use from Skagit PUD No. 1 and connect to the PUD No. 1 water system. Fire flow requirements shall be as specified in the Skagit County Coordinated Water System Plan.
 - (c) Stormwater. The property owner shall construct surface and stormwater management improvements as determined by the County to be consistent with the surface water management standards found in Chapter 14.32 SCC, Drainage Ordinance. Surface and stormwater management improvements shall

be constructed consistent with the adopted Bay View Watershed Stormwater Management Plan Phase 1. In addition, as a condition of development approval, and for all property in the UGA owned by the same owner, the owner shall sign an agreement not to protest a future LID or other pro rata sharing of costs to upgrade the surface water management system or install additional urban standard stormwater management improvements within 20 years, if such are determined necessary as part of surface or stormwater management standards in the Subarea Plan process for the Bayview Ridge UGA. Credit for prior contributions and improvements already made or completed by the individual property owners (or their predecessor in interest) for the particular urban public facility or service contemplated by the Subarea Plan or LID, including, but not limited to, stormwater drainage facilities, or dedication of property for public facilities that are included in the subarea facilities plan shall be provided.

- (d) Sanitary Sewer Service. A property owner applying for a development permit that will require sewage disposal shall extend or connect to the public sewer system to serve the development, unless the exception in Subsection (3)(d)(i) of this Section applies. The public sewer system extension or connection shall be in accordance with the City of Burlington's design and construction standards. The owner must submit a letter of sewer availability from the City of Burlington prior to development application and must connect to the existing sewer line prior to final approval.
 - (i) Exception. A property owner applying for a development permit that is not associated with a new land division for a single-family dwelling unit or residential accessory use on property that is greater than 200 feet from a City of Burlington sewer line is not required to hook up to the public sewer system; provided, the owner shall record an agreement, referred to as an "agreement to connect," with the Skagit County Auditor. Such agreement shall be a covenant which shall run with the land and shall be binding upon the owner and successors in interest of the property. The agreement shall provide that the structure served by the on-site sewage system shall be connected to the public sewer at such time as the public sewer is available. Public sewer service is considered available when the sewer line is within 200 feet of the residential structure, as measured along the usual or most economically feasible route of access. Such agreement shall require payment of all connection charges applicable at the time of actual connection to the public sewage system.
 - (ii) Existing On-Site Systems. If an existing on-site system requires repair, modification, or replacement, the owner shall connect to the public sewer system unless the exception in Subsection (3)(d)(i) of this Section applies. (Ord. O20080009 (part); Ord. O20080005 (part))

14.16.220 Anacortes UGA Urban Development District (A-UD).

- (1) Purpose. The purpose of the Anacortes UGA Urban Development district is to permit development in the unincorporated UGA of the city of Anacortes, including subdivision of property and the issuance of development permits, consistent with the Growth Management Act requirements for provision of urban services by the city of Anacortes. The city of Anacortes has already made adequate provision for urban services, including sewer, within the Anacortes UGA Urban Development district shown on Attachment 1 to the ordinance codified in this Section. The city comprehensive plan has also identified the appropriate city land use designation and development regulations that should be applied to those areas upon annexation.
- (2) Permitted Uses. The County shall accept an application for, and approve a permit for, a subdivision and/or development of any lot of record located within this UGA Urban Development district, provided the proposed subdivision or development is consistent with the use, lot size and other development standards for the zone that has been identified by the city for the parcel that is the subject of the application. Applications for a short plat or subdivision of the parcel shall be required to follow the procedures and requirements for short plats or subdivisions in Chapter 14.18 SCC. Applications for

development that do not require a short plat or subdivision may be processed administratively as a Level I decision, pursuant to SCC 14.06.110, unless the proposed use or development requires Hearing Examiner review pursuant to the applicable city regulation, in which case the permit shall be processed as a Level II decision, pursuant to SCC 14.06.120. Chapter 14.24 SCC, Critical Areas Ordinance, and Chapter 14.12 SCC, SEPA, review shall apply in place of any city regulation covering the same topic. (Ord. O20050007 § 6)

14.16.230 Mount Vernon UGA Urban Development District (MV-UD).

- (1) Purpose. The purpose of the Mount Vernon UGA Urban Development district is to permit development in a portion of the unincorporated UGA of the city of Mount Vernon, including subdivision of property and the issuance of development permits, consistent with the Growth Management Act requirements for provision of urban services by the city of Mount Vernon. The city of Mount Vernon has already made adequate provision for urban services, including sewer, within the Mount Vernon UGA Urban Development district shown on Attachment 2 to the ordinance codified in this Section. The city comprehensive plan has also identified the appropriate city land use designation and development regulations that should be applied to those areas upon annexation.
- (2) Permitted Uses. The County shall accept an application for, and approve a permit for a subdivision and/or development of any lot of record located within this UGA Urban Development district, provided the proposed subdivision or development is consistent with the use, lot size and other development standards for the zone that has been identified by the city for the parcel that is the subject of the application. Applications for a short plat or subdivision of the parcel shall be required to follow the procedures and requirements for short plats or subdivisions in Chapter 14.18 SCC. Applications for development that do not require a short plat or subdivision may be processed administratively as a Level I decision, pursuant to SCC 14.06.110, unless the proposed use or development requires Hearing Examiner review pursuant to the applicable city regulation, in which case the permit shall be processed as a Level II decision, pursuant to SCC 14.06.120. Chapter 14.24 SCC, Critical Areas Ordinance, and Chapter 14.12 SCC, SEPA, review shall apply in place of any city regulation covering the same topic. (Ord. O20050007 § 7)

14.16.240 La Conner UGA Urban Development District (LC-UD).

- (1) Purpose. The purpose of the La Conner UGA Urban Development district is to permit development in the unincorporated UGA of the Town of La Conner, including subdivision of property and the issuance of development permits, consistent with the Growth Management Act requirements for provision of urban services by the Town of La Conner. The Town of La Conner has already made adequate provision for urban services, including sewer, within the La Conner UGA Urban Development district. The town comprehensive plan has also identified the appropriate city land use designation and development regulations that should be applied to those areas upon annexation.
- (2) Permitted Uses. The County shall accept an application for, and approve a permit for, a subdivision and/or development of any lot of record located within this UGA Urban Development district, provided the proposed subdivision or development is consistent with the use, lot size and other development standards for the zone that has been identified by the town for the parcel that is the subject of the application. Applications for a short plat or subdivision of the parcel shall be required to follow the procedures and requirements for short plats or subdivisions in Chapter 14.18 SCC. Applications for development that do not require a short plat or subdivision may be processed administratively as a Level I decision, pursuant to SCC 14.06.110, unless the proposed use or development requires Hearing Examiner review pursuant to the applicable city regulation, in which case the permit shall be processed as a Level II decision, pursuant to SCC 14.06.120. Chapter 14.24 SCC, Critical Areas Ordinance, and Chapter 14.12 SCC, SEPA, review shall apply in place of any city regulation covering the same topic. (Ord. O20070009 (part))

14.16.300 Rural Intermediate (RI).

- (1) Purpose. The purpose of the Rural Intermediate district is to provide and protect land for residential living in a rural atmosphere, taking priority over, but not precluding, limited nonresidential uses appropriate to the density and character of this designation. Long-term open space retention and critical area protection are encouraged. CaRDs are the preferred development pattern within this district.
- (2) Permitted Uses.
 - (a) Agriculture.
 - (b) Agricultural accessory uses.
 - (c) Co-housing as part of a CaRD, subject to SCC 14.18.300 through 14.18.330.
 - (d) Detached single-family dwelling units.
 - (e) Family day care provider.
 - (f) Home Based Business 1.
 - (g) Residential accessory uses.
 - (h) Seasonal roadside stands under 300 square feet.
- (3) Administrative Special Uses.
 - (a) Bed and breakfast, subject to SCC 14.16.900(2)(c).
 - (b) Home Based Business 2.
 - (c) Minor utility developments.
 - (d) Parks, specialized recreational facilities.
 - (e) Temporary manufactured home.
 - (f) Temporary events.
 - (g) Trails and primary and secondary trailheads.
 - (h) Expansion of existing major public uses up to 3,000 square feet.
 - (i) Minor public uses.
- (4) Hearing Examiner Special Uses.
 - (a) Adult group care facility.
 - (b) Animal clinic/hospital.
 - (c) Cemetery.
 - (d) Church.
 - (e) Community club/grange hall.
 - (f) Fish hatchery.
 - (g) Group care facility.
 - (h) Historic sites open to the public.
 - (i) Home Based Business 3.
 - (j) Impoundments greater than 1-acre feet in volume.
 - (k) Kennels.
 - (i) Day-use kennel.
 - (ii) Boarding kennel.
 - (iii) Limited kennel.
 - (l) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (m) Major utility developments.
 - (n) Mortuary.
 - (o) Outdoor recreational facilities.
 - (p) Parks, community.
 - (q) Personal wireless services towers, subject to SCC 14.16.720.
 - (r) Pre-school.
 - (s) Public marinas, with no more than 20 slips.
 - (t) Retail nurseries/greenhouses.

- (u) Seasonal worker housing.
 - (v) Seasonal roadside stands over 300 square feet.
 - (w) Stables and riding clubs.
 - (x) Storage of unlicensed and/or inoperable vehicles.
- (5) Dimensional Standards.
- (a) Setbacks.
 - (i) Front: 35 feet, 25 feet on minor access and dead-end streets.
 - (ii) Side: 8 feet on interior lot.
 - (iii) Rear: 25 feet.
 - (iv) Accessory.
 - (A) Front: 35 feet.
 - (B) Side: 8 feet, however, a 3-foot setback is permitted for nonresidential structures when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line providing that the structure is less than 1,000 square feet in size and 16 feet or less in height.
 - (C) Rear: 25 feet, however, a 3-foot setback is permitted for nonresidential structures when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line; providing, that the structure is less than 1,000 square feet in size and 16 feet or less in height.
 - (v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (b) Maximum height: 30 feet or shall comply with the Skagit County Building Code.
 - (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
 - (ii) If adjacent to a BR-LI zone, the maximum height shall not exceed 40 feet, unless limited by SCC 14.16.210, Airport Environs Overlay (AEO).
 - (c) Minimum lot size: 2.5 acres or 1/256th of a section, unless created through a CaRD.
 - (d) Minimum lot width: 150 feet.
 - (e) Maximum lot coverage: 35%.
- (6) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050003 (part); Ord. R20020130 (part); Ord. 17938 Attch. F (part), 2000)

14.16.310 Rural Village Residential (RVR).

- (1) Purpose. The purpose of the Rural Village Residential district is to preserve the residential character of those portions of Rural Villages designated for residential use, while allowing for limited nonresidential uses appropriate to the village through the special use permit process. Allowed densities within this district are based on the availability of public water and on environmental considerations.
- (2) Permitted Uses.
 - (a) Co-housing as part of CaRD, subject to SCC 14.18.300 through 14.18.330.
 - (b) Detached single-family dwelling units.
 - (c) Family day care provider.
 - (d) Home Based Business 1.
 - (e) Residential accessory uses.
 - (f) Seasonal roadside stands under 300 square feet.
- (3) Administrative Special Uses.
 - (a) Bed and breakfast, subject to SCC 14.16.900(2)(c).
 - (b) Home Based Business 2.
 - (c) Minor utility developments.

- (d) Parks, specialized recreation facilities.
 - (e) Temporary manufactured home.
 - (f) Temporary events.
 - (g) Trails and primary and secondary trailheads.
 - (h) Expansion of existing major public uses up to 3,000 square feet.
 - (i) Minor public uses.
- (4) Hearing Examiner Special Uses.
- (a) Cemetery.
 - (b) Community club/grange hall.
 - (c) Historic sites open to the public.
 - (d) Home Based Business 3.
 - (e) Kennels.
 - (i) Day-use kennel.
 - (ii) Boarding kennel.
 - (iii) Limited kennel.
 - (f) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (g) Major utility developments.
 - (h) Parks, community.
 - (i) Pre-school.
 - (j) Outpatient medical and health care services; provided, that total gross floor area is limited to 6,000 square feet and accessory storage and noncommercial uses are limited to 1,500 square feet and the number of practitioners does not exceed 10.
- (5) Dimensional Standards.
- (a) Setbacks.
 - (i) Front: 35 feet, 25 feet on minor access and dead-end streets.
 - (ii) Side: 8 feet on interior lot, 20 feet on street right-of-way.
 - (iii) Rear: 25 feet.
 - (iv) Accessory.
 - (A) Front: 35 feet.
 - (B) Side: 8 feet, however, a 3-foot setback is permitted for nonresidential structures when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line; providing, that the structure is less than 1,000 square feet in size and 16 feet or less in height.
 - (C) Rear: 25 feet, however, a 3-foot setback is permitted for nonresidential structures when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line; providing, that the structure is less than 1,000 square feet in size and 16 feet or less in height.
 - (v) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (b) Maximum height: 30 feet or shall conform to the Skagit County Building Code.
 - (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
 - (c) Minimum lot size: 1 acre or 1/640th of a section with public water and septic, 2.5 acres or 1/256th of a section with private water and septic. Smaller lot sizes are permissible through CaRDs.
 - (d) Minimum lot width: 75 feet with public water and septic, 150 feet with private water and septic.
 - (e) Maximum lot coverage: 50%.
- (6) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code.

- (7) Special Provisions—Big Lake Rural Village Overlook Golf Course Property. Prior to the adoption of a Big Lake Rural Village Community Plan, property that is commonly referred to as the Overlook Golf Course and as depicted on the Big Lake Rural Village Comprehensive Plan and Zoning map, may be developed (for purposes of vesting “developed” means the “filing of a complete development application and payment of all required fees for the proposed development”) at the following densities:
- (a) At 1 unit 5 five acres, or at a lower density, when the following condition is met:
 - (i) The development shall use public water.
 - (b) At a density of between 1 unit per 5 acres and 1 unit per 1 acre when all of the following conditions are met:
 - (i) The development shall be served by a public sewer system.
 - (ii) The development shall use public water.
 - (iii) The development shall only be permitted as a long CaRD subdivision and shall be subject to the provisions of the County’s CaRD regulations (SCC 14.18.300 through 14.18.330 as now adopted or hereafter amended) that are in effect at the time of submittal of any complete CaRD subdivision application.
 - (iv) The owner shall design all stormwater facilities and temporary erosion/sedimentation control systems to ensure no pollution or degradation to Big Lake. At a minimum, all developments shall comply with Chapter 14.32 SCC (as now adopted or hereafter amended).
 - (v) The development standards described in Subsections (7)(b)(i) through (iv) of this Section shall no longer apply if the property becomes part of the Mount Vernon urban growth area. If that occurs, development shall be governed by the regulations then in effect. If the Overlook Golf Course property is not developed prior to the adoption of the Big Lake Rural Village Community Plan, then the subject property will have the potential to develop at whatever the density is allowed by the community plan. Consideration at that time shall be given to whether all or part of the property should be inside or outside of the Rural Village and whether the development standards in Subsections (7)(b)(i) through (iv) of this Section should or should not be applied to the Overlook Golf Course property by the community plan. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050003 (part); Ord. O20030012; Ord. 20020130 (part); Ord. 17938 Attch. F (part), 2000)

14.16.320 Rural Reserve (RRv).

- (1) Purpose. The purpose of the Rural Reserve district is to allow low-density development and to preserve the open space character of those areas not designated as resource lands or as urban growth areas. Lands in this zoning district are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage and provide residential and limited employment and service opportunities for rural residents. They establish long-term open spaces and critical area protection using CaRDs as the preferred residential development pattern.
- (2) Permitted Uses.
 - (a) Agriculture.
 - (b) Agricultural accessory uses.
 - (c) Agricultural processing facilities.
 - (d) Co-housing, as part of a CaRD, subject to SCC 14.18.300 through 14.18.330.
 - (e) Cultivation, harvest and production of forest products or any forest crop, in accordance with the Forest Practice Act of 1974, and any regulations adopted pursuant thereto.
 - (f) Detached single-family dwelling units.
 - (g) Family day care provider.
 - (h) Home Based Business 1.
 - (i) Residential accessory uses.

- (j) Seasonal roadside stands under 300 square feet.
- (k) Wine tasting room.
- (3) Administrative Special Uses.
 - (a) Bed and breakfast, subject to SCC 14.16.900(2)(c).
 - (b) Campground, primitive.
 - (c) Home Based Business 2.
 - (d) Kennel, day-use.
 - (e) Minor utility developments.
 - (f) Parks, specialized recreational facility.
 - (g) Temporary manufactured home.
 - (h) Temporary events.
 - (i) Trails and primary and secondary trailheads.
 - (j) Expansion of existing major public uses up to 3,000 square feet.
 - (k) Minor public uses.
- (4) Hearing Examiner Special Uses.
 - (a) Aircraft landing field, private.
 - (b) Animal clinic hospital.
 - (c) Animal preserve.
 - (d) Campground, developed.
 - (e) Cemetery.
 - (f) Church.
 - (g) Community club/grange hall.
 - (h) Display gardens.
 - (i) Fish hatchery.
 - (j) Golf course.
 - (k) Historic sites open to the public.
 - (l) Home Based Business 3.
 - (m) Impoundments greater than 1-acre feet in volume.
 - (n) Kennels.
 - (i) Boarding kennel.
 - (ii) Limited kennel.
 - (o) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (p) Major utility developments.
 - (q) Manure lagoon.
 - (r) Natural resources training/research facility.
 - (s) Off-road vehicle use areas and trails.
 - (t) Outdoor outfitters enterprises.
 - (u) Outdoor recreational facilities.
 - (v) Outdoor storage of processed and unprocessed natural materials in quantities greater than 500 cubic yards that do not have a potential health hazard.
 - (w) Outdoor storage of processed and unprocessed natural materials in quantities greater than 50 cubic yards that may have a potential health hazard. Does not include storage of hazardous materials.
 - (x) Parks, community.
 - (y) Personal wireless services towers, subject to SCC 14.16.720.
 - (z) Racetrack, recreational.
 - (aa) Wholesale nurseries/greenhouses.
 - (bb) Seasonal roadside stands over 300 square feet.
 - (cc) Seasonal worker housing.

- (dd) Stables and riding clubs.
- (ee) Temporary asphalt/concrete batching, subject to the applicable provisions of SCC 14.16.440.
- (5) Dimensional Standards.
 - (a) Setbacks, Primary Structure.
 - (i) Front: 35 feet, 25 feet on minor access and dead-end streets.
 - (ii) Side: 8 feet on an interior lot.
 - (iii) Rear: 25 feet.
 - (b) Setbacks, Accessory Structure.
 - (i) Front: 35 feet.
 - (ii) Side: 8 feet, a 3-foot setback is permitted for nonresidential structures when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line, 20 feet from the street right-of-way.
 - (iii) Rear: 25 feet, a 3-foot setback is permitted for nonresidential structures when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line.
 - (c) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (d) Maximum height: 30 feet or shall conform to the Skagit County Building Code.
 - (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
 - (ii) If adjacent to a BR-LI zone, the maximum height shall not exceed 40 feet, unless limited by SCC 14.16.210 (Airport Environs).
 - (e) Minimum lot size: 10 acres or 1/64th of a section, unless created through a CaRD.
 - (f) Minimum lot width: 150 feet.
 - (g) Maximum lot coverage: 35%.
- (6) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050003 (part); Ord. O20030021 (part); Ord. R20020130 (part); Ord. 17938 Attch. F (part), 2000)

14.16.330 Residential District (R).

- (1) Purpose. The purpose of this district is to provide for and protect privately owned fee simple land located within the Swinomish Urban Growth Area for development. The densities allowed in this district are designed to meet contemporary building and living standards for single-family dwellings and other related uses.
- (2) Permitted Uses.
 - (a) Duplexes (only when approved as part of the approval of a subdivision).
 - (b) Family day care provider.
 - (c) Home Based Business 1.
 - (d) Single-family dwellings.
- (3) Accessory Uses.
 - (a) Accessory buildings and structures, provided they are within the required setbacks and they are at least 10 feet from each other and the main building if detached, that they are no more than 1 story in height, and that they do not occupy more than 50% of the rear yard.
 - (b) Buildings used for the housing of animals or fowl. Such buildings shall not exceed 36 square feet in floor area when located on a lot of less than 1/2 acre. The building shall not be located closer than 25 feet to a property line, except by mutual recorded agreement of adjacent property owners.
 - (c) Accessory dwelling unit.
- (4) Administrative Special Uses.

- (a) Expansion of existing major public facilities up to 3,000 square feet.
- (b) Group care facility.
- (c) Home Based Business 2.
- (5) Hearing Examiner Special Uses.
 - (a) Bed and breakfast.
 - (b) Expansion of existing major public facilities greater than 3,000 square feet.
 - (c) Golf courses.
 - (d) Home Based Business 3.
 - (e) Kennels.
 - (i) Day-use kennel.
 - (ii) Limited kennel.
 - (f) Pre-schools.
 - (g) Primitive and developed campgrounds.
- (6) Dimensional Requirements.
 - (a) Minimum Lot Size/Minimum Lot Width. The minimum lot size and width shall be determined by the following table:

Land Use	Lot Area	Lot Width
Single-Family Dwelling:	12,500	75 feet
Private Sewer	square feet*	75 feet
Public Sewer	8,400	
	square feet	
Duplex	13,000	75 feet
	square feet	

*Subject to Health Department approval.

- (b) Setbacks.
 - (i) Primary Structures.
 - (A) Front: 35 feet, 25 feet on minor access and dead-end streets.
 - (B) Side: 8 feet on interior lot.
 - (C) Rear: 25 feet.
 - (ii) Accessory Structures.
 - (A) Front: 35 feet.
 - (B) Side: 8 feet, a 3-foot setback is permitted for nonresidential structures when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line; provided, that the structure is 1,000 square feet or less in size and 16 feet or less in height.
 - (C) Rear yard: 25 feet, a 3-foot setback is permitted for nonresidential structures when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line; provided, that the structure is 1,000 square feet or less in size and 16 feet or less in height.
 - (iii) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- (c) Maximum lot coverage: 35%.
- (d) Maximum height: shall conform to the Skagit County Building Code.
- (7) Residential General Provisions.

- (a) Duplexes shall not be built on more than 10% of the available lots in any plat or subdivision unless specific approval for a greater number of duplexes is obtained as a part of the plat approval. The approved number of duplex lots shall be inscribed on the face of the plat. The allowable number of duplex lots shall not exceed the following numbers without the specific approval of the Board of County Commissioners.

No. of Lots	No. of Duplex Lots
Less than 8 lots	0 Duplex Lots
8 — 15 lots	1 Duplex Lot
16 — 25 lots	2 Duplex Lots
26 — 35 lots	3 Duplex Lots
35 lots and over	As determined by the Planning Director in accordance with the same formula.

(Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050003 (part); Ord. R20020130 (part); Ord. 17938 Attch. F (part), 2000)

14.16.340 Bayview Ridge Residential (BR-R).

- (1) Purpose. The purpose of this district is to create and maintain an urban residential community that continues to reflect a high quality of life (Goal A Bayview Ridge Subarea Plan) and to implement the Subarea Plan policies, including a minimum density range of 4 to 6 units per acre, and community design goals such as encouraging front porches and minimizing the visual and functional impacts of large paved areas and rows of garage doors.
- (2) Permitted Uses.
- (a) Agricultural uses, on an interim basis until residential development.
 - (b) Detached single-family dwelling unit, including manufactured homes meeting the requirements of Subsection (7) of this Section.
 - (c) Up to four units of duplexes, townhouses, apartments, and condominiums. Condominiums are subject to the provisions of SCC 14.18.500, Binding site plans, and SCC 14.18.600, Condominiums. Duplexes, townhouses, apartments, and condominiums shall be located no closer than 300 feet to another duplex, townhouse, apartment, or condominium structure, measured along the right-of-way, unless approved as part of a planned unit development. Five or more units of duplexes, townhouses, apartments, or condominiums are allowed only under planned unit development (SCC 14.18.400).
 - (d) Historic sites open to the public.
 - (e) Home Based Business 1.
 - (f) Residential accessory uses.
- (3) Administrative Special Uses.
- (a) Family day care.
 - (b) Home Based Business 2.
 - (c) Minor utility developments.
 - (d) Parks, specialized recreation facilities.
 - (e) Temporary events.
 - (f) Trails and primary and secondary trailheads.

- (4) Hearing Examiner Special Uses.
- (a) Bed and breakfast.
 - (b) Golf courses, including a clubhouse and restaurant if in conjunction with the golf course.
 - (c) Home Based Business 3.
 - (d) Kennels.
 - (i) Day-use kennel, if associated with other commercial uses as part of a planned unit development (PUD).
 - (ii) Boarding kennel, if associated with other commercial uses as part of a planned unit development (PUD).
 - (iii) Limited kennel, if associated with other commercial uses as part of a planned unit development (PUD).
 - (e) Parks, community.
 - (f) Schools (public and private) and churches subject to consistency with the following criteria:
 - (i) The proposed facility is not sited in Safety Zones 1 through 5, and is sited as close to the outer edge of zone 6 as possible;
 - (ii) An acoustical evaluation concludes that the proposed facility will not be adversely impacted by noise;
 - (iii) The proposed facility is appropriately sited with respect to the air traffic pattern at the Bayview Ridge Airport;
 - (iv) The proposed site includes, or abuts, permanent open space;
 - (v) The applicant has investigated other potential sites and found that no other site is reasonably available; and
 - (vi) The site is accessed by a major collector.
- (5) Density and Dimensional Standards. Densities in BR-R must be at least 4 and no more than 6 units per acre, unless located in areas with density limits lower than this due to an Airport Environs Overlay safety zone.
- (a) Purchase of Farmland Density Credits. For each unit over 4 per acre, farmland density credits must be purchased via the Skagit County Farmland Legacy Program.
 - (b) Density, Lot Area and Width. The minimum lot size and minimum lot width shall be determined by the following table:

Land Use	Minimum Density	Maximum Density	Minimum Lot Area	Minimum Lot Width
Single-Family Dwelling (as allowed in Subsection (2)(a) of this Section)	4 units per acre, unless limited by Airport Environs Overlay safety zone.	6 units per acre, unless limited by Airport Environs Overlay safety zone.	6,000 square feet	50 feet
Duplex	4 units per acre, unless limited by Airport Environs Overlay safety zone.	6 units per acre, unless limited by Airport Environs Overlay safety zone.	8,400 square feet per each 2 units	60 feet

Townhouse, Condominium, or Apartment	4 units per acre, unless limited by Airport Environs Overlay safety zone.	6 units per acre, unless limited by Airport Environs Overlay safety zone.	8,400 square feet per each 2 units	60 feet
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- (c) Setbacks.
 - (i) Primary Structures.
 - (A) Front.

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

- (B) Side: 15 feet total, minimum of 5 feet on 1 side.
 - (C) Rear: 20 feet.
 - (D) Attached Garages. Garages must be set back from house front a minimum of 5 feet unless located to the side or rear of the structure, or alley-loaded.
 - (ii) Accessory Structures.
 - (A) Front: 20 feet.
 - (B) Side: 15 feet, 3-foot setback is permitted from the side and rear lot lines when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line providing that the structure is 1,000 square feet or less in size and 16 feet or less in height. A side yard setback of 20 feet is required for all accessory buildings when the side property line is adjacent to a street right-of-way.
 - (C) Rear yard: 20 feet, 3-foot setback is permitted from the side and rear lot lines when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line providing that the structure is 1,000 square feet or less in size and 16 feet or less in height.
 - (D) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (d) Maximum lot coverage: 65%.
 - (e) Maximum height: Consistent with the adopted building code of Skagit County and shall conform to applicable Federal Aviation Administration regulations concerning height restrictions when located within the Airport Environs Overlay, SCC 14.16.210.
- (6) Residential and Open Space Provisions.
 - (a) Planned unit development (PUD) regulations are required for construction of 5 or more units within 1 legal lot of record or for residential land divisions when 5 or more building lots are proposed. See SCC 14.18.400 [Reserved].
 - (b) Within the airport environs, 10% to 15% permanent open space (mowed lawns or vegetation) is required for new land divisions to minimize the life and safety risks associated with aircraft

operations. Where practical, open space areas should be strategically located, contiguous and oriented to the centerline of the runway to provide the greatest benefit.

- (7) **Manufactured Housing in BR-R Zone.** Manufactured housing units in the BR-R zone, that are not located within a sales lot, shall meet the following requirements:
 - (a) Be constructed after June 15, 1976, in accordance with State and Federal requirements for manufactured homes;
 - (b) Have at least 2 fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
 - (c) Be originally constructed with, and currently possess, a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and
 - (d) Have exterior siding similar in appearance to siding materials commonly used on conventional site-built single-family residences;
 - (e) Be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative; and
 - (f) Be thermally equivalent to the State Energy Code. (Ord. O20080012 (part); Ord. O20080009 (part); Ord. O20080004 (part); Ord. O20060007 Exh. D § 8. Formerly 14.16.335.)

14.16.350 Bayview Ridge Urban Reserve (BR-URv).

- (1) **Purpose.** The purpose of this district is to protect land on the outside fringe of the urban growth area from premature land division and development that would preclude efficient transition to urban development. These lands are identified as potential future additions to the urban growth area which will be added to the urban growth area as needed, through amendments to the Comprehensive Plan and/or Subarea Plan.
- (2) **Permitted Uses.**
 - (a) Agricultural uses, on an interim basis until residential development.
 - (b) Detached single-family dwelling unit, including manufactured homes meeting the requirements of Subsection (6) of this Section.
 - (c) Home Based Business 1.
 - (d) Residential accessory uses.
- (3) **Administrative Special Uses.**
 - (a) Bed and breakfast, subject to SCC 14.16.900(2)(c).
 - (b) Home Based Business 2.
 - (c) Minor utility developments.
 - (d) Parks—specialized recreational facility.
 - (e) Temporary manufactured home.
 - (f) Temporary events.
 - (g) Trails and primary and secondary trailheads.
- (4) **Hearing Examiner Special Uses.**
 - (a) Family day care.
 - (b) Golf courses, including a clubhouse and restaurant if in conjunction with the golf course.
 - (c) Home Based Business 3.
 - (d) Impoundments greater than 1-acre feet in volume.
 - (e) Kennels.
 - (i) Day-use kennel.
 - (ii) Limited kennel.
 - (f) Major public uses and expansion of existing major public uses, 3,000 square feet and greater.
 - (g) Minor public facilities.
 - (h) Parks—community.
- (5) **Dimensional Standards.**

- (a) Setbacks, Primary Structure.
 - (i) Front: 35 feet, 25 feet on minor access and dead-end streets.
 - (ii) Side: 8 feet on an interior lot, 20 feet on a street right-of-way.
 - (iii) Rear: 25 feet.
- (b) Setbacks, Accessory Structure.
 - (i) Front: 35 feet.
 - (ii) Side: 8 feet; provided, that a 3-foot setback is permitted from the side and rear lots when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line, 20 feet from the street right-of-way.
 - (iii) Rear: 25 feet; provided, that a 3-foot setback is permitted from the side and rear lots when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line.
- (c) Setbacks from natural resource lands shall be provided per SCC 14.16.810(7).
- (d) Maximum height: consistent with the adopted building code of Skagit County and shall conform to applicable Federal Aviation Administration regulations concerning height restrictions when located within the Airport Environs Overlay, SCC 14.16.210.
- (e) Minimum lot size: 10 acres or 1/64th of a section, unless created through a CaRD.
- (f) Minimum lot width: 150 feet (for new land division).
- (g) Maximum lot coverage: 35%.
- (h) Land Division Requirements.
 - (i) CaRD land division required for parcels 10 acres or larger.
 - (ii) Ten percent open space (mowed lawn or vegetation) is required for new land divisions to minimize the life and safety risks associated with aircraft operations within the airport environs. Where practical, open space areas should be strategically located, contiguous and oriented to the centerline of the runway to provide the greatest benefit.
- (6) Manufactured Housing in BR-URv Zone. Manufactured housing units in the BR-URv zone, that are not located within a sales lot, or are not specifically authorized by Subsection (3)(d) of this Section, shall meet the following requirements:
 - (a) Be constructed after June 15, 1976, in accordance with State and Federal requirements for manufactured homes;
 - (b) Have at least 2 fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
 - (c) Be originally constructed with, and currently possess, a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and
 - (d) Have exterior siding similar in appearance to siding materials commonly used on conventional site-built single-family residences;
 - (e) Be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative; and
 - (f) Be thermally equivalent to the State Energy Code.
- (7) Additional requirements related to this zone are found in SCC 14.16.210 and 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080009 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 9. Formerly 14.16.336.)

14.16.370 Urban Reserve Residential (URR).

- (1) Purpose. The purpose of the Urban Reserve Residential district is to allow for the residential use of land in certain unincorporated UGAs at lower than urban densities and without requiring the provision of urban services and/or utilities. It is also intended to reserve the remainder of the land for more intensive urban residential development in the future. More intensive development than that allowed under the

Urban Reserve Residential district requires annexation to the appropriate jurisdiction or requires approval of an urban reserve development permit pursuant to SCC 14.16.910.

- (2) Permitted Uses.
 - (a) Detached single-family dwelling unit, consistent with the requirement of SCC 14.16.850(2).
 - (b) Home Based Business 1.
 - (c) Family day care provider.
 - (d) Residential accessory uses.
- (3) Administrative Special Uses.
 - (a) Bed and breakfast, subject to SCC 14.16.900(2)(c).
 - (b) Expansion of existing major public facilities less than 3,000 square feet.
 - (c) Home Based Business 2.
 - (d) Minor public use.
 - (e) Minor utility development.
 - (f) Seasonal roadside stands under 300 square feet.
 - (g) Temporary manufactured home.
 - (h) Temporary events.
 - (i) Trails and primary and secondary trailheads.
- (4) Hearing Examiner Special Uses.
 - (a) Active recreational facilities.
 - (b) Adult group care facility.
 - (c) Cemetery.
 - (d) Church.
 - (e) Community club/grange hall.
 - (f) Display gardens.
 - (g) Expansion of existing major public facilities greater than 3,000 square feet.
 - (h) Group care facility.
 - (i) Historic sites open to the public.
 - (j) Home Based Business 3.
 - (k) Kennels.
 - (i) Day-use kennel.
 - (ii) Limited kennel.
 - (l) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.
 - (m) Mobile or manufactured home park.
 - (n) Parks, community.
 - (o) Parks, specialized recreational facilities.
 - (p) Personal wireless services towers, subject to SCC 14.16.720.
 - (q) Pre-schools.
 - (r) Race track, indoor.
 - (s) Retail and wholesale nurseries/greenhouses.
 - (t) Seasonal roadside stands over 300 square feet.
- (5) Dimensional Requirements. 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.
 - (a) Setbacks, Primary Structure.
 - (i) Front: 20 feet.
 - (ii) Side: 8 feet.
 - (iii) Rear: 10 feet.

- (b) Setbacks, Accessory Structures.
 - (i) Front: 25 feet.
 - (ii) Side: 8 feet, a 3-foot setback is permitted for nonresidential structures when there is an alley along the rear property line; provided, that the structure is 1,000 square feet or less in size and 16 feet or less in height.
 - (iii) Rear: 10 feet, a 3-foot setback is permitted for nonresidential structures when there is an alley along the rear property line; provided, that the structure is 1,000 square feet or less in size and 16 feet or less in height.
- (c) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
- (d) Maximum building height: 30 feet, or shall conform to the Skagit County Building Code.
 - (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
- (e) Minimum lot size: 5 acres or 1/128th of section; 1 dwelling unit per 5 acres, unless the owner has obtained an urban reserve development permit, pursuant to SCC 14.16.910. No variances to this minimum lot size requirement shall be granted. Existing lots smaller than this minimum lot size shall be subject to the provisions of SCC 14.16.850, lot certification.
- (f) Minimum lot width: 150 feet, except for a lot that is the subject of an urban reserve development permit, in which case the only minimum width requirement is that sufficient to provide adequate access and utilities.
- (g) Maximum lot coverage: 35%.
- (h) Maximum density: 1 primary dwelling unit per lot.
- (6) Infrastructure Development Standards. Subdivisions of land, building permits, and land use actions which are allowed by this Section shall meet those development standards for infrastructure established by Chapter 14.18 SCC and applicable generally to land outside the unincorporated UGAs and the following additional requirements:
 - (a) In accordance with the Growth Management Act and the Skagit County Comprehensive Plan, cities are the units of local government most able to provide urban services, including services necessary to treat wastewater in this district. In the event that off-site treatment of wastewater is desired, such treatment services must be provided by the appropriate city government.
 - (b) If public water service is available, as a condition of any development approval in the unincorporated UGA, the property owner shall obtain a certificate of water availability for the proposed use from a public water utility, and connect to the water system. Fire flow requirements shall be as specified in Chapter 14.28 SCC, Appendix A (Minimum Fire Flow Design Standards).
 - (c) Any short plat or other subdivision of land to the rural densities permitted in this Section without obtaining an urban reserve development permit shall contain a notation on the face of the short plat or subdivision that identifies an area within the parcel where structures are not permitted to accommodate future rights-of-way for urban transportation infrastructure and utilities that will be required when the property is further subdivided and developed at urban densities and land uses.
 - (i) This area of restriction may be modified administratively, at the request of the property owner, without requiring an amendment to the short plat or other subdivision of land.
 - (ii) The County shall consult with the city in whose UGA the property is located and base its determination of the appropriate location and width of these reserve areas on the development regulations and planning documents of the city in whose UGA the property is located.
 - (iii) The note on the face of the short plat or other subdivision of land shall specify that when the property is further subdivided for urban densities and land uses and when dedication of rights-of-way for roads and utilities is completed as part of that future subdivision and urban development approval, the permanent structures restriction contained in the initial short plat, subdivision,

binding site plan, or other subdivision of land shall expire and shall be replaced with that future dedication.

- (d) Nothing in this Section shall preclude Skagit County from requiring that additional infrastructure, including transportation, fire, police, and parks, be provided as a condition of a specific development on a case-by-case basis, pursuant to SEPA, special studies, or other requirements and standards, under the process for approval provided in Skagit County development regulations for all developments. Skagit County shall consider applicable municipalities' capital facilities plans for public facilities and services, together with all relevant facts, in establishing the conditions for approval, as provided by County ordinance.
- (e) **Maximum Wastewater Output.** For any proposed nonresidential use or expansion added since August 26, 2003, the proposed use shall generate an increase in wastewater output no greater than that generated by an equivalent single-family residential unit (ERU). For purposes of this Subsection, an ERU is defined as a structure or facility that does not exceed 20 fixture units under the Uniform Plumbing Code as adopted by Skagit County. The County shall not permit a nonresidential development that exceeds 20 fixture units, unless the proposed use and associated wastewater generation is approved pursuant to an urban reserve development permit, pursuant to SCC 14.16.910.
- (7) **Mobile Homes and Manufactured Housing in URR Zone.** Mobile homes and manufactured housing units in the URR zone, that are not located within a sales lot, or are not specifically authorized by Subsection (3)(f) of this Section, shall meet the requirements for a "designated manufactured home" set forth in RCW 35.63.160(2) and 35A.63.160(2), set forth in Subsections (7)(a) through (d) of this Section and shall further comply with the additional requirements authorized by RCW 36.01.255, set forth in Subsections (7)(e) and (f) of this Section.
 - (a) Be constructed after June 15, 1976, in accordance with State and Federal requirements for manufactured homes or mobile homes;
 - (b) Have at least 2 fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
 - (c) Be originally constructed with, and currently possess, a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and
 - (d) Have exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Codes single-family residences;
 - (e) Be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative; and
 - (f) Be thermally equivalent to the State Energy Code.
- (8) Additional requirements related to this zone are found in SCC 14.16.730, 14.16.840, 14.16.850, 14.16.870, 14.16.880, and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050007 § 3)

14.16.380 Hamilton Residential (HR).

- (1) **Purpose.** The purpose of this district is to protect land in the unincorporated portion of the Hamilton Urban Growth Area from premature land division and development that would preclude efficient transition to urban development and impede fulfillment of the goals contained in the Hamilton Comprehensive Plan and 2007 Comprehensive Subarea Plan. These lands are identified as future additions to the town of Hamilton which will be added to the town through annexation as needed for urban development.
- (2) **Permitted Uses.**
 - (a) Agriculture.
 - (b) Agricultural accessory uses.
 - (c) Aquaculture.

- (d) Campground, primitive, as long as there is no conversion of resource land and the campground does not interfere with resource management.
 - (e) Cultivation and harvest of forest products or any forest crop in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.
 - (f) Detached single-family residential dwelling and residential accessory uses.
 - (g) Family day care provider.
 - (h) Farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than 3 nonresident full-time equivalent employees.
 - (i) Historic sites open to the public that do not interfere with the management of forest land.
 - (j) Home Based Business 1.
 - (k) Seasonal roadside stands not exceeding 300 square feet.
- (3) Administrative Special Uses.
- (a) Bed and breakfast, subject to SCC 14.16.900(2)(c), provided no new structures are constructed or expanded in building footprint outside of the home for lodging purposes.
 - (b) Co-housing as part of CaRD, subject to SCC 14.18.300 through 14.18.330.
 - (c) Expansion of existing minor utility or public uses; provided, that the expansion is designed to minimize the amount of land utilized and meets item (i) or (ii) as well as item (iii) of the following requirements:
 - (i) It is located within the existing building envelope which may include the required landscaping of the existing use;
 - (ii) It will be sited on existing impervious surface or within existing right-of-way;
 - (iii) The applicant has proven that there is no other viable alternative to providing the expansion in the Hamilton Urban Reserve zone.
 - (d) Home Based Business 2.
 - (e) Minor public uses related to the provision of emergency services where there is no other viable parcel to serve the affected area. Applicants shall demonstrate the need to locate the use in the Hamilton Urban Reserve zone, and provide analysis of alternatives to the development of the use within the zone.
 - (f) Minor utility developments.
 - (g) Riding clubs and stables if accessory to the existing resource use and no new structures are constructed.
 - (h) Temporary events, provided no permanent structures are constructed.
 - (i) Temporary manufactured home.
 - (j) Trails and primary and secondary trailheads.
- (4) Dimensional Standards.
- (a) Setbacks, Primary Structures.
 - (i) Front: 50 feet.
 - (ii) Side: 50 feet.
 - (iii) Rear: 50 feet.
 - (b) Setbacks, Accessory Structures.
 - (i) Front: 50 feet.
 - (ii) Side: 50 feet.
 - (iii) Rear: 50 feet.
 - (c) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (d) Maximum height: shall conform to the building codes of Skagit County. The height of personal wireless services towers is regulated in SCC 14.16.720.

- (e) Minimum lot size: 1/16th of a section of land or 40 acres. Smaller lot sizes may be allowed through a CaRD or as provided for through SCC 14.16.860, provided the design accommodates future urban development.
 - (f) Minimum lot width: 400 feet.
 - (g) Maximum lot coverage: 10,000 square feet or 10% of the lot area, whichever is greater.
- (5) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080010 (part))

14.16.385 Hamilton Urban Reserve (H-URv).

- (1) Purpose. The purpose of this district is to protect land presently utilized for resource-related purposes on the outer edge of the Hamilton Urban Growth Area from premature land division and development that would preclude efficient transition to urban development. These lands are identified as potential future additions to the urban growth area which will be added to the urban growth area as needed, through amendments to the Skagit County Comprehensive Land Use Map and the Hamilton Subarea Plan. It is also the intent of this district to allow smaller scale resource-related activities to continue to occur until such time as the land is added to an urban growth area as long as those activities do not conflict with future use of the land for urban development.
- (2) Permitted Uses.
- (a) Agriculture.
 - (b) Agricultural accessory uses.
 - (c) Agricultural processing facilities.
 - (d) Aquaculture.
 - (e) Campground, primitive, as long as there is no conversion of resource land and the campground does not interfere with resource management.
 - (f) Commercial greenhouse operations that are an integral part of a local soil-based commercial agriculture operation.
 - (g) Individual or multiple farm composting as an incidental agricultural operation to a working farm with no net loss of soil. The composting operation shall be managed according to an approved nutrient management plan in conjunction with the local Conservation District and Natural Resources Conservation Service (NRCS) standards and all applicable environmental, solid waste, access and health regulations. Such use shall not generate traffic uncommon to a farm operation.
 - (h) Cultivation and harvest of forest products or any forest crop in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.
 - (i) Detached single-family residential dwelling and residential accessory uses.
 - (j) Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of rock crushers, all providing the material is used on the same owners' property, on 3 acres or less.
 - (k) Family day care provider.
 - (l) Farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than 3 nonresident full-time equivalent employees.
 - (m) Historic sites open to the public that do not interfere with the management of forest land.
 - (n) Home Based Business 1.
 - (o) On-site sorting, bagging, storage, and similar wholesale processing activities of agricultural products that are predominantly grown on-site or produced principally from the entire commercial farm operation. Such activities shall be limited to those which are integrally related to the agricultural production and harvesting process.

- (p) Operation of scaling stations, log dumps and sorting areas, and forest industry residue dumping areas; provided, that any such use within 1,000 feet of any residential use zone, park, or recreation area shall be temporary and less than 12 months' duration.
 - (q) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings, and storage yards; provided, that such uses are temporary and are located on the property for no longer than 12 months' duration.
 - (r) Seasonal roadside stands not exceeding 300 square feet.
 - (s) Water diversion structures and impoundments related to resource management and on-site wetland restoration/enhancement projects.
- (3) Administrative Special Uses.
- (a) Bed and breakfast, subject to SCC 14.16.900(2)(c), provided no new structures are constructed or expanded in building footprint outside of the home for lodging purposes.
 - (b) Expansion of existing minor utility or public uses; provided, that the expansion is designed to minimize the amount of land utilized and meets item (i) or (ii) as well as item (iii) of the following requirements:
 - (i) It is located within the existing building envelope which may include the required landscaping of the existing use;
 - (ii) It will be sited on existing impervious surface or within existing right-of-way;
 - (iii) The applicant has proven that there is no other viable alternative to providing the expansion in the Hamilton Urban Reserve zone.
 - (c) Home Based Business 2.
 - (d) Minor public uses related to the provision of emergency services where there is no other viable parcel to serve the affected area. Applicants shall demonstrate the need to locate the use in the Hamilton Urban Reserve zone, and provide analysis of alternatives to the development of the use within the zone.
 - (e) Minor utility developments.
 - (f) Personal wireless services towers, subject to SCC 14.16.720.
 - (g) Retail and wholesale nurseries/greenhouses.
 - (h) Riding clubs and stables if accessory to the existing resource use and no new structures are constructed.
 - (i) Seasonal roadside stands not exceeding 2,000 square feet, except as allowed in Subsection (2)(r) of this Section.
 - (j) Temporary events, provided no permanent structures are constructed.
 - (k) Temporary manufactured home.
 - (l) Trails and primary and secondary trailheads.
- (4) Hearing Examiner Special Uses.
- (a) Co-housing as part of CaRD, subject to SCC 14.18.300 through 14.18.330.
 - (b) Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of rock crushers, all providing the material is used on the same owners' property, on more than 3 acres.
 - (c) Forestry-based business employing no more than 3 nonresident full-time equivalent employees.
 - (d) Home Based Business 3.
 - (e) Impoundments for public drinking water; provided, that analysis determines a need that cannot be otherwise met and where no other viable site is available.
 - (f) Major public uses related to the provision of emergency services where there is no other viable parcel or non-resource land to serve the affected area. Applicants shall demonstrate the need to locate the use in the Hamilton Urban Reserve zone. Alternatives to the development of the use in the Hamilton Urban Reserve zone must be provided.

- (g) Major utility developments where there is no other viable parcel or non-agricultural designated land to serve the affected area. Analysis of alternatives to the development of the utility in the Hamilton Urban Reserve zone must be provided.
 - (h) Temporary asphalt/concrete batching as defined and limited in Chapter 14.04 SCC, provided there is no other viable parcel of land to serve the purpose.
- (5) Dimensional Standards.
- (a) Setbacks, Primary Structures.
 - (i) Front: 50 feet.
 - (ii) Side: 50 feet.
 - (iii) Rear: 50 feet.
 - (b) Setbacks, Accessory Structures.
 - (i) Front: 50 feet.
 - (ii) Side: 50 feet.
 - (iii) Rear: 50 feet.
 - (c) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (d) Maximum height: shall conform to the building codes of Skagit County. The height of personal wireless services towers is regulated in SCC 14.16.720.
 - (e) Minimum lot size: 1/16th of a section of land or 40 acres. Smaller lot sizes may be allowed through a CaRD or as provided for through SCC 14.16.860, provided the design accommodates future urban development.
 - (f) Minimum lot width: 400 feet.
 - (g) Maximum lot coverage: Except for greenhouses, 10,000 square feet or 10% of the lot area, whichever is greater. Greenhouses may have up to 35% lot coverage.
- (6) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080010 (part))

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

- (1) Purpose. The purpose of the Agricultural—Natural Resource Lands district is to provide land for continued farming activities, conserve agricultural land, and reaffirm agricultural use, activities and operations as the primary use of the district. Non-agricultural uses are allowed only as accessory uses to the primary use of the land for agricultural purposes. The district is composed mainly of low flat land with highly productive soil and is the very essence of the County’s farming heritage and character.
- (2) Permitted Uses.
- (a) Agriculture.
 - (b) Agricultural accessory uses.
 - (c) Agricultural processing facilities.
 - (d) Co-housing, as part of CaRD, subject to SCC 14.18.300 through 14.18.330.
 - (e) Commercial greenhouse operations that are an integral part of a local soil-based commercial agriculture operation.
 - (f) Individual or multiple farm composting as an incidental agricultural operation to a working farm with no net loss of soil. The composting operation shall be managed according to an approved nutrient management plan in conjunction with the local Conservation District and Natural Resources Conservation Service (NRCS) standards and all applicable environmental, solid waste, access and health regulations. Such use shall not generate traffic uncommon to a farm operation.
 - (g) Family day care provider as defined in Chapter 14.04 SCC; provided, that no conversion of agricultural land is allowed.
 - (h) Farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than 3 nonresident full-time equivalent employees.

- (i) Historic sites open to the public that do not interfere with the management of the agricultural land.
 - (j) Home Based Business 1.
 - (k) Manure lagoons.
 - (l) Cultivation and harvest of any forest products or forest crop and necessary accessory buildings.
 - (m) On-site sorting, bagging, storage, and similar wholesale processing activities of agricultural products that are predominantly grown on-site or produced principally from the entire commercial farm operation. Such activities shall be limited to those which are integrally related to the agricultural production and harvesting process.
 - (n) Seasonal roadside stands not exceeding 300 square feet.
 - (o) Single-family detached residential dwelling unit and residential accessory uses, when accessory to an agricultural use; and provided, that no conversion of agricultural land is allowed for accessory uses.
 - (p) Water diversion structures and impoundments related to resource management.
 - (q) Wholesale nurseries.
- (3) Administrative Special Uses.
- (a) Agricultural slaughtering facilities.
 - (b) Bed and breakfast, subject to SCC 14.16.900(2)(c), provided the use is accessory to an actively managed, ongoing agricultural operation and no new structures are constructed outside of the home for lodging purposes.
 - (c) Expansion of an existing major or minor utility or public use; provided, that the expansion is designed to utilize the minimum amount of resource lands necessary and meets items in Subsection (3)(c)(i) or (ii) of this Section as well as the item in Subsection (3)(c)(iii) of the following requirements:
 - (i) The expansion is located within the existing building envelope which may include the required landscaping for the approved use;
 - (ii) It is to be sited on existing impervious surface or in existing right-of-way;
 - (iii) The applicant has proven that there is no other viable alternative to providing the expansion on non-natural resource lands.
 - (d) Greenhouse operations not otherwise permitted in SCC 14.16.400(2)(e). Greenhouses operating in the Ag-NRL zone as an administrative special use, should they cease operation, shall be required to return the land to its former state or otherwise place the land in agricultural production.
 - (e) Home Based Business 2, provided no conversion of agricultural land is required to accommodate the business activity.
 - (f) Minor public uses related to the provision of emergency services where there is no other viable parcel or non-resource designated land to serve the affected area. Applicants shall demonstrate the need to locate the use in the natural resource land. Analysis of alternatives to the development of the use within the natural resource land must be provided.
 - (g) Minor utility developments including those that are a necessary part of a salmon recovery or enhancement project pursuant to SCC 14.24.130, including stormwater management projects, where there is no other viable parcel of non-agricultural land to locate the project.
 - (h) Personal wireless services towers, subject to SCC 14.16.720.
 - (i) Seasonal roadside stands not exceeding 2,000 square feet, except as allowed in Subsection (2)(n) of this Section.
 - (j) Temporary manufactured homes; provided, that no conversion of agricultural land is allowed.
 - (k) Temporary events related to agricultural production; and provided, that no agricultural land is converted and no permanent structures are constructed.
 - (l) Trails and primary and secondary trailheads.
- (4) Hearing Examiner Special Uses.

- (a) Aircraft landing field, private, as an accessory to an agricultural use only, provided the applicant has proven that there is no other viable alternative to providing the service on natural resource lands.
 - (b) Concentrated animal feeding operation.
 - (c) Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020.
 - (d) Home Based Business 3, provided the use is accessory to an actively managed, ongoing agricultural operation and no conversion of agricultural land is required to accommodate the business activity.
 - (e) Kennel, limited, if accessory to an existing residence or natural resource operation; and provided, that no resource land is converted or taken out of production.
 - (f) Major public uses related to the provision of emergency services where there is no other viable parcel of non-resource designated land to serve the affected area. Applicants shall demonstrate the need to locate the use in the natural resource land. Analysis of alternatives to the development of the use within the natural resource land must be provided.
 - (g) Major utility developments where there is no other viable parcel or non-agricultural designated land to serve the affected area. Analysis of alternatives to the development of the utility in the natural resource land must be provided.
 - (h) Natural resource research and training facility.
 - (i) Outdoor outfitters enterprises as defined in Chapter 14.04 SCC that remain incidental to the primary use of the property for agriculture, result in no conversion of agricultural land; and provided, that temporary lodging, etc., as regulated in SCC 14.16.900(2)(d) is prohibited.
 - (j) Primitive marinas with not greater than 3 slips.
 - (k) Seasonal roadside stands not exceeding 5,000 square feet, except as allowed in Subsections (2)(n) and (3)(h) of this Section.
 - (l) Shooting club (outdoor), with no associated enclosed structures allowed except as needed for emergency communications equipment; and provided, that no conversion of agricultural land is allowed.
 - (m) Temporary asphalt/concrete batching as defined and limited in Chapter 14.04 SCC, provided there is no other viable parcel of non-resource designated land to serve the purpose.
- (5) Dimensional Standards.
- (a) Setbacks.
 - (i) Residential.
 - (A) Front: 35 feet minimum, 200 feet maximum from public road. If a parcel is located such that no portion or developable portion of the property is within 200 feet of a public road, the maximum 200-foot setback shall be measured from the front property line. The maximum setback may be waived by Planning and Development Services where critical areas, preventing the placement of residential structures, are located within the 200-foot setback area. The maximum setback may also be waived by Planning and Development Services in cases where nonfloodplain or nonprime agricultural land is located on the lot outside of the setback area, which would provide for a more appropriate placement of residential structures. In cases where a residence exists outside the setback area, residential accessory structures may be placed outside the setback area if located in accordance with the siting criteria outlined in Subsection (6) of this Section.
 - (B) Side: 8 feet adjacent to a property line.
 - (C) Rear: 35 feet.
 - (D) Accessory: Same as principal structures.
 - (ii) Nonresidential.
 - (A) Front: 35 feet.
 - (B) Side: 15 feet.

- (C) Rear: 35 feet.
- (b) Maximum height: 30 feet or shall conform to the Skagit County Building Code.
 - (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
- (c) Minimum lot size: 1/16th of a section of land or 40 acres. Smaller lot sizes are permissible through CaRDs or as provided in SCC 14.16.860.
- (6) Siting Criteria. In addition to the dimensional standards described in Subsection (5) of this Section, new, non-agricultural structures shall be required to comply with the following provisions:
 - (a) Siting of all structures in the Agricultural—Natural Resource Lands district shall minimize potential impacts on agricultural activities.
 - (b) When no structures or no compatible structures exist on the subject property or adjacent properties, new structures shall be located in a corner of the property and all development including but not limited to structures, parking areas, driveways, septic systems and landscaping shall be contained within an area of no more than 1 acre.
 - (c) When structures exist on the subject property or adjacent properties, siting of new structures shall comply with the following prioritized techniques:
 - (i) Locate new structure(s) within the existing, developed area of any compatible structure(s) in the same ownership, and utilize the existing access road.
 - (ii) When the provisions of Subsection (6)(c)(i) of this Section are not possible, locate new structure(s) within the existing, developed area of any compatible structure in the same ownership.
 - (iii) When the provisions of Subsection (6)(c)(i) or (6)(c)(ii) of this Section are not possible, site new structure(s) to achieve minimum distance from any existing compatible structure on either the subject property or an adjacent property.
- (7) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20090006; Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050003 (part); Ord. O20030021 (part); Ord. R20020130 (part); Ord. 18375 §§ 4 (part), 5, 2001; Ord. 18069 Appx. A (part), 2000; Ord. 17938 Attch. F (part), 2000)

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

- (1) Purpose. The purpose of the Industrial Forest— Natural Resource Lands district is to ensure that forest lands of long-term commercial significance are conserved and managed to provide sustainable forest yields, job stability, ecological values and the continuation of a viable commercial forest industry in Skagit County. Conservation of forest resources must be assured through measures designed to prevent incompatible development on or adjacent to resource lands. Forest activities shall not constitute a nuisance if conducted in accordance with the State Forest Practice Rules and Regulations, WAC Title 222.
- (2) Applicability. Applies to all land zoned Industrial Forest and to all fee simple ownerships within National Forests.
- (3) Permitted Uses.
 - (a) Co-housing, as part of CaRD, subject to SCC 14.18.300 through 14.18.330.
 - (b) Cultivation and harvest of forest products or any forest crop, in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.
 - (c) Single-family residential dwellings, together with the usual accessory buildings and uses only when all of the following criteria are met:
 - (i) The residence is located within 200 feet of an existing County road or State highway;
 - (ii) The residence is located within the existing, as of July 26, 2005, boundaries of a fire district;
 - (iii) The residence is an accessory use to timber resource management activities;

- (iv) Ingress and egress for fire vehicles meets the standards of the International Fire Code Section 503, as amended;
 - (v) There is a 200-foot slash abatement maintained around the exterior portion of the dwelling;
 - (vi) There is a safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of any structure on level ground and 100 feet downhill on sloped ground;
 - (vii) The dwelling or any accessory structure is constructed of a noncombustible roofing material; and
 - (viii) There is availability of 300 gallons of water on-site, 400 feet of 1-inch fire hose with nozzle, and an internal combustion engine powered pump.
- (d) Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of rock crushers, all providing the material is used within the Industrial or Secondary Forest—Natural Resource Lands zones, or on same forest owners' property.
 - (e) Historic sites open to the public that do not interfere with the management of the forest land.
 - (f) Water diversion structures and impoundments related to resource management and on-site wetland restoration/enhancement projects.
 - (g) Home Based Business 1.
 - (h) Management and propagation of fish and wildlife.
 - (i) Nonresidential structures which are accessory to forest management activities (i.e., temporary watchman quarters, equipment shop or storage structures).
 - (j) Operations of scaling stations, log dumps, sorting and storage areas, forest industry residue dumping areas; provided, that any such use within 1,000 feet of any residential use district, park or recreation area shall be temporary and less than 12 months in duration.
 - (k) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings and storage yards; provided, that such uses are temporary and are located on the property for no longer than 12 months' duration.
 - (l) Personal wireless services towers, subject to SCC 14.16.720.
 - (m) Primitive campgrounds as long as there is no permanent conversion of forest land and the campground does not interfere with resource management.
 - (n) Storage of explosives for resource management use per adopted IBC and IFC, when located at least 300 feet from property boundary or public road right-of-way.
 - (o) Temporary use of recreational vehicles only where it is in conjunction with an active forest practice application. Temporary use of recreational vehicles is only allowed under this Subsection where such recreational vehicle is used as temporary living quarters for trail crews, fire crews, nursery crews, logging crews, maintenance crews or watchman, and where such use occurs for less than 6 months per year.
 - (p) Watershed management, but not including water diversion structures, impoundment dams or hydroelectric generation facilities.
- (4) Administrative Special Uses.
- (a) Expansion of existing major or minor utility or public uses; provided, that the expansion is designed to minimize the amount of resource lands utilized and meets item (i) or (ii) as well as item (iii) of the following requirements:
 - (i) It is located within the existing building envelope which may include the required landscaping of the existing use;
 - (ii) It will be sited on existing impervious surface or within existing right-of-way;
 - (iii) The applicant has proven that there is no other viable alternative to providing the expansion on non-natural resource lands.
 - (b) Home Based Business 2, provided no conversion of agricultural land is required to accommodate the business activity.

- (c) Minor public uses related to the provision of emergency services where there is no other viable parcel or non-resource designated land to serve the affected area. Applicants shall demonstrate the need to locate the use in the natural resource land. Analysis of alternatives to the development of the use within the natural resource land must be provided.
 - (d) Minor utility developments.
 - (e) Temporary events related to the resource use as long as no permanent structures are constructed.
 - (f) Trails and primary and secondary trailheads.
- (5) Hearing Examiner Special Uses.
- (a) Aircraft landing field, private, as an accessory to forestry management.
 - (b) Forestry-based business employing no more than 3 nonresident full-time equivalent employees. This is a commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and forestry-related products that are produced, processed and/or may be sold on site.
 - (c) Home Based Business 3 as long as there is no conversion of forest land required to accommodate the business activity.
 - (d) If located within a designated mineral resource overlay, extracting and processing mineral resources pursuant to SCC 14.16.440, Mineral Resource Overlay.
 - (e) Kennel, limited, if accessory to an existing residence or natural resource operation; and provided, that no resource land is converted or taken out of production.
 - (f) Major public uses related to the provision of emergency services where there is no other viable parcel or non-resource designated land to serve the affected area. Applicants shall demonstrate the need to locate the use in the natural resource land. Analysis of alternatives to the development of the use within the natural resource land must be provided.
 - (g) Major utility developments where there is no other viable parcel to serve the affected area. Analysis of alternatives to the development of the use within the natural resource land must be provided.
 - (h) Natural resource training/research facility.
 - (i) Off-road vehicle use areas and trails as authorized by the State which do not interfere with normal forest management and which are consistent with the Forest Practices Act.
 - (j) Outdoor outfitters enterprises as defined in Chapter 14.04 SCC that remain incidental to the primary use of the property for resource management, result in no net loss of agricultural soil and provided that temporary lodging, etc., as regulated in SCC 14.16.900(2)(d) are prohibited.
 - (k) Primitive marinas not greater than 10 slips where no conversion of resource land is required.
 - (l) Shooting clubs (outdoor) with no associated enclosed structures except as needed for emergency communications and safety equipment or conversion of resource land allowed.
 - (m) Storage of explosives for commercial purposes when located at least 600 feet from property boundary or public road right-of-way.
- (6) Dimensional Standards.
- (a) Setbacks.
 - (i) Front: 100 feet.
 - (ii) Side and rear: 100 feet.
 - (iii) Accessory: Same as primary.
 - (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (b) Maximum height: shall meet the requirements of the Skagit County Building Code.
 - (i) Height Exemptions. The height of personal wireless services towers are regulated in SCC 14.16.720.
 - (c) Minimum lot size: 1/8th of a section or 80 acres. Smaller lot sizes are permissible through CaRDs.
 - (d) Minimum lot width: 400 feet at the building line.
- (7) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part));

Ord. O20050003 (part); Ord. R20020130 (part); Ord. 18375 § 4 (part), 2001; Ord. 17938 Attch. F (part), 2000)

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

- (1) Purpose. The purpose of the Secondary Forest— Natural Resource Lands (SF-NRL) district is to provide a transitional area between the Industrial Forest—Natural Resource Lands zone and Rural zoned lands designated primarily for residential use and other nonforestry uses. The SF-NRL zone also provides a zoning district where smaller scale timber and other resource management activities can occur while providing protection from encroachment of residential activity that may encumber standard forest practices.
- (2) Permitted Uses.
 - (a) Accessory residential structures.
 - (b) Campground, primitive; provided, that there is no permanent conversion of resource land and the campground does not interfere with resource management.
 - (c) Co-housing as part of a CaRD, subject to SCC 14.18.300 through 14.18.330.
 - (d) Cultivation and harvest of forest products or any forest crop, in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.
 - (e) Detached single-family residential dwellings.
 - (f) Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of rock crushers, all providing the material is used within the Industrial or Secondary Forest—Natural Resource Lands Zone, or on same forest owners' property.
 - (g) Family day care provider.
 - (h) Historic sites open to the public that do not interfere with management of the forest land.
 - (i) Home Based Business 1.
 - (j) Management and propagation of fish and wildlife.
 - (k) Nonresidential structures which are accessory to forest management activities (i.e., temporary watchman quarters, equipment shop or storage structures).
 - (l) Operations of scaling stations, log dumps, sorting and storage areas, forest industry residue dumping areas; provided, any such use within 1,000 feet of any residential use district, park or recreation area shall be temporary and less than 12 months in duration.
 - (m) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings and storage yards; provided, that such uses are temporary and are located on the property for no longer than 12 months' duration.
 - (n) Storage of explosives for resource management use per adopted IBC and IFC, when located at least 300 feet from property boundary or public road right-of-way.
 - (o) Water diversion structures and impoundments related to resource management and (on-site) wetland restoration/enhancement projects.
 - (p) Temporary use of recreational vehicles only where it is in conjunction with an active forest practice application. Temporary use of recreational vehicles is only allowed under this Subsection where such recreational vehicle is used as temporary living quarters for trail crews, fire crews, nursery crews, logging crews, maintenance crews or watchman, and where such use occurs for less than 6 months per year.
 - (q) Watershed management, but not including water diversion structures, impoundment dams or hydroelectric generation facilities.
- (3) Administrative Special Uses.
 - (a) Animal clinic/hospital if accessory to the existing resource base and no new structures are required.

- (b) Expansion of existing major or minor utility or public uses; provided, that the expansion is designed to minimize the amount of resource lands utilized and meets item (i) or (ii) as well as item (iii) of the following requirements:
 - (i) It is located within the existing building envelope which may include the required landscaping of the existing use;
 - (ii) It will be sited on existing impervious surface or within existing right-of-way;
 - (iii) The applicant has proven that there is no other viable alternative to providing the expansion on non-natural resource lands.
 - (c) Home Based Business 2, provided no conversion of agricultural land is required to accommodate the business activity.
 - (d) Minor public uses related to the provision of emergency services where there is no other viable parcel or non-resource designated land to serve the affected area. Applicants shall demonstrate the need to locate the use in the natural resource land. Analysis of alternatives to the development of the use within the natural resource land must be provided.
 - (e) Minor utility developments.
 - (f) Personal wireless services towers, subject to SCC 14.16.720.
 - (g) Retail and wholesale nurseries/greenhouses, provided there is no permanent conversion of resource land required.
 - (h) Seasonal roadside stands greater than 300 square feet.
 - (i) Temporary events related to resource management, provided no permanent structures are constructed.
 - (j) Temporary manufactured home.
 - (k) Trails and primary and secondary trailheads.
- (4) Hearing Examiner Special Uses.
- (a) Aircraft landing field, private, as an accessory to forestry management; provided, the applicant has proven that there is no other viable alternative to providing the service on natural resource lands.
 - (b) Forestry-based business employing no more than 3 nonresident full-time equivalent employees. This is a commercial enterprise devoted to the direct marketing of unprocessed and/or value-added and forestry-related products that are produced or processed and may be sold on site.
 - (c) Home Based Business 3, provided no conversion of forest land occurs and provided no new structures are constructed.
 - (d) If located within a designated mineral resource overlay, extracting and processing mineral resources pursuant to SCC 14.16.440, Mineral Resource Overlay.
 - (e) Kennel, limited, if accessory to an existing residence or natural resource operation; and provided, that no resource land is converted or taken out of production.
 - (f) Major public uses related to the provision of emergency services where there is no other viable parcel or non-resource land to serve the affected area. Applicants shall demonstrate the need to locate the use in the natural resource land. Alternatives to the development of the use in the natural resource land must be provided.
 - (g) Major utility developments where there is no other viable parcel or non-agricultural designated land to serve the affected area. Analysis of alternatives to the development of the utility in the natural resource land must be provided.
 - (h) Natural resource training/research facility.
 - (i) Off-road vehicle use areas and trails as authorized by the State and which do not interfere with normal forest management consistent with the Forest Practices Act.
 - (j) Outdoor outfitters enterprises as defined in Chapter 14.04 SCC that remain incidental to the primary use of the property for resource management that results in no net loss of resource land; and provided, that temporary lodging, etc., as regulated in SCC 14.16.900(2)(d) are prohibited.

- (k) Primitive marinas not greater than 10 slips where no conversion of resource land is required.
 - (l) Seasonal worker housing.
 - (m) Shooting club (outdoor) with no associated enclosed structures or conversion of resource land allowed.
 - (n) Storage of explosives for commercial purposes when located at least 600 feet from property boundary or public road right-of-way.
 - (o) Temporary asphalt/concrete batching provided there is no other viable parcel of non-resource designated land to serve the purpose.
- (5) Dimensional Standards.
- (a) Setbacks.
 - (i) Front, side and rear: 100 feet.
 - (ii) Accessory: same as primary.
 - (iii) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (b) Access frontage: 100 feet.
 - (c) Maximum height: shall meet the requirements of the Skagit County Building Code. The height of personal wireless services towers is regulated in SCC 14.16.720.
 - (d) Minimum lot size: 20 acres or 1/32nd of a section. Smaller lot sizes are permissible through CaRDs.
 - (e) Minimum lot width: 400 feet.
- (6) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. R20020130 (part); Ord. 18375 § 4 (part), 2001: Ord. 17938 Attch. F (part), 2000)

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

- (1) Purpose. The purpose of the Rural Resource—Natural Resource Lands district is to recognize and encourage the conservation of those lands which have the characteristics of both long-term commercially significant agriculture and forestry either on-site or on adjacent sites. These are lands generally not managed as industrial resource lands, because of less productive soils, parcel size and/or geographic location, but are managed on a smaller scale and provide support for the industrial natural resource land base. It is the intent of this district to restrict incompatible non-resource related uses and to retain a long-term, commercially significant natural resource land base.
- (2) Permitted Uses.
- (a) Agriculture.
 - (b) Agricultural accessory uses.
 - (c) Agricultural processing facilities.
 - (d) Aquaculture.
 - (e) Campground, primitive, as long as there is no conversion of resource land and the campground does not interfere with resource management.
 - (f) Commercial greenhouse operations that are an integral part of a local soil-based commercial agriculture operation.
 - (g) Commercial uses supporting resource uses, such as packing, first stage processing and processing that provides added value to resource products as long as there is no permanent conversion of the forest land.
 - (h) Individual or multiple farm composting as an incidental agricultural operation to a working farm with no net loss of soil. The composting operation shall be managed according to an approved nutrient management plan in conjunction with the local Conservation District and Natural Resources Conservation Service (NRCS) standards and all applicable environmental, solid waste, access and health regulations. Such use shall not generate traffic uncommon to a farm operation.

- (i) Cultivation and harvest of forest products or any forest crop in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.
 - (j) Detached single-family residential dwelling.
 - (k) Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of rock crushers, all providing the material is used within the Rural Resource—Natural Resource Lands Zone, or on same forest owners' property, on 3 acres or less.
 - (l) Family day care provider.
 - (m) Farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than 3 nonresident full-time equivalent employees.
 - (n) Historic sites open to the public that do not interfere with the management of forest land.
 - (o) Home Based Business 1.
 - (p) On-site sorting, bagging, storage, and similar wholesale processing activities of agricultural products that are predominantly grown on-site or produced principally from the entire commercial farm operation. Such activities shall be limited to those which are integrally related to the agricultural production and harvesting process.
 - (q) Operation of scaling stations, log dumps and sorting areas, and forest industry residue dumping areas; provided, that any such use within 1,000 feet of any residential use zone, park, or recreation area shall be temporary and less than 12 months' duration.
 - (r) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings, and storage yards; provided, that such uses are temporary and are located on the property for no longer than 12 months' duration.
 - (s) Residential accessory structures.
 - (t) Temporary roadside stands not exceeding 300 square feet.
 - (u) Water diversion structures and impoundments related to resource management and on-site wetland restoration/enhancement projects.
- (3) Administrative Special Uses.
- (a) Agricultural slaughtering facilities.
 - (b) Animal clinic/hospital if accessory to the existing resource base; provided, that any structures are placed in currently developed areas and no land is taken out of resource production.
 - (c) Bed and breakfast, subject to SCC 14.16.900 (2)(c), provided no new structures are constructed or expanded in building footprint outside of the home for lodging purposes.
 - (d) Expansion of existing major or minor utility or public uses; provided, that the expansion is designed to minimize the amount of resource lands utilized and meets item (i) or (ii) as well as item (iii) of the following requirements:
 - (i) It is located within the existing building envelope which may include the required landscaping of the existing use;
 - (ii) It will be sited on existing impervious surface or within existing right-of-way;
 - (iii) The applicant has proven that there is no other viable alternative to providing the expansion on non-natural resource lands.
 - (e) Greenhouse operations not otherwise permitted in SCC 14.16.400(2)(e). Greenhouses operating in the Ag-NRL zone as an administrative special use, should they cease operation, shall be required to return the land to its former state or otherwise place the land in agricultural production.
 - (f) Home Based Business 2, provided no conversion of agricultural land is required to accommodate the business activity.
 - (g) Kennel, limited, if accessory to the resource base; provided, that any structures are placed in currently developed areas and no land is taken out of resource production.
 - (h) Minor public uses related to the provision of emergency services where there is no other viable parcel or non-resource designated land to serve the affected area. Applicants shall demonstrate the need to

locate the use in the natural resource land. Analysis of alternatives to the development of the use within the natural resource land must be provided.

- (i) Minor utility developments.
 - (j) Personal wireless services towers, subject to SCC 14.16.720.
 - (k) Retail and wholesale nurseries/greenhouses, provided there is no permanent conversion of resource lands.
 - (l) Riding clubs and stables if accessory to the existing resource base and no new structures are constructed.
 - (m) Seasonal roadside stands greater than 300 square feet.
 - (n) Temporary events, provided no permanent structures are constructed.
 - (o) Temporary manufactured home.
 - (p) Trails and primary and secondary trailheads.
- (4) Hearing Examiner Special Uses.
- (a) Aircraft landing field, private, as an accessory to resource management; provided, that the applicant has proven that there is no other viable alternative to providing the service on natural resource lands.
 - (b) Co-housing as part of CaRD, subject to SCC 14.18.300 through 14.18.330.
 - (c) Concentrated animal feeding operation.
 - (d) Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of rock crushers, all providing the material is used within the Rural Resource—Natural Resource Lands Zone, or on same forest owners' property, on more than 3 acres.
 - (e) Forestry-based business employing no more than 3 nonresident full-time equivalent employees.
 - (f) Home Based Business 3; provided, that there is no further conversion of the resource land is required to establish the business.
 - (g) If located within a designated mineral resource overlay, extracting and processing mineral resources.
 - (h) Impoundments for public drinking water; provided, that analysis determines a need that cannot be otherwise met and where not other viable site is available.
 - (i) Kennel, boarding, if accessory to the resource base; provided, that any structures are placed in currently developed areas and no land is taken out of resource production.
 - (j) Manure lagoons.
 - (k) Major public uses related to the provision of emergency services where there is no other viable parcel or non-resource land to serve the affected area. Applicants shall demonstrate the need to locate the use in the natural resource land. Alternatives to the development of the use in the natural resource land must be provided.
 - (l) Major utility developments where there is no other viable parcel or non-agricultural designated land to serve the affected area. Analysis of alternatives to the development of the utility in the natural resource land must be provided.
 - (m) Marinas with no more than 10 slips, provided there is no conversion of resource land.
 - (n) Natural resource training/research facility.
 - (o) Outdoor outfitters enterprises as defined in Chapter 14.04 SCC that remain incidental to the primary use of the property for resource management that results in no net loss of resource land; and provided, that temporary lodging, etc., as regulated in SCC 14.16.900(2)(d) are prohibited.
 - (p) Seasonal worker housing.
 - (q) Shooting clubs (outdoor) with no associated enclosed structures or conversion of resource land allowed.
 - (r) Storage of explosives for commercial purposes when located at least 600 feet from property boundary or public road right-of-way.
 - (s) Temporary asphalt/concrete batching as defined and limited in Chapter 14.04 SCC, provided there is no other viable parcel of non-resource designated land to serve the purpose.

- (5) Dimensional Standards.
 - (a) Setbacks, Primary Structures.
 - (i) Front: 50 feet.
 - (ii) Side: 50 feet.
 - (iii) Rear: 50 feet.
 - (b) Setbacks, Accessory.
 - (i) Front: 50 feet.
 - (ii) Side: 50 feet.
 - (iii) Rear: 50 feet.
 - (c) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (d) Maximum height: shall conform to the building codes of Skagit County. The height of personal wireless services towers are regulated in SCC 14.16.720.
 - (e) Minimum lot size: 1/16th of a section of land or 40 acres. Smaller lot sizes may be allowed with CaRDs or as provided for through SCC 14.16.860.
 - (f) Minimum lot width: 400 feet.
 - (g) Maximum lot coverage: Except for greenhouses, 10,000 square feet or 10% of the lot area, whichever is greater. Greenhouses may have up to 35% lot coverage.
- (6) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050003 (part); Ord. R20020130 (part); Ord. 18375 § 4 (part), 2001; Ord. 17938 Attch. F (part), 2000)

14.16.440 Mineral Resource Overlay (MRO).

- (1) Purpose. The purpose of the Mineral Resource Overlay (MRO) is to maintain and enhance natural resource-based industries by conserving mineral resource lands, allowing continued operation of existing legally established uses, and by assuring that use of adjacent lands does not interfere with the extraction and quarrying of minerals. A MRO overlays Natural Resource Lands (NRL) zoning districts and imposes regulations in addition to those normally required in the underlying NRL zoning district. Mineral extraction and processing activities are allowed as a Hearing Examiner special use, and must comply with the Surface Mining Act, Chapter 78.44 RCW. The MRO recognizes those areas that are designated to protect long-term, commercially viable mineral Natural Resource Lands and recognizes that mineral resources must be in close and economic proximity to the market to be served.
- (2) Designation Procedure. The MRO represents those areas that are designated as Mineral Resource Overlay (MRO) on the Skagit County Comprehensive Plan Map adopted by Ordinance 16550, or as thereafter amended. Unless otherwise restricted by ordinance, new Mineral Resource Overlay areas may be designated by complying with Chapter 36.70A RCW, the Comprehensive Plan amendment procedures of the Skagit County Comprehensive Plan, and Chapter 14.08 SCC.
- (3) Pre-Existing Designated and Undesignated Mining Operations.
 - (a) Except as allowed in Subsection (3)(b) of this Section, or as allowed as an accessory use, pursuant to SCC 14.16.410(3)(d), 14.16.420(2)(f), 14.16.430(2)(h) and 14.16.430(4)(f), no new mining special use permits shall be issued outside of the designated Mineral Resource Overlay.
 - (b) Commercial mining operations lying outside of a designated MRO that are allowed at the time of adoption of the ordinance codified in this Section may continue to operate on the permitted mining site. Expansion of the existing operations beyond the geographical and/or operational limits imposed by the existing approval is allowed provided the owner applies for and receives a new mining special-use permit issued under this Section that covers the expanded operation area. Expansion will not extend beyond the legal parcel on which the legally existing use is located.

- (c) Commercial mining operations lying within a designated MRO that are allowed at the time of adoption of the ordinance codified in this Section may continue to operate on the permitted mine site. Expansion of the existing operations beyond the geographical and/or operational limits imposed by the existing approval is allowed, provided the owner applies for and receives a new mining special-use permit issued under this Section that covers the expanded operation and/or area.
- (4) Removal of Designation Status. A petitioner may seek removal of designated Mineral Resource Lands and the associated Mineral Resource Overlay on the Official Zoning Map through the Comprehensive Plan amendment process, pursuant to Chapter 14.08 SCC, and by demonstrating 1 or more of the following:
 - (a) The mineral resource is depleted to a point that it is no longer economically feasible to continue mining on the site.
 - (b) New or updated geological data no longer indicates the potential for mineral resources of regional or long-term commercial significance on the site.
 - (c) The Mineral Resource Overlay was designated based on a technical mapping error.
- (5) Permitted Uses. All uses permitted in the underlying zone are allowed in the MRO.
- (6) Accessory Uses. All accessory uses permitted in the underlying zone are allowed in the MRO.
- (7) Special Uses.
 - (a) Any other special use permitted in the underlying zoning district is likewise permitted in the MRO.
 - (b) The following uses are permitted as a Hearing Examiner Special Use in the Mineral Resource Overlay subject to the requirements of this Section and the restrictions contained in the underlying zone. Uses under this Section must comply with Chapter 78.44 RCW, Surface Mining Act, Chapter 90.48 RCW, the Water Pollution Control Act, and all other applicable laws and regulations:
 - (i) Activities associated with mining or quarrying operations, including blasting and use of equipment in connection with an extraction operation, maintenance of mineral extraction equipment, maintenance of roads, traffic control, sorting, crushing, cleaning and loading;
 - (ii) On-site processing including asphalt or concrete batching and asphalt or concrete recycling; and
 - (iii) Surface or underground mining or quarrying of mineral deposits or building materials from rock, stone, gravel, sand, and earth together with associated structures and equipment;
 - (iv) Temporary dwellings for a caretaker or superintendent and their family.
- (8) Application For Mining Special Use Permit. An applicant for a mining operations special use permit shall submit:
 - (a) The following information on maps in an 11-inch by 17-inch format size:
 - (i) A vicinity map with a north arrow indicating the area on which the extraction operation is proposed including a legal description, showing right-of-way width of access roads to the proposed site from the nearest community and any roads proposed on the site, and showing zoning of adjacent properties and land uses within 5 miles of the area proposed for mineral extraction and related activities;
 - (ii) A pre-mining map drawn to scale with an appropriate scale bar showing the permit area and buffers, elevations and contours, natural slopes and other drainage patterns, boundaries of municipalities, boundaries of property ownership, names and addresses of adjacent property owners, locations of nearby mines, locations of all railroads, bridges, utility lines or other rights of way, locations and names of any streams and natural or artificial drain ways on or adjacent to the site, locations of parks and other significant features;
 - (iii) A reclamation sequence map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map showing the permit area border and buffers, excavation areas, location of all proposed access roads to be built, location of types of setbacks and beams, numbered segments and the direction of the sequence of mining, soil storage areas and sequence of stripping, storing and replacement of mined segments, overburden storage areas and sequence of

stripping, storing and replacement of overburden on mined segments, waste rock piles and how they will be reclaimed and stabilized, operation plant and processing areas, measures to be taken to adjacent surface area to prevent slumping or landslides on adjacent lands, location and description of stormwater and erosion control systems, including drainage facilities and settling ponds and estimated runoff served by individual facilities; and

- (iv) A final reclamation map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map permit area and buffers, final elevations and contours, adjacent natural ground slopes, reclaimed drainage patterns, general topography, locations and names of any roads, utility lines, rights-of-way, streams, bridges, lakes, springs, wetlands, location and depth of topsoil to be replaced after seedbed preparation, permanent drainage and water control systems, area to be re-vegetated and proposed species, 2 cross-sections (at right angles) with horizontal and vertical scales the same that show the original and final topography and the water table.
 - (b) A report by a qualified geologist, hydrologist or licensed engineer characterizing the area's ground water including, but not limited to, the following information:
 - (i) A description of the geology and hydro-geology of the area including the delineation of aquifer, aquitards, or aquicludes (confining layers), hydrogeologic cross-sections, porosity and horizontal and vertical permeability estimates;
 - (ii) Determination of the direction and velocity of ground water movement, water table contour and potentiometric surface maps (for confined aquifers), if applicable; and
 - (iii) A map containing the limits of the mine, buffer zones, location of all ground water wells within 1 mile distance down gradient from the property boundaries, location of all perennial streams and springs, and definition or specification of locations of aquifer recharge and discharge areas.
 - (c) The estimated quantities of all materials to be extracted.
 - (d) Identification of any possible Scientific Resource Sites that may be located on the proposed site. Scientific Resource Sites include unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance. These areas must be delineated on the map in Subsection (8)(a)(ii) above and the proposal for preservation of the identified area(s) must be addressed.
 - (e) An on-site study to determine appropriate mitigation requirements for noise, vibration and dust levels. The study should specify what levels the applicant deems satisfactory to mitigate off-site disturbances.
 - (f) An operations proposal detailing estimated frequency of blasting, estimated truckloads per day, what provisions for screening and fencing are proposed, and estimated hours of operation.
 - (g) Identification and description of those critical areas designated and regulated by Chapter 14.24 SCC, together with any critical areas studies that may be required by Chapter 14.24 SCC.
 - (h) A completed environmental checklist.
 - (i) A review from Skagit County Public Works Department or Washington State Department of Transportation demonstrating that roads or bridges are capable of sustaining the necessary traffic for the proposed mineral extraction operation, and that the proposed operation meets level-of-service, safety, and other standards as outlined in the Skagit County Transportation Systems Plan, the Skagit County Comprehensive Plan, and applicable State and local regulations.
- (9) Hearing Examiner Review. Except as may be provided herein to the contrary, all applications for mining operations special use permit shall be reviewed by the Hearing Examiner under the procedures set forth in Chapter 14.06 SCC. The Hearing Examiner shall make a decision as to whether or not it should be approved based upon the special use approval criteria and the following provisions:
- (a) When reviewing an application for mining operations special use permit, the Hearing Examiner should recognize that surface mining is an essential economic activity and that it is not possible to extract minerals without producing some environmental impacts. The Hearing Examiner shall

consider all relevant evidence and conditions that will mitigate detrimental impacts to the environment and conditions that protect the general welfare, health and safety. The permit shall be granted if the impacts are mitigatable. The burden of proof shall be on the applicant. Mitigating conditions shall be performance based, objective standards that:

- (i) Are directly and proportionately related to limiting surface mining impacts;
 - (ii) Are reasonable, practicable and generally capable of being achieved by the mine operator; and
 - (iii) Take into consideration existing and available technologies applicable to mining operations.
- (b) The Hearing Examiner shall consider the requirements of this Chapter as minimum standards based on unique site-specific factors or conditions as appropriate to protect public health, safety, and the environment.
- (c) Appropriate site-specific conditions shall be required to mitigate existing and potential incompatibilities between the mineral extraction operation and adjacent parcels. Such limitations shall reflect the differences in potential impacts based on the mineral extraction operation's location in resource, rural or urban growth areas and recognize that the purpose of designating mineral resource lands is to conserve mineral resource lands, allow continued operation of existing legally established mining operations, and assure that use of adjacent lands does not interfere with the extraction of minerals. The Hearing Examiner shall take into consideration the January 1996 publication *Best Management Practices for Reclaiming Surface Mines in Washington and Oregon*, published jointly by the Oregon Department of Geology and Mineral Industries and the Washington State Department of Natural Resources, Ch. 3, Operation and Reclamation Strategies, in determining appropriate mitigation requirements for operational impacts.
- (d) Appropriate site-specific conditions shall be required to mitigate storm water runoff and erosion impact. The Hearing Examiner shall take into consideration the January 1996 publication *Best Management Practices for Reclaiming Surface Mines in Washington and Oregon*, published jointly by the Oregon Department of Geology and Mineral Industries and the Washington State Department of Natural Resources, Ch. 2, Storm Water and Erosion Control, and the National Pollutant Discharge Elimination System (NPDES) Surface Water Protection requirements in determining appropriate conditions for mitigating storm water and erosion impacts.
- (e) The Hearing Examiner shall consider public interests such as fishing, boating, hiking and camping when reviewing a mining operations special use permit, and may impose mitigating measures as necessary and appropriate.
- (10) Operating Standards or Requirements.
- (a) Site Area and Width. When the activity includes both extraction and on-site mineral crushing or mineral processing including asphalt or concrete batching and asphalt or concrete recycling, the site area shall be a minimum, of 20 acres. There shall be a minimum lot width of 500 feet for crushing or processing activities. Operations that are limited to extraction and transportation shall comply with dimensional standards of the underlying zone.
- (b) Buffers.
- (i) A minimum 200-foot buffer shall be required between on-site crushing, processing, or recycling activities and adjacent properties for the site as a condition for the issuance of a mining operations special use permit.
 - (ii) Adjacent properties are required to maintain a 200-foot buffer from the mineral resource designated land or sign a nuisance waiver to reduce the 200-foot buffer. In the case of a pre-existing structure located in the buffer of adjacent property, the required buffer shall be established on the mineral resource designated land.
 - (iii) A minimum 100-foot buffer shall be required for the site where operations are limited to the extraction and transportation of minerals. Once the extraction and transportation operations have been completed, the material in the buffer may be utilized during reclamation.

- (c) Maximum Permissible Noise Levels. Maximum permissible noise levels shall be according to the provisions of the Chapter 173-60 WAC, Maximum Environmental Noise Levels.
- (d) Blasting. Blasting shall be restricted to daylight hours when the mineral extraction operation is within 1/4 mile of a residential area with a greater density than 1 dwelling unit per 10 acres. The Hearing Examiner may otherwise set blasting hours and conditions based on site-specific circumstances. Except in the case of emergencies declared by civil authorities, blasts should be scheduled for regular and predictable times.
- (e) Vertical Limitations/Aquifer Protection.
 - (i) Surface mining shall be vertically limited to only 1 aquifer unless approved by the Washington State Department of Ecology. Hydrological barriers separating aquifers shall not otherwise be disturbed.
 - (ii) Activities related to mineral extraction and processing operations in the vicinity of aquifers must provide safeguards including containment to prevent direct contamination to the open aquifers and indirect contamination through infiltration of mining operation pollutants.
 - (iii) Imported material shall not be used as a backfill for mine sites where an aquifer has been breached.
 - (iv) Disturbed aquifers should be reclaimed as ponds or lakes and/or wetlands.
 - (v) Additional buffers and setbacks may be required beyond those listed in Subsection (10)(a-b) above, if necessary, to prevent over-excavation when mining in an aquifer.
 - (vi) All relevant provisions of the Critical Areas Ordinance, Chapter 14.24 SCC, for aquifer protection shall be met.
- (f) Surface Water Protection. All mineral and aggregate sites shall meet the minimum requirements of Chapter 14.32 SCC, as well as all pertinent requirements of the Washington State Department of Ecology, the Department of Natural Resources, Department of Fish & Wildlife and other State and Federal regulations regarding surface water protection.
 - (i) Storage pond systems for holding processing waters shall be designed to preclude untreated discharge to natural streams or surface waters, unless the discharges are otherwise regulated and allowed by a State or Federal government agency.
 - (ii) The flow of natural runoff from extraction sites shall be dispersed or regulated such that soil erosion on receiving lands is prevented.
- (g) Bench/Terrace. Benches shall be back-sloped and shall be established at not more than 40-foot intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of 5%.
- (h) Reclamation. Reclamation of surface mining sites shall be in accordance with the requirements of the State Department of Natural Resources. Reclamation activities shall not allow land filling unless sites comply with Chapters 173-304 and 173-351 WAC, Chapter 12.16 SCC, other relevant State, and Federal regulations. If the operation is not subject to the State Department of Natural Resources permitting requirements, the following minimum standards shall apply. All reclaimed slopes shall:
 - (i) Have a varied steepness;
 - (ii) Have a natural appearance in both profile and plan view;
 - (iii) Have no large rectilinear topographic elements;
 - (iv) Not exceed 2 horizontal to 1 vertical except as necessary to blend with natural adjacent slopes;
 - (v) Be compacted if significant back-filling is required to produce the final reclaimed slope;
 - (vi) Provide measures to establish a beneficial wetland where a lake pond or swamp is created; and
 - (vii) Place topsoil and re-vegetate as necessary to stabilize slopes and controls erosion.
- (i) Hours of Operation. Hours of operation shall vary according to the location of the site as stated below and may be shortened by the Hearing Examiner based on site-specific circumstances:

- (i) Within designated natural resource lands, the hours of operation may be unlimited. The Hearing Examiner may limit hours of operation to daylight hours or to such other reasonable limitation deemed necessary to address potential significant adverse impacts to existing adjacent land uses, on any portion of the mining site where mining activity is proposed to occur less than 1/4 mile from existing Rural Intermediate, Rural Village, or Urban Growth Area designated lands;
 - (ii) Within rural lands, the hours of operation shall be from dawn to dusk;
 - (iii) Within urban growth areas and rural villages, the hours of operation shall be from 8 a.m. to 5 p.m., Monday through Saturday; and
 - (iv) During emergencies, restrictions on hours of operation can be suspended by the Board of County Commissioners pursuant to the lawful procedures for declaring an emergency.
 - (j) Chemical Leach Mining. Chemical leach mining shall not be allowed.
 - (k) Responsibility. The landowner(s) and operator(s) shall be held jointly responsible for the operation of a mineral extraction site.
 - (l) Metals mining shall be regulated by Chapter 78.56 RCW, Metals Mining and Milling Act.
- (11) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

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

- (1) Purpose. The purpose of the Urban Reserve Public-Open Space district is to allow for the dedication or use of land for public purposes, open space, recreation, the development of recreational facilities, the enjoyment of scenic amenities, and the protection of environmentally sensitive areas in certain unincorporated UGAs. More intensive uses will require annexation to the appropriate jurisdiction, or approval of an urban reserve development permit pursuant to SCC 14.16.910.
- (2) Permitted Uses.
 - (a) Agriculture.
 - (b) Agricultural accessory uses.
 - (c) Caretaker dwelling unit for on-site resident park manager accessory to the primary public use.
 - (d) Cultivation, harvest, and production of forest products or any forest crop, in accordance with the Forest Practice Act of 1974, and any regulations adopted pursuant thereto.
 - (e) Historic sites open to the public.
 - (f) Interpretive center.
 - (g) Minor public uses.
 - (h) Minor utility developments.
 - (i) Open space.
 - (j) Parks, community.
 - (k) Park, recreation open space.
 - (l) Parks, regional.
 - (m) Park, specialized recreation area.
 - (n) Trails and primary and secondary trailheads.
- (3) Administrative Special Uses.
 - (a) Campgrounds, primitive.
 - (b) Expansion of existing inpatient substance abuse and mental health facilities.
 - (c) Major utility developments.
 - (d) Natural resource training/research facility.
 - (e) Outdoor recreation facilities.
 - (f) Personal wireless services towers, subject to SCC 14.16.720.
 - (g) Roadside stands not greater than 300 square feet.
 - (h) Stables and riding clubs.

- (i) Temporary events.
- (j) Water diversion structure.
- (4) Hearing Examiner Special Uses.
 - (a) Active recreational facilities.
 - (b) Campground, developed.
 - (c) Golf course.
 - (d) Group care facility.
 - (e) Impoundment.
 - (f) Inpatient substance abuse and mental health facilities.
 - (g) Institutional camp.
 - (h) Marinas not greater than 20 slips.
 - (i) Major public use.
 - (j) Regional equestrian events center.
- (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.
 - (a) Setbacks, Primary and Accessory Structure.
 - (i) Front: 35 feet.
 - (ii) Side and rear: none on interior lot lines adjacent to other public designations. On lot lines adjacent to other land use designations: side: 15 feet; rear: 20 feet.
 - (b) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
 - (c) Maximum building height: 30 feet or shall conform to the Skagit County Building Code.
 - (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, and fire towers are exempt. The height of personal wireless services towers are regulated in SCC 14.16.720.
 - (d) Maximum Size Limits. Total gross building area of primary and accessory uses shall not exceed 5,000 square feet of new construction per parcel, calculated on a cumulative basis after August 26, 2003, unless the owner has obtained an urban reserve development permit pursuant to SCC 14.16.910.
 - (e) Minimum lot size: 5 acres or 1/128th of section; unless the owner has obtained an urban reserve development permit, pursuant to SCC 14.16.910. No variances to this minimum lot size requirement shall be granted. Existing lots smaller than this minimum lot size shall be subject to the provisions of SCC 14.16.850, lot certification.
 - (f) Maximum lot coverage: 50%.
- (6) Infrastructure Development Standards. Subdivisions of land, building permits, and land use actions which are allowed by this Section shall meet those development standards for infrastructure established by Chapter 14.18 SCC and applicable generally to land outside the unincorporated UGAs and the following additional requirements:
 - (a) If public water service is available, as a condition of any development approval in the unincorporated UGA, the property owner shall obtain a certificate of water availability for the proposed use from a public water utility, and connect to the water system. Fire flow requirements shall be as specified in Chapter 14.28 SCC, Appendix A (Minimum Fire Flow Design Standards).
 - (b) Any short plat, subdivision, binding site plan, or other subdivision of land to the rural densities and sizes permitted in this Section without obtaining an urban reserve development permit shall contain a notation on the face of the short plat, subdivision, or binding site plan that identifies an area within the parcel where structures are not permitted to accommodate future rights-of-way for urban transportation infrastructure and utilities that will be required when the property is further subdivided and developed at urban densities and land uses.

- (i) This area of restriction may be modified administratively, at the request of the property owner, without requiring an amendment to the short plat, subdivision, binding site plan, or other subdivision of land.
 - (ii) The County shall consult with the city in whose UGA the property is located and base its determination of the appropriate location and width of these reserve areas on the development regulations and planning documents of the city in whose UGA the property is located.
 - (iii) The conditions of the short plat, subdivision, binding site plan, or other subdivision of land shall specify that when the property is further subdivided for urban densities and land uses and when dedication of rights-of-way for roads and utilities is completed as part of that future subdivision and urban development approval, the permanent structures restriction contained in the initial short plat, subdivision, binding site plan, or other subdivision of land shall expire and shall be replaced with that future dedication.
- (c) Nothing in this Section shall preclude Skagit County from requiring that additional infrastructure, including transportation, fire, police, and parks, be provided as a condition of a specific development on a case-by-case basis, pursuant to SEPA, special studies, or other requirements and standards, under the process for approval provided in Skagit County development regulations for all developments. Skagit County shall consider applicable municipalities' capital facilities plans for public facilities and services, together with all relevant facts, in establishing the conditions for approval, as provided by County ordinance.
- (d) **Maximum Wastewater Output.** The proposed use or expansion added since August 26, 2003, shall generate an increase in wastewater output no greater than that generated by an equivalent single-family residential unit (ERU). For purposes of this Subsection, an ERU is defined as a structure or facility that does not exceed 20 fixture units under the Uniform Plumbing Code as adopted by Skagit County. The County shall not permit a nonresidential development that exceeds 20 fixture units, unless the proposed use and associated wastewater generation is approved pursuant to an urban reserve development permit.
- (e) In accordance with the Growth Management Act and the Skagit County Comprehensive Plan, cities are the units of local government most able to provide urban services, including services necessary to treat wastewater in this district. In the event that off-site treatment of wastewater is desired, such treatment services must be provided by the appropriate city government.
- (7) **Pedestrian Circulation.** Pedestrian walkways shall be provided between parking areas and the uses served by that parking.
- (8) Additional requirements related to this zone are found in SCC 14.16.800, 14.16.810, 14.16.830 (specifically Type III landscaping as required for RVC, RC, SSB and R zones), 14.16.840, 14.16.850, 14.16.870, 14.16.880 and the rest of the Skagit County Code. (Ord. O20070009 (part); Ord. O20050007 § 5)

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

- (1) **Purpose.** The purpose of the Public Open Space district is to provide a zoning designation for lands in public ownership that are dedicated or reserved for public purposes or enjoyment for recreation, scenic amenities, or for the protection of environmentally sensitive areas. This district encompasses public open space having Statewide and regional importance. For example, Deception Pass, Bayview, Larrabbe, Rasar and Rockport State Parks are designated in this zoning designation. Publicly owned portions of Burrows Island, Cypress Island, Hope Island, Huckleberry Island, Ika Island, Saddlebag Island, and Skagit Island are also included. Also, Glacier Peak Wilderness, Noisy Diobsud Wilderness, Mount Baker National Forest, portions of the Northern State Recreation Area, PUD # 1 Judy Reservoir, North Cascades National Park, Ross Lake National Recreation Area, Seattle City Light mitigation lands, Washington Department

- of Natural Resources natural resource conservation areas and natural area preserves and Skagit Wildlife Refuge are included in this district.
- (2) There may be Federal or State regulations or limitations which may further limit the use of some OSRSI designated facilities. In addition, the County may not have jurisdiction over some OSRSI designated facilities.
 - (3) Permitted Uses.
 - (a) Historic sites open to the public.
 - (b) 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.
 - (c) Public open space areas of regional and Statewide importance including County, State and Federal parks, recreational areas, and interpretive centers, wildlife management areas, including those that provide linkages between neighborhood and community parks.
 - (d) Caretaker dwelling unit for on-site resident park manager accessory to the primary public use.
 - (e) Trails or educational enterprises designed to offers special access to natural resource-based and recreational opportunities on lakes, creeks, streams, river corridors, shorelines, and areas with prominent views.
 - (4) Administrative Special Uses.
 - (a) Campgrounds, destination.
 - (b) Campgrounds, developed.
 - (c) Campgrounds, primitive.
 - (d) Docks.
 - (e) Expansion of existing major public facilities up to 3,000 square feet.
 - (f) In remote areas only, such as east of Concrete and on saltwater islands without ferry service, employee housing sufficient to operate the OSRSI operation.
 - (g) Minor public facilities.
 - (h) Minor utility developments.
 - (i) Outdoor recreation facilities.
 - (j) Personal wireless services towers, subject to SCC 14.16.720.
 - (k) Roadside stands not greater than 300 square feet.
 - (l) Stables/riding clubs.
 - (m) Temporary events.
 - (n) Trails and primary and secondary trailheads.
 - (o) Water diversion structure.
 - (5) Hearing Examiner Special Uses.
 - (a) Animal preserve.
 - (b) Golf course.
 - (c) Impoundment.
 - (d) Marinas not greater than 20 slips.
 - (e) Major public facilities and expansions of existing major public facilities, 3,000 square feet and greater.
 - (f) Major utility development.
 - (g) Parks, community.
 - (h) Racetrack, recreational.
 - (i) Shooting club, outdoor.
 - (6) Dimensional Standards. No minimum lot size where the proposed development can meet the requirements of the Skagit County Code.
 - (a) Setbacks:

- (i) Front: 35 feet.
- (ii) Side and rear: 35 feet.
- (b) Maximum height: Subject to the Skagit County Building Code.
 - (i) The height of personal wireless services towers are regulated in SCC 14.16.720.
- (7) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.16.600 Unclassified use permit.

- (1) Purpose. The purpose of the unclassified use permit is to provide a siting and review process for major, regional facilities with potential significant built and natural environmental impacts on the surrounding area. Unclassified uses are typically major facilities with a presence that may impact or alter the character of the community. They include most of the more intensive uses considered to be “essential public facilities” in RCW 36.70A.200. The intent of the unclassified use permit is to not only review potential impacts of a proposal and apply appropriate conditions, but also to evaluate on a more fundamental level whether the proposed use is appropriate at a given location, based on conformance with the applicable criteria. The listing of possible zones for unclassified uses to be located in, as in Subsection (2) of this Section, does not presume that a specific use in a given location will be determined to be appropriate through the unclassified use permit process.
- (2) Applicability. Unclassified uses include but are not limited to the following list. Included in parentheses are the zones in which a specific unclassified use may be considered:
 - (a) State and regional correctional facilities (SF-NRL, RRc-NRL, RRv).
 - (b) Power generation facilities (IF-NRL, SF-NRL, RRc-NRL, BR-HI).
 - (c) Oil and gas extraction (IF-NRL, SF-NRL, RRc-NRL).
 - (d) Solid waste handling facility (SF-NRL, RRc-NRL, BR-HI, BR-LI).
 - (e) Regional wastewater treatment facilities (SF-NRL, RRc-NRL, RRv, BR-HI).
 - (f) Regional racetracks (RRv, BR-LI, BR-HI).
 - (g) Fairgrounds (RRv).
 - (h) Stadiums/arenas (RRc-NRL, RRv, BR-LI, BR-HI).
 - (i) Colleges/State educational facilities (SF-NRL, RRc-NRL, RRv).
 - (j) Regional transportation facilities (SF-NRL, RRc-NRL, RRv, BR-LI, BR-HI).
 - (k) In-patient substance abuse and mental health facilities (RRv).
 - (l) Hospitals (RRv, RI, BR-LI).
 - (m) Regional performing center (RRv, RI, RVR, BR-LI).

Additional unclassified uses may be determined by the Administrative Official.
- (3) Process. An unclassified use application shall be reviewed under the same process as a Comprehensive Plan amendment, found in SCC 14.08.020.
- (4) Application Requirements. An unclassified use application shall provide the same submittal materials as a rezone, found in SCC 14.16.900 and 14.08.020. An unclassified use permit shall also include an alternative site analysis evaluating at least 3 other alternative sites for the proposed facility.
- (5) Approval Criteria. 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 elements:
 - (a) The characteristics of the unclassified use will not be unreasonably incompatible with the types of uses permitted in surrounding areas;
 - (b) The proposed unclassified use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding existing or potential dwelling units;
 - (c) The unclassified use will not materially endanger the health, safety and welfare of the community;
 - (d) The unclassified use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the local area;

- (e) The unclassified use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
 - (f) The location, size and height of buildings, structures, walls and fences and screening vegetation for the unclassified use shall not hinder or discourage the appropriate development or use of neighboring properties;
 - (g) The unclassified use is not in conflict with the policies of the Comprehensive Plan, the Comprehensive Plans of adjacent jurisdictions that may be affected by the use, or the basic purposes of this Title. In particular, the factors of Capital Facilities Element policies 5.4.2, 5.4.3, and 5.8, and Essential Public Facilities Policy 3.2 shall be addressed;
 - (h) For unclassified uses outside of urban growth areas, extension, construction, or maintenance of urban services and facilities is not required, unless no practicable alternative exists;
 - (i) No feasible alternative sites which better meet the requirements of these criteria;
 - (j) The need for the unclassified use at a specific location is necessary, taking into account region-wide distribution of facilities and the capacity and location of equivalent facilities;
 - (k) For unclassified uses in or adjacent to IF-NRL, SF-NRL, AG-NRL, and RRC-NRL zoned lands, the impacts on the long-term natural resource management and production will be minimized;
 - (l) For State-owned essential public facilities, the State shall provide justification for the facility and its location in Skagit County based on forecasted needs and a logical service area; and
 - (m) For State-owned essential public facilities, the State shall have established a public process by which the residents of the County and of affected and “host” municipalities have a reasonable opportunity to participate in the site selection process.
- (6) Conditions of Approval. If approved, conditions of approval for the unclassified use shall include conditions of approval which address the criteria listed above and the following:
- (a) Accessibility;
 - (b) Transportation needs and services;
 - (c) Supporting public facility and public service needs and the availability thereof;
 - (d) Site design;
 - (e) Time required for construction;
 - (f) Control of on-site and off-site impacts during construction;
 - (g) Facility operations;
 - (h) Impacts on critical areas;
 - (i) Maintenance of standards congruent with applicable governmental regulations, particularly as they may change and become more stringent over time; and
 - (j) Expediting and streamlining necessary governmental approvals and permits. (Ord. 17938 Attch. F (part), 2000)

14.16.700 Zoning use matrix.

A matrix is available at Planning and Development Services showing the various uses allowed in each zone. This matrix is intended as an aid to provide a general understanding about the uses, including special uses, which may be allowed in specific zones. The matrix does not include detailed requirements; those are instead reflected in the text of various sections of this Chapter. (Ord. O20070009 (part): Ord. 17938 Attch. F (part), 2000)

14.16.710 Accessory dwelling units.

- (1) Requirements for Accessory Dwelling Units. One accessory dwelling unit is permitted as accessory to an existing single-family dwelling; provided, that the following requirements are met, except as may be further restricted by the connection limitation in SCC 14.16.920, Similk Beach LAMIRD:

- (a) Owner Occupancy. Either the principal unit of the single-family dwelling or the accessory dwelling unit must be occupied by an owner of the property or an immediate family member of the property owner.
- (b) No more than 1 family shall be allowed to occupy an accessory dwelling unit.
- (c) Subdivision. Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal unit of the single-family dwelling, unless allowed by the zoning.
- (d) Size and Scale. The square footage of the accessory dwelling unit shall be the minimum allowed by the building code and a maximum of 900 square feet excluding any garage area; provided, however, the square footage of the accessory dwelling unit shall not exceed 50% of the total square footage of the principal unit of the single-family dwelling excluding the garage area as it exists or as it may be modified.
- (e) Location. The accessory dwelling unit may be attached to, included within the principal unit of the single-family dwelling, or located in a detached structure. All requirements of the International Building Codes regarding fire separation shall be met.
 - (i) No recreational vehicle, including park model trailers, shall be allowed as an accessory dwelling unit.
 - (ii) Any accessory dwelling unit included within a primary residence shall have no interconnected interior spaces.
 - (iii) All accessory dwelling units shall contain provisions for eating, sleeping, cooking and sanitation.
- (f) Entrances. The principal unit of the single-family dwelling containing the accessory dwelling unit shall have only 1 obvious entrance visible to the street except where more than 1 entrance existed on or before adoption of the ordinance codified in this Section.
- (g) Additions. Additions to an existing structure or newly constructed detached structures created for developing an accessory dwelling unit shall be designed consistent with the existing roof pitch, siding and windows of the principal dwelling unit.
- (h) Parking. Three off-street parking spaces shall be provided for the combination of the main and accessory dwelling units.
- (i) Application. The property owner shall apply for an accessory dwelling permit with Skagit County Planning and Development Services. The application shall include an affidavit signed by the property owner affirming that the owner or an immediate family member will occupy the principal dwelling unit or accessory dwelling unit for more than 6 months per year.
- (j) Recording Requirements. Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the Skagit County Auditor prior to approval which runs with the land and identifies the address of the property, states that the owner(s) resides in either the principal dwelling unit or the accessory dwelling unit, includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this Chapter, and provides for the removal of the accessory dwelling unit by the current owner if any of the requirements of this Chapter are violated.
- (k) Elimination/Expiration. Elimination of an accessory dwelling unit may be accomplished by the following:
 - (i) The owner shall obtain either a demolition permit or a change of use permit.
 - (ii) The owner shall record a certificate with the Skagit County Auditor's Office stating that the accessory dwelling unit no longer exists on the property and that a final inspection has been performed by Skagit County Planning and Development Services. (Ord. O20070009 (part); Ord. R20020194 § 7; Ord. 17938 Attch. F (part), 2000)

14.16.720 Personal wireless services facilities.

- (1) Purpose. These standards were developed to protect the public health, safety and welfare, to protect property values and minimize visual impact while furthering the development of enhanced wireless

telecommunications services in the County. These standards were designed to comply with the Telecommunications Act of 1996. The Board of County Commissioners finds that the promulgation of this Section is warranted and necessary:

- (a) To manage the location of towers and antennas in the County;
 - (b) To protect residential areas and land uses from adverse impacts of towers;
 - (c) To minimize adverse visual impacts of towers through careful design, siting, landscape screening and innovative camouflaging techniques;
 - (d) To accommodate an increased need for towers/antennas to serve the wireless communication needs of County residents;
 - (e) To promote and encourage co-location on existing and new towers as an option rather than construction of additional single-use towers and to reduce the number of such structures needed in the future;
 - (f) To consider the public health and safety of towers to the extent permitted by the Telecommunications Act of 1996; and
 - (g) To avoid potential damage to adjacent properties through sound engineering practices and the proper siting of antenna support structures.
- (2) Tower Sites on Lots with Other Uses.
- (a) For the purposes of this Title, personal wireless services and facilities shall be considered utilities. A communication tower may be located on a lot utilized for other uses on a parcel smaller than the minimum lot size required in the zoning district. This parcel shall be identified as the “tower site.” The tower site shall be subject to the requirements of SCC 14.16.720, but not the requirements of Chapter 14.18 SCC, Land Division.
 - (b) A wireless service provider shall provide documentation that permission has been granted for the use of an easement for a “tower site.” Such easement areas shall be shown on the site plan. Documentation of the recording of the easement shall be required prior to the issuance of the building permit.
- (3) Intent. The intent of this Section is to provide specific regulations for the placement, construction and modification of personal wireless service facilities. The provisions of this Section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this Section be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.
- (4) Interpretation. To the extent that any provision or provisions of this Section is inconsistent or in conflict with any other provision of the County code or any ordinance of the County, the more restrictive provisions(s) shall control.
- (5) Siting Goals. The County has been confronted with increasing frequency with requests to site towers and antennas. Thus, the County has established the following goals to guide the siting of towers and antennas:
- (a) Enhance the ability of personal wireless service providers to provide such services throughout the County quickly, effectively and efficiently;
 - (b) Encourage personal wireless service providers to locate towers and antennas in nonresidential areas;
 - (c) Minimize the total number of towers throughout the County;
 - (d) Encourage personal wireless service providers to co-locate on new and existing tower sites; and
 - (e) Encourage personal wireless service providers to locate towers and antennas in areas where the adverse visual impact on County residents is minimal.
- (6) Co-Location Encouraged. To minimize adverse visual impacts associated with the proliferation of towers, co-location of personal wireless service facilities on existing or new towers is encouraged as follows:
- (a) Providers shall and are encouraged to co-locate onto towers provided such co-location is accomplished in a manner consistent with the policy, site criteria, landscaping/screening and all other provisions contained in this Section, then such co-locations are permitted by right and new or

- additional special use permit review approval is not required, except that any other permit, license, lease, or franchise requirements must be satisfied.
- (b) The County will not consider an application complete to construct new facilities unless the applicant has shown that it has made a diligent effort to mount the facilities on an existing structure or tower that is within a 2,500-foot radius of the chosen site.
 - (c) When co-location on an existing facility is not feasible:
 - (i) An applicant's site plan shall reserve an area for other providers' equipment near the base of the applicant's tower; and
 - (ii) The site plan for towers in excess of 100 feet must propose space for a minimum of 2 additional providers, while the site plan for towers 100 feet or less must propose space for a minimum of 1 additional provider.
 - (d) To provide further incentive for co-location, an existing tower may be modified as a matter of right to accommodate co-location without new or additional special use permits. The following conditions shall also be met:
 - (i) Height. An existing tower may be modified or rebuilt to a taller height, not to exceed 20 feet over the tower's existing height and subject to the other provisions of this Section. The height change may occur only once per tower.
 - (ii) No banners or similar materials may be attached to the tower, antenna support structure or antenna.
 - (e) The applicant must submit detailed plans to Planning and Development Services for an administrative review to determine if the special use permit review process and public hearing can be waived. No building permit will be issued until approval is granted through the administrative review of the co-location.
- (7) Cooperation. No personal wireless services provider or lessee or agent thereof shall act to exclude or attempt to exclude any other personal wireless services provider from using the same building, structure or location. Personal wireless service providers or lessees or agents thereof shall cooperate in good faith to achieve co-location of personal wireless service facilities and equipment with other personal wireless service providers. If a dispute arises about the feasibility of co-locating, the County may require a third party technical study at the expense of either or both parties to resolve the dispute.
- (8) Guidelines for Third Party Review. The personal wireless services providers use various methodologies and analysis tools, including geographically-based computer software, to determine the specific technical parameters of personal wireless services, such as expected coverage area, antenna configuration and topographic constraints that affect signal paths. In certain instances there may be a need for expert review by a third party of the technical data submitted by the personal wireless services provider. The County may require such technical review to be paid for by the applicant for the personal wireless service facilities. The selection of the third party expert shall be by mutual agreement between the applicant and the County or at the discretion of the County. The expert review is intended to be a site-specific review of technical aspects of the personal wireless service facilities and not a subjective review of the site selection. Such a review should address the accuracy and completeness of the technical data, possible interference problems and whether the analysis techniques and methodologies are legitimate. A determination on the validity of the applicant's conclusions, and any specific technical issues outlined by the Board of County Commissioners, Planning and Development Services. County staff or other interested parties shall be made. Based on the results of the third party review, the County may require changes to the application for the personal wireless service facilities that comply with the recommendations of the expert.
- (9) Site Selection Criteria. The following site selection criteria shall govern the issuance of permits and must be demonstrated by the applicant:

- (a) Any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by a propagation map that the facility must be located at the site to satisfy its function in the applicant's grid system. An analysis by an engineer documenting these demonstrations shall accompany the propagation maps.
 - (b) Further, the applicant must demonstrate by a propagation map that the height requested is the minimum height necessary to fulfill the site's function within the applicant's grid system. An analysis by an engineer documenting these demonstrations shall accompany the propagation maps.
 - (c) Personal wireless service facilities shall be located and designed to minimize adverse impact on residential property values. Facilities shall be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.
- (10) Priority of Locations. The order of priorities for locating new personal wireless service facilities shall be as follows, and the applicant shall demonstrate that all other locations with a higher priority on the list are not feasible:
- (a) Co-locate on existing antenna support structures.
 - (b) Place in districts zoned Bayview Ridge Light Industrial (BR-LI), Bayview Ridge Heavy Industrial (BR-HI), Natural Resources Industrial (NRI), Industrial Forest-Natural Resource Lands (IF-NRL), Rural Marine Industrial (RMI), Rural Village Commercial (RVC), Rural Business (RB), Open Space Regional Statewide Importance (OSRSI), Master Planned Resort (MPR) and Rural Freeway Services (RFS) districts.
 - (c) Place on appropriate rights-of-way and existing structures such as buildings, towers, water towers and smokestacks located on nonresidentially zoned property.
 - (d) Place on public property if practical, i.e., Skagit County property, fire halls, etc.
 - (e) Place on other property, i.e., Secondary Forest-Natural Resource Lands (SF-NRL), Agricultural-Natural Resource Lands (Ag-NRL), and Rural Resource-Natural Resource Lands (RRC-NRL).
 - (f) Place in view sheds and corridors.
 - (g) Place on property in Rural Reserve (RRv), Rural Center (RC), Small Scale Business (SSB), Small Scale Recreation and Tourism (SRT), and Rural Intermediate (RI).
 - (h) Place on Rural Village Residential (RVR).
- (11) Requirements for Siting on Skagit County Property. The Skagit County Board of Commissioners reserves the right to deny the use of any or all County-owned property by any or all applicants for as siting locations. Consideration of the use of property that is owned or otherwise controlled by Skagit County by rent, lease, rights-of-way, easement, etc., will be the following:
- (a) Priority of Use. Where Skagit County property is sought to be utilized by an applicant for the siting of personal wireless service facilities, priority will be given to the following entities in descending order:
 - (i) Skagit County.
 - (ii) Public safety agencies including law enforcement, fire, and ambulance services which are not part of Skagit County, and private entities with a public safety agreement with Skagit County.
 - (iii) Other governmental agencies for uses which are not related to public safety.
 - (iv) Other entities providing or using personal wireless services.
 - (b) Minimum Requirements for Siting on Skagit County Property. The placement of personal wireless service facilities on Skagit County property shall comply with the following special requirements in addition to the other requirements of this Section:
 - (i) The facilities will not interfere with the purpose for which the County-owned property is intended;
 - (ii) The applicant is to obtain adequate liability insurance and commit to a lease agreement that includes equitable compensation for the County;

- (iii) The applicant will submit a letter of credit, performance bond or other security acceptable to the County to cover the costs of removing the facilities;
 - (iv) The facilities will not interfere with other users who have a higher priority as discussed under Subsection (10) of this Section;
 - (v) The applicant must reimburse the County for any related costs that the County incurs because of the presence of the applicant's facilities; and
 - (vi) The applicant must obtain all necessary land use approvals.
- (c) Special Requirements. The use of certain County-owned property, including public utility structures or facilities for personal wireless service facilities, brings with it special concerns due to the unique nature of those sites. The placement of personal wireless service facilities on certain County-owned sites is allowed only when the following additional requirements are met:
- (i) Public Utility Structures or Facilities. The County's public utility structures and facilities represent a large public investment. Protection of the County's public utility structures and facilities is of prime importance to the County. For these reasons, the placement of personal wireless service facilities on public utility structures or facilities may be allowed only when the County is fully satisfied that the following requirements are met:
 - (A) There is sufficient room on the structure and/or on the grounds to accommodate the applicant's personal wireless service facilities;
 - (B) The presence of the applicant's personal wireless service facilities will not increase the maintenance cost to the County;
 - (C) The presence of the applicant's personal wireless service facilities will not be harmful to the safety of County workers maintaining the public utility structures or facilities, nor be harmful to the safety of the applicant's workers; and
 - (D) The intended use will cause no interference with the primary purpose of the public utility structures or facilities.
 - (ii) The use of County-owned parks for personal wireless service facilities brings with it special concerns due to the unique nature of these sites. The placement of personal wireless service facilities in a park will be allowed only when the following additional requirements are met:
 - (A) The Skagit County Parks and Recreation Department has reviewed and made a recommendation regarding the proposed personal wireless service facilities to be located in a park, and this recommendation must be forwarded to the County official authorized to take action on the proposal.
 - (B) Personal wireless service facilities shall not be allowed in designated critical areas unless they are co-located with existing facilities.
 - (C) Personal wireless service facilities may only be located in public parks if screening as regulated in Subsection (16) of this Section minimizes visual and noise impacts, and normal public use will not be disrupted.
 - (D) Personal wireless service facilities may be located in park maintenance facilities.
- (12) General Requirements. The following general requirements shall apply to towers and antennas construction:
- (a) New Uses. All new applications for antennas and towers filed after the adoption of the ordinance codified in this Chapter shall comply with this Section.
 - (b) Existing Uses. All towers and antennas existing on the date of passage of this Section shall be allowed to continue as they presently exist. Routine maintenance shall be permitted on existing towers and antennas. However, new construction other than routine maintenance on existing towers, antennas, buildings or other facilities shall comply with the provisions set forth in this Section.
 - (c) Permits Required. Permits are required for all personal wireless service facilities as follows:

- (i) Building permits shall be required for co-location or expansion projects on existing towers located within any zoning district. For the purposes of this Subsection only, a building permit does not trigger a development permit application for a shoreline substantial development permit under Chapter 14.26 SCC when the application is to co-locate on an existing antenna support structure.
 - (ii) Building permits shall be required for new construction projects located within the Bayview Ridge Light Industrial (BR-LI), Bayview Ridge Heavy Industrial (BR-HI), Natural Resources Industrial (NRI), Industrial Forest-Natural Resource Lands (IF-NRL), Rural Marine Industrial (RMI), and Rural Freeway Services (RFS) districts.
 - (iii) Building permits and administrative special use permits shall be required for projects located within the Rural Village Commercial (RVC), Rural Center (RC), Rural Business (RB), Agricultural (Ag-NRL), Secondary Forest (SF-NRL), Rural Resource (RRc-NRL), Public Open Space of Regional/State Importance (OSRSI), and the Master Planned Resort (MPR) zones and on projects located within the (c), (d), (e) and (f) priority locations of Subsection (10) of this Section.
 - (iv) Building permits and Hearing Examiner special use permits shall be required for projects located within the Rural Intermediate (RI), Rural Village Residential (RVR), Rural Reserve (RRv), Small Scale Business (SSB) and Small Scale Recreation and Tourism (SRT) zoning districts and for (g) and (h) priority locations of Subsection (10) of this Section.
- (d) Inspection Required. Each year after a personal wireless service facility becomes operational, the facility operator shall conduct a safety inspection and file a report with the County within 60 days of the inspection. This requirement shall be a condition of any permit.
- (e) Noise Regulations. Noise from air conditioners or other equipment associated with personal wireless service facilities and appurtenant structures shall not exceed 45dBA “EDNA” (Chapter 173-60 WAC, Maximum Environmental Noise Levels) at the adjacent residential property line, except for emergency situations requiring the use of a backup generator where the noise standards may be exceeded on a temporary basis.
- (f) Federal Requirements. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the personal wireless services providers governed by this Section shall bring such towers and antennas into compliance within the timelines provided by the revised standards and regulations. The revised standards and regulations are not retroactively applicable to existing providers unless otherwise provided or permitted by Federal law. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the County to remove the provider’s facilities at the provider’s expense.
- (13) Tower Design/Noise Criteria. New personal wireless service facilities shall be designed to accommodate co-location unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons. Thus, the applicant shall address the following design criteria:
- (a) View Corridors. The applicant shall provide 3-dimensional, visual simulation of the facilities and other appropriate graphics to demonstrate the visual impact on the view of the County’s foothills, mountains and open space areas as viewed from major transportation corridors or public open space. Due consideration shall be given so that placement of personal wireless service facilities does not obstruct or diminish these views.
 - (b) Setback. A tower’s setback shall be measured from the base of the tower to the property line of the parcel on which it is located. In the Rural Village Residential (RVR) zoning district and in land use areas where residential uses are permitted or existing, towers where permitted shall be set back from all property lines a distance equal to 100% of the tower height as measured from ground level. All

other towers shall comply with the minimum setback requirements of the zoning district in which they are located.

- (c) Lights, Signals and Signs. No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA.
 - (d) Height. The applicant shall demonstrate that the tower is the minimum height required to function satisfactorily. No tower that is taller than this minimum height shall be approved.
 - (e) Fencing. Security fencing no less than 6 feet in height with access through a locked gate shall be required around each tower and its related equipment and support structures.
 - (f) Required Parking. If the cell site is not fully automated, adequate parking shall be required for maintenance workers. If the site is automated, other arrangements for adequate off-street parking shall be made and documentation thereof provided to the County.
 - (g) Site Location/Integrity. Site location and development shall preserve the preexisting character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized unless such disturbance would result in less visual impact of the site on the surrounding area.
 - (h) Structural Integrity. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with all applicable Federal standards (i.e., FCC and FAA standards), State and local regulations, and the applicable standards of the Electronic Industries Association (EIA), as amended from time to time.
 - (i) Cause for Removal. If, upon inspection, the County concludes that a tower fails to comply with such standards or constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the County shall notify the owner that a violation has occurred.
 - (j) Improvements/Additions. Towers shall be constructed to the EIA Standards that may be amended from time to time and all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer, which demonstrate compliance with the EIA Standards and all other good industry practices. Said plans shall be submitted and reviewed at the time building permits are requested.
- (14) Antenna Siting Criteria. Antenna on or above a structure shall be subject to the following requirements:
- (a) Compatibility. The antenna must be architecturally compatible with the building and wall on which it is mounted, and designed and located so as to minimize any adverse aesthetic impact.
 - (b) Height. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved unless it is co-location approved.
 - (c) Special Use Review. If a proposed antenna is to be located on a building or a lot subject to a special use permit review, written County approval is required prior to the issuance of a building permit for the antenna.
 - (d) Historic Landmarks/Districts. No antenna shall be permitted on property designated as an historical landmark or as a part of an historic district, unless such antenna has been approved in accordance with this Section and written permission is obtained from the County.
 - (e) Roof Mounting. The antenna may be mounted on the roof of a building if the following additional criteria are satisfied:
 - (i) The County finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
 - (ii) No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein.

- (iii) Roof-mounted antennas are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.
- (f) Interference. No antenna shall cause localized interference with the reception or transmission of any other communications signals including, but not limited to, public safety, television, and radio broadcast signals.
- (15) Support Facilities Design. Support facilities should be designed to complement or maintain the integrity of the surrounding landscape and built environment.
 - (a) Compatibility. Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated through location and design to blend in with the existing characteristics of the site.
 - (b) Color. Towers and antennas shall have a color generally matching the building, surroundings or background that minimizes their visibility, unless the FCC or FAA requires a different color. Muted colors, earth tones and subdued colors shall be used wherever possible.
 - (c) Equipment Structures. Ground level equipment, related base stations for mounted antennas, buildings and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:
 - (i) Equipment mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antennas may also be located within the building on which the antennas are mounted, subject to good engineering practices.
 - (ii) In instances where equipment buildings are located in residential zones, equipment buildings shall comply with setback requirements and shall be designed so as to conform in appearance with nearby residential structures.
 - (iii) If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color. The structure must be architecturally and visually (color, size and bulk) compatible with surrounding existing buildings, structures, vegetation and uses. Such facilities will be considered architecturally and visually compatible if they are adequately screened to disguise the facilities.
- (16) Landscaping and Screening.
 - (a) Landscaping. The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening. The County may permit any combination of existing vegetation, berming, topography, walls, decorative fences, or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. Landscaping shall be required except that the County may waive the standards pursuant to Chapter 14.06 SCC for those sides of the facility that are not in public view:
 - (i) A row of evergreen trees a minimum of 10 feet tall at planting and a maximum of 6 feet apart shall be planted around the perimeter of the fence, or other approved landscaping or screening plan. The intent is for the immediate screening of towers.
 - (ii) A continuous hedge at least 36 inches high at planting capable of growing to at least 48 inches in height within 18 months shall be planted in front of the tree line referenced above.
 - (iii) In the event that landscaping is not maintained at the required level, the County, after giving 30 days' advance written notice, shall maintain or establish the landscaping and bill both the owner and provider for such costs until such costs are paid in full.
- (17) Application Process. Developers of towers and antennas are encouraged to consult with Skagit County Planning and Development Services staff prior to making application in order to review the siting policies, priority of locations and to discuss the permitting process and application requirements. In reviewing any application to provide personal wireless services or to install personal wireless service facilities, Planning and Development Services shall act within a reasonable period of time taking into account the nature and scope of the application. Any decision to deny such an application shall be in

writing and supported by substantial evidence contained in a written record. The review and approval process is defined in Chapter 14.06 SCC, Permit Procedures.

- (18) Application Package Requirements. A complete application form provided by Planning and Development Services, with supporting documents as required below, that contains sufficient information to determine compliance with adopted rules and regulations as outlined in SCC 14.16.850 shall be submitted. At the discretion of Planning and Development Services, all personal wireless service facilities applicants shall be required to submit any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information:
- (a) Parcel Description. Legal description of the parcel, including Assessor account number and property identification number.
 - (b) Photo Simulation. Photo simulations of the existing site and proposed facility from all adjacent properties and public rights-of-way at a radius of 1 mile from the proposed personal wireless service facility, including additional height of 20 feet for possible co-location. Photo simulations shall be made from a range of elevations of surrounding residential areas. The photo simulation shall be coded to a scaled vicinity map.
 - (c) Site Plan. A scaled site plan showing the location, point of reference, type, height and longitude and latitude of the proposed towers and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadway right of ways, parking areas if applicable, proposed means of access, setbacks from property lines and the approximate distance between the proposed tower and the property lines. The method of fencing and, if applicable, the method of camouflage, noise screening, and illumination shall be indicated. The application shall also include elevation drawings of the proposed tower and any other proposed structures. A vicinity map shall be included.
 - (d) Landscaping Plan. A landscaping plan shall be prepared indicating the specific placement of the facility on the site. Trees and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility shall also be indicated.
 - (e) Service Area Map. A current map showing the location of the proposed tower, the locations and service areas of other personal wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the County.
 - (f) Co-location Statements. A statement by the applicant as to whether construction of the tower will accommodate co-location of additional antenna(s) for future users. In addition, a signed statement shall be included indicating that: (i) the applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location; and (ii) the applicant and/or landowner agree to remove the facility within 60 days after abandonment.
 - (g) Environmental Documentation. Copies of any environmental documents if required by any Federal or State agency.
 - (h) Compliance Letter. A letter signed by the applicant stating the tower and antenna will comply with all applicable Federal, State and local laws and regulations, EIA standards and this Section.
 - (i) Co-location Attempt. A narrative of the attempt to co-locate shall be included which lists names and dates of parties contacted for potential co-locations. A statement by the applicant has made a diligent attempt to mount the facilities on an existing tower or structure that is within a 2,500-foot radius of the chosen site.
 - (j) Interference Certification. Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions of other communications facilities.
 - (k) Licenses. The personal wireless service provider must demonstrate that the FCC licenses it, if required to be licensed under FCC regulations for the provision of service within the County.

- (l) Lease Agreements. The applicant, if not the personal wireless services provider, shall submit proof of lease agreements with an FCC-licensed personal wireless services provider, if such provider is required to be licensed by FCC regulations.
 - (m) Use of Private Roads. In cases where personal wireless services facilities are to be accessed by private roads which are also used to access adjoining properties, permittee shall repair and maintain roads back to original (pre-facility) conditions, unless all parties of interest agree to a different standard.
 - (n) E911 Compliance. All providers shall attest to and demonstrate compliance with FCC and Washington State laws relating to Emergency 911 regulations.
 - (o) Financial Security. The application for any tower shall be accompanied by a letter of credit, performance bond, or other security in an amount to be determined by the County, which may be drawn upon by the County as necessary to cover the costs of removal of the facility.
 - (p) Historic Documentation. If applicable, a letter of permission from the designated County Official if the site is on a National Landmark or located in a Historic District.
 - (q) County Recommendation. If the applicant proposes to use County-owned property, a letter of recommendation from the Director of the Skagit County Parks and Recreation Department, Public Works Department or other applicable official.
- (19) Non-Use and Abandonment.
- (a) Abandonment. No less than 30 days prior to the date that a personal wireless services provider plans to abandon or discontinue operation of a facility, the provider must notify the County by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. In the event that a provider fails to give notice, the facility shall be considered abandoned upon the County's discovery of discontinuation of operations. Upon such abandonment, the provider shall have 60 days, or an additional period of time determined in the reasonable discretion of the County, within which to:
 - (i) Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or
 - (ii) Dismantle and remove the facility. If the tower, antenna, foundation and facility are not removed within the 60-day time period, or an additional period of time allowed by the County, the County may remove such tower, antenna, foundation and related facility at the provider's expense. If there are 2 or more providers co-locating on a facility, then this provision shall not become effective until all providers cease using the facility.
 - (b) Responsibility. If abandonment of a facility occurs by all of the permittees, licensees or owner of the tower, the owner of the tower shall remain primarily responsible if the tower ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of personal wireless services. The owner of the tower shall maintain the prescribed painting and/or illumination of such tower, if applicable, until it is dismantled. The application for any tower shall be accompanied by a letter of credit, performance bond or other security in an amount to be determined by the County which may be drawn upon by the County, as necessary, to cover the costs of removal of the facility.
- (20) Upon approval of a special use permit, the subsequent completed building permit application will require the following items:
- (a) Parcel Description. Legal description of the parcel, including Assessor account number and property identification number.
 - (b) Site Plan. A scaled site plan showing the location, point of reference, type, height and longitude and latitude of the proposed towers and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadway rights-of-way, parking areas if applicable, proposed means of access, setbacks from property lines and the approximate distance between the proposed tower and the property lines. The method of fencing and, if applicable, the method of camouflage,

noise screening, and illumination shall be indicated. The application shall also include elevation drawings of the proposed tower and any other proposed structures.

- (c) Landscaping Plan. A landscaping plan shall be prepared indicating the specific placement of the facility on the site. Trees and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility shall also be indicated. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.16.730 Home Based Business 1.

- (1) There are 3 types of Home Based Business: Home Based Business 1, Home Based Business 2, and Home Based Business 3. Home Based Business 2 and 3 require a special use permit, and are discussed in SCC 14.16.900. Uses specifically identified in this Chapter shall only be allowed in the zoning districts for which they are designated and shall not be eligible for consideration as a Home Based Business in any other zone.
- (2) Home Based Business 1 shall meet the following criteria:
 - (a) Is carried out exclusively by a member or members of a family residing in the dwelling unit;
 - (b) Is clearly incidental and secondary to the use of the property for dwelling purposes, with the floor area devoted to the home occupation not exceeding 25% of the living area of the dwelling unit;
 - (c) Has no outside storage, no outside signs of any size or type, nor other exterior indication of the home occupation or variation from the residential character of the property;
 - (d) Does not require the installation of heavy equipment, large power tools or power sources not common to a residential dwelling;
 - (e) Does not create a level of noise, vibration, smoke, dust, odors, heat or glare beyond that which is common to a residential area; and
 - (f) Does not have clients come to the site.
- (3) The intent of this use category is to allow a home based business to operate with the above-noted limitations. When the business grows beyond the criteria established above, the business shall apply for a Home Based Business 2 or 3 special use permit (if allowed by the applicable zone) or shall relocate to a zoning classification which would permit the activity. Special use permits issued after June 1, 1997, shall not be used as justification for Comprehensive Plan amendment and/or rezone requests. (Ord. O20080012 (part); Ord. 17938 Attch. F (part), 2000)

14.16.800 Parking.

- (1) General Requirements. Off-street parking in conjunction with all land and building uses established after the enactment of this Title shall be provided prior to the issuance of a certificate of occupancy as herein prescribed.
 - (a) Off-street parking for other than residential use shall be either on the same lot or within 200 feet of the building it is intended to serve, except for those cases where parking plans have been developed for a specific area.
 - (b) Residential off-street parking space shall consist of a driveway or garage or a combination thereof, and shall be located on the lot they are intended to serve.
 - (c) In uses not specifically mentioned herein, off-street parking requirements shall be determined by Planning and Development Services based on the anticipated parking demand.
 - (d) An applicant may request a modification of the minimum required number of parking spaces by demonstrating that parking demand can be met with a reduced parking requirement. In such cases, the Administrative Official may approve a reduction of up to 50% of the minimum required number of spaces as an administrative decision. In areas where few cars are anticipated (such as saltwater islands not served by ferry), the parking requirement may be eliminated.

- (e) Any area or number of parking spaces once designated as required off-street parking shall not be reduced to less than the required number of spaces for a similar new building or new use, nor changed to any other use unless and until equal parking facilities are provided elsewhere which conform to the requirements of this Section.
 - (f) Two or more buildings or uses may collectively provide the required off-street parking, in which case, the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. If the uses, structures, or parcels are under separate ownership, a deed, lease, contract or other appropriate written document must evidence the right to joint use of the parking space.
 - (g) Minimum size for a parking space shall be 8 1/2 feet by 17 feet.
 - (h) Handicapped parking spaces shall be designated and constructed in accordance with WAC 51-30-1107 and 51-30-1108.
- (2) Number of Spaces Required. The minimum number of off-street parking shall be determined in accordance with the following table:

Use	Minimum Number of Spaces Required
1. Single-Family Dwelling Unit Detached/Attached	2 per unit
2. Single-Family Dwelling Unit Detached/Attached with Accessory Dwelling Unit	3 total for combination of main unit and accessory dwelling unit
3. Two-Family Dwelling Units (Duplex)	2 per each dwelling unit
4. Townhome Dwelling Unit	2 per each dwelling unit
5. Bed and Breakfast	1 per guest room + 2 for residence
6. Hotel/Motel	1 per bedroom
7. Family Day Care Provider	2 per facility
8. Day Care Center	2 per facility + 1 per 20 children
9. Art Galleries and Studios	1 per 1,000 square feet
10. Professional Offices/Services	1 per 300 square feet
11. Marinas	1 per moorage slip
12. Indoor Recreation/Cultural	1 per 300 square feet
13. Primary/Junior High Schools	1 per classroom + 1 per 50 students
14. High Schools	1 per classroom + 1 per 10 students
15. Retail Stores	1 per 300 square feet
16. Gasoline Service Stations (without retail stores)	5 + 1 per service bay
17. Restaurants	1 per 75 square feet in dining or lounge areas
18. Manufacturing Uses	1 per 1,000 square feet
19. Warehousing	1 per 2,500 square feet

(Ord. O20070009 (part); Ord. O20060007 Exh. D § 10; Ord. 17938 Atch. F (part), 2000)

14.16.810 Setback requirements.

- (1) All structures must meet minimum horizontal setback requirements of the applicable zone.
- (2) Vision Clearance at Road Intersections. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impair vision between height of 2.5 feet and 10 feet above the centerline grades of the intersecting streets within a triangle formed by the road right-of-way lines of such corner lots and a line joining points along said road lines 30 feet from the tangent of intersection.
- (3) Architectural Features.
 - (a) Cornices, canopies, eaves, sills, fireplaces, flues, ornamental features and other similar features may extend or project into a required setback a distance of not more than 30% of the required yard, and in no case shall they be closer than 2 feet to any lot line.
 - (b) Uncovered and unenclosed ground story porches and decks less than 30 inches above grade may project into a required setback up to 1 foot from the property line.
- (4) Administrative Reduction of Setbacks. The Administrative Official may reduce the required front, side or rear setbacks where topography or critical areas or the lot's size and configuration impact the reasonable development of the property. To reduce the front or rear setback, the Administrative Official must determine that the public health, safety, and welfare will be maintained. Consultation with the Public Works Department concerning traffic safety may be solicited during this analysis.
- (5) Side and Rear Yard Easements. In lieu of normal side or rear yard setback standards required in each zoning district, the provisions of this Subsection shall provide greater flexibility to the property owner for the placement of a residence and/or accessory buildings, agricultural, commercial or industrial structures. Minimum building separation must be maintained, i.e., 16 feet in a residential zoning classification and as otherwise required by the IBC. In order to construct a structure within the normal side or rear yard setback area, an easement document must be obtained from the adjacent property owner. The easement must be recorded with the Skagit County Auditor's Office and filed with the building permit application. The easement document must contain:
 - (a) The legal description of the grantor's property.
 - (b) The legal description of the grantee's property.
 - (c) The legal description of the easement.
 - (d) What rights are being granted or restricted by the easement. At a minimum the property granting the easement must be restricted from building within twice the normal side yard setback requirements from the property line or the amount of feet necessary to maintain minimum building separation. The owner of the property receiving the easement must be granted the right of access to maintain the structure if needed. Additional rights or restrictions are up to the individual parties.
 - (e) Identification of all the owners of the properties involved.
- (6) Other regulations with setback requirements include:
 - (a) Shorelines Master Plan (see Chapter 14.26 SCC);
 - (b) Critical Areas Ordinance (see Chapter 14.24 SCC);
 - (c) Building and Fire Code requirements (see Chapter 15.04 SCC);
 - (d) Skagit County On-Site Sewage Code (see Chapter 12.05 SCC); and
 - (e) Wellhead Protection Area (see Chapter 12.48 SCC and Washington Administrative Code).
- (7) Parcels of land outside of and immediately adjacent to Natural Resource Lands (Rural Resource-NRL, Agriculture-NRL, Industrial Forest-NRL, Secondary Forest-NRL, and Mineral Resource Overlay Zones) shall observe a minimum building setback of 200 feet from such Natural Resource Lands. This setback may be waived if the applicant for the building permit on the adjacent non-resource land acknowledges in writing the possible occurrence of agricultural, forestry, or mining activity on the adjacent property and waives, in writing, for all current and future owners, any claim for damages that may occur to the building or occupants because of such activities which are conducted in accordance with applicable State

regulations. In the case of Agricultural-NRL and Industrial Forest-NRL lands, this waiver must also be approved by the owner of the adjacent Agricultural-NRL and Industrial Forest-NRL lands. Planning and Development Services may administratively reduce this setback in lieu of a signed waiver from the neighboring NRL landowner where the lot's size and configuration would otherwise preclude reasonable development of the property. To reduce this setback, the Administrative Official must determine that the public health, safety, and welfare will be maintained. The acknowledgement and waiver discussed herein shall be recorded by the applicant with the County Auditor.

- (8) Planning and Development Services may administratively reduce setbacks within Natural Resource Lands; provided, that the Administrative Official determines that the public health, safety, and welfare will be maintained. Such Administrative reductions are permitted where 1 or more of the following situations would otherwise preclude reasonable development of the property:
 - (a) Existing Structures. Existing structures are located within the setback area, and allowing new structures to be located within the setback area close to the existing structures will assist in resource operations.
 - (b) Road Right-of-Way as Part of Building Setback Calculation. Where a Natural Resource Land abuts right-of-way, the Administrative Official may reduce the setback by including the right-of-way footage in the setback calculation. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.16.820 Signs.

- (1) Purpose. This Section regulates the construction, erection, maintenance, electrification, illumination, type, size, number and locations of signs in order to protect the health, safety, property and welfare of the public as well as to ensure that Skagit County retains a neat, orderly and attractive appearance. The intent of these provisions is to preserve and enhance the rural character, unique scenic beauty and the business, recreational, educational, and tourism potential of the County.
- (2) Definitions. The sign definitions outlined in the 2003 International Building Code (Appendix H) are hereby adopted by reference.
- (3) General Sign Regulations. The following general requirements shall apply to sign regulations in all zoning districts in Skagit County.
 - (a) Conformity to Adopted Building Codes. All signs and other advertising structures shall be constructed and maintained in strict conformity with building code(s) as adopted and referenced in Chapter 15.04 SCC.
 - (b) Highway Advertising Control Act—Scenic Vista Act. The control of signs in areas adjacent to State and Federal highways shall be governed by Chapter 47.42 RCW.
 - (c) Building Permits. Building permits shall be required for the erection, alteration, or reconstruction of roof signs, electrified signs and freestanding signs in excess of 32 square feet, or greater than 6 feet in height. A change in information on the face of an existing sign shall not constitute an alteration.
 - (d) Application Procedure. Where applicable, an applicant shall pay a permit fee and file a building permit application obtainable from Skagit County Planning and Development Services. Each application shall be accompanied by plans showing the location by street address of the proposed sign, area of the sign, size and character, and the method of illumination, if any; in addition, the exact location proposed for such sign and, in the case of a projecting sign, the proposed method of fastening said sign to the building structure, the vertical distance between such sign and the finished grade and the horizontal distance between such sign, and the street right-of-way. For off-premises signs, the applicant shall attach to the application the written consent of the property owner for the erection of such sign. Sign plans shall provide a description (size, design, illumination) and depict the location of other signs within 1,000 feet of the proposed sign. Each applicant shall, upon the request of the Building Official, submit any additional information deemed necessary to issue a building permit.

- (e) Identification of Permitted Signs. The number of the sign permit shall be painted or otherwise affixed on the sign requiring a permit. The permit number shall be in letters of not less than 1/2 inch or more than 3 inches in height and shall be easily visible to the Building Official.
- (f) Nonconforming Signs. Nonconforming signs shall be regulated under this Code Section as follows:
 - (i) On-Premises Nonconforming Signs. Legally established nonconforming on-premises signs shall be allowed to continue consistent with the provisions of SCC 14.16.880.
 - (ii) Off-Premises Nonconforming Signs. Nonconforming off-premises signs shall comply with the provisions of this Chapter within 3 years from the date of adoption. Exceptions: Existing off-premises signs established and maintained under a valid special use permit shall be allowed to continue consistent with the conditions of approval. Off-premises signs located along State highways subject to the Highway Advertising Control Act – Scenic Vistas Act, including billboards, shall be allowed to continue consistent with the provisions governing such signs under RCW 47.42.107. Upon failure to comply with the sign code within the specified time period, the Building Official shall remove such signs. Any expenses incurred in such removal shall be paid by the sign owner, agent, lessee of said sign, or shall constitute a lien upon the property.
- (g) Removal of Illegally Established Signs. Signs established in violation of this Subsection may be immediately removed by the Building Official under the authority of the adopted building code if an immediate health and life safety issue is identified.
- (h) Removal of Abandoned Signs. If a building, structure, or premises is abandoned consistent with SCC 14.16.880(4), (5), and (6), the owner of said property shall be responsible for removing any commercial sign or signs located thereon with the exception of permitted off-premises signs or advertisements associated with the sale or lease of that facility.
- (i) Sign Maintenance. All signs for which a permit is required, including their supports, braces, guys, and anchors shall be kept in good condition. Illuminated devices shall be maintained in good working order. Permitted signs shall be subject to applicable landscaping requirements of SCC 14.16.830. If the Building Official finds any sign regulated under this Section to be unsafe or unsecured, he or she shall give written notice of such findings to the owner, agent, or lessee thereof. If the owner, agent or lessee fails to remove or alter the sign so as to comply with the standards herein after 30 days' notice, such sign or other advertising structure may be removed or altered to comply by the Building Official at the expense of the owner, agent, or lessee. Such expense shall constitute a lien against the property. The Building Official may cause any sign or other advertising structure that is an immediate peril to persons or property to be removed immediately.
- (j) Sight Distance. Signs shall not obstruct road sight distances within the sight triangle of any intersection in accordance with Skagit County road standards and shall not be located within a public right-of-way.
- (k) Traffic Safety. No sign shall be erected or allowed that obstructs the sight distance along a public right-of-way. No sign shall by its location, color or nature, tend to be confused with or obstruct the view of traffic signals or signs, or to be confused with a flashing light of an emergency vehicle. In addition, no sign shall, by its nature or moving parts, tend to confuse motorists, or create any potential hazard to motorists, or use admonitions such as "stop," "go," "slow," "danger," etc., which might be confused with traffic directional signals.
- (l) Illumination. Illumination of signs shall be consistent with the general provisions of this Subsection and maintain the rural character of the area. Signs shall be shaded, shielded or directed so the light intensity or brightness shall not adversely affect surrounding properties or public and private rights-of-way or create a hazard or nuisance to the traveling public or to surrounding properties. Illumination shall be in compliance with SCC 14.16.840, Performance standards.

- (m) Moving Signs. No revolving or rotating beacon of light that resembles or simulates any emergency light device shall be permitted as part of a sign. Flashing devices, strobe lights, and searchlights shall not be permitted; however, illuminated signs are allowed which indicate customary public information. Neon lighting or accent lighting may be used to advertise commercial or industrial businesses provided the lighting is compatible with the surrounding rural development, nearby permitted rural signage and all other signage requirements.
- (n) Measurement of Sign Area. The following method shall be utilized in calculating sign area:
 - (i) The square footage of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself.
 - (ii) The square footage of a sign composed only of letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols.
 - (iii) Double or multi-faced signs shall be calculated as the maximum area visible from any single direction at any point in time.
 - (iv) For freestanding signs, the height shall be measured from the elevation of the crown of the nearest public street to the highest point of the freestanding sign or its supporting structure.
 - (v) Signs attached to or painted against the overall structure to which they relate shall be computed as a part of the overall total square footage of allowable signage, or the number of signs allowed. Signs painted on buildings shall be measured by the smallest polygon enclosing the letters and symbols of the sign.
- (4) Exempt Signs. All signs exempt from this Section shall be nonilluminated and adhere to Subsections (3)(j), Sight Distance, and (3)(k), Traffic Safety, of this Section. The following signs are exempt from the provisions of this Section except as specifically noted in this Subsection:
 - (a) Official Public Signs. Signs that regulate traffic, legal notices and official instruments, signs established by government agencies, signs indicating bus stops and other similar transportation facilities, etc., shall be exempt.
 - (b) Community Identification Signs. Community identification signs shall be exempt, provided they are 60 square feet or less in size.
 - (c) Temporary Political Signs. Temporary political signs located on private property shall be exempt; provided, that such signs shall not exceed 32 square feet in area, shall not exceed 48 inches in vertical dimension, and shall be located no higher than 8 feet above the surrounding ground. These restrictions shall not apply to lawfully established billboards.
 - (d) Product Signs. Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks and gasoline pumps.
 - (e) Real Estate Signs Requirements. Real estate signs shall be permitted for the sales of individual lots in all zones; provided, that all such signs shall be located on the property to which they apply except as otherwise allowed. Residential real estate signs shall not exceed 6 square feet and shall be removed upon the closing of the home sale. Commercial real estate signs shall not be greater than 16 square feet in size.
 - (f) Attention-Getting Devices. The use of pennants, flags, and banners is prohibited for ongoing continuous use in conjunction with commercial or industrial facilities, but shall be allowed in conjunction with the opening of a new place of business or for special events for 14 continuous days. Such pennants, flags or banners shall be secured to the building and shall not be strung across the property.
 - (g) Temporary Signs Advertising a Special or Community Event. Signs that display the date, time, location, and sponsor of special events of community interest. Such signs shall be designed so that they do not hinder the visibility of other signage, are compatible with the surrounding environment

and are consistent with community aesthetic sensibilities. Such signs shall not remain more than 14 days prior to or 7 days after the date of the event.

- (h) Miscellaneous Temporary Signs. On-premises nonilluminated temporary signs advertising religious, charitable, civic, fraternal, political or similar organizational events not to exceed 45 days per year. Such signs may be 16 square feet in size. The height may not exceed 15 feet.
 - (i) Off-Premises Directional Signs. Directional signs shall identify the place (e.g., Alger), arrow and mileage. Such signs may be placed only at critical intersections and shall be no larger than 6 inches by 24 inches.
 - (j) Open House Real Estate Signs. Open house real estate signs shall be installed on the day of the open house and shall be removed at the end of the day when the open house is over.
 - (k) Institutional or church signs provided they are not over 32 square feet in size, not greater than 15 feet in height and limited to only 1 per lot.
- (5) Prohibited Signs. The following signs are prohibited.
- (a) Billboards except when located in the Rural Freeway Service or Master Planned Resort zoning designation adjacent to Interstate 5 and limited to 1 billboard per parcel.
 - (b) Abandoned signs.
 - (c) Flashing, revolving, animated or moving signs.
 - (d) Strobe lights, searchlights, and revolving lights.
 - (e) Private directional signs except those on-site that regulate traffic and parking (exit, entrance, parking in rear) not to exceed 4 square feet.
 - (f) Rooftop signs erected upon the roof of a building, or a sign attached to a building which projects vertically above the roof, eave, awning or parapet. This does not include signs attached to the vertical face of a parapet, awning or canopy; providing, that it does not project above the parapet, awning or canopy. Painted rooftop signs are not allowed.
- (6) On-Premises Signs. On-premises signs display only advertising copy strictly incidental to the lawful use of the premises on which it is located and may contain, unless otherwise prohibited, any or all of the following information:
- (a) The name of the owner, occupant, management, or firm occupying the premises;
 - (b) The address of the use;
 - (c) The kind or name of the business and/or the brand name of the principal commodities sold or produced on the premises; and
 - (d) Other information relative to a service or activity involved in the conduct of the business.
- (7) On-Premises Sign Requirements.
- (a) Signs Associated with Residential Land Use. Residential uses, such as co-housing developments, home based business, group homes, or other similar types of uses, shall be allowed to post 1 nonilluminated sign not to exceed 4 square feet.
 - (b) Tourism-Related Signs in the Rural Freeway Services Zone. One freeway-oriented advertising sign per business may be permitted in the Rural Freeway Services zoning district; provided, that the business must establish that it is a tourist-oriented business, i.e., that it satisfies a need of the traveling public and that it relies on the traveling consumer for a significant portion of its business. The height of such signs may be up to 60 feet to accommodate viewing from vehicles traveling on the interstate. Rural Freeway Service signs shall be no larger than 168 square feet in size. New RFS signs shall be distanced at least 660 feet from other existing RFS signs unless lot configuration would preclude reasonable development of a sign on individual lots.
 - (c) Tourism-Related Signs Associated with Commercial and Industrial Development. Lawfully established commercial and industrial businesses located along 4-lane State highways may be permitted 1 highway-oriented advertising sign per business consistent with the standards described

above under Subsection (7)(b) of this Section pursuant to approval of an administrative special use permit.

- (d) Seasonal Roadside Stands. Nonilluminated on-premises signs, excluding banners, shall be allowed to advertise a seasonal roadside stand; provided, that the collective square footage of the signs shall be no greater than 32 square feet. Regulations regarding off-premises seasonal roadside signs are outlined in Subsection (11)(b) of this Section.
 - (e) Subdivision Real Estate Sales Signs. Real estate signs advertising the sale of lots located within a subdivision shall be permitted; provided, that there shall be no more than 1 sign per subdivision entrance, and each sign shall be no greater than 32 square feet in area and no greater than 8 feet in height. Real estate signs shall be removed upon the closing of subdivision sales. One sign no larger than 12 square feet may also be installed off-premises in order to direct visitors to the property. Regulations regarding off-premises real estate signs are outlined in Subsection (11)(a) of this Subsection.
 - (f) Tourism-Related Signs in the Master Planned Resort Zone. Master planned resort developments located along 4-lane State highways or State Route 20 may be permitted 1 highway-oriented advertising sign per business consistent with the standards described above under Subsection (7)(b) of this Section pursuant to approval of an administrative special use permit.
- (8) Commercial Business Signs. Each operating enterprise, institution or business shall be permitted to have 2 on-site business identification signs per building entrance and 1 off-premises sign as defined and regulated by Subsection (10) of this Section unless otherwise provided herein. Business signs shall be incorporated into the landscaping of the site when landscaping is provided and should be designed to reflect the surrounding rural character in design and size. In addition to the other requirements of this Subsection, business signs are subject to the following size requirements:
- (a) Maximum wall sign area shall not exceed 2 square feet for each lineal foot of the building wall on which the sign is attached, not to exceed 40 square feet.
 - (b) Maximum freestanding sign area shall not exceed 1 square foot for each 5 lineal feet of street frontage, not to exceed 40 square feet except for tourism-related signs subject to the provisions of Subsections (7)(b), (c) and (f) of this Section.
 - (c) Under canopy sign area and dimensions shall be 1 square foot for each lineal foot of the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the wall. Minimum vertical clearance between the lower edge of an under canopy sign and the ground shall be 8 feet.
- (9) Signs Advertising Industrial Businesses. The following requirements shall govern signage for industries:
- (a) One building identification sign for each building shall be permitted; provided, that no sign shall exceed 25 square feet in area.
 - (b) Each enterprise, institution or franchise shall be permitted wall signs, 1 under canopy sign per street frontage and 1 freestanding sign each, subject to the following minimum size requirements. (Note: Multiple businesses in the same building shall apportion facade length, building, wall and street frontage such that any maximum is not exceeded for a particular property.)
 - (c) Maximum size.
 - (i) Maximum wall sign area shall not exceed 3 square feet for each lineal foot of the building wall on which the sign is attached.
 - (ii) Maximum projecting sign area shall be 1 square foot for each 2 lineal feet of building wall on which the sign projects, not to exceed 64 square feet. The total area of the projecting sign shall be subtracted from the permitted total of the facade signs.
 - (iii) Freestanding signs shall have a maximum of 1 square foot for each lineal foot of street frontage, not to exceed 150 square feet.

- (iv) For under canopy signs, the maximum sign area shall be 1 square foot for each lineal foot of width of canopy, awning, marquee or similar structure from which the sign is suspended, measured perpendicular to the building wall.
 - (v) The minimum vertical clearance between the lower edge of an under canopy sign and the ground shall be 8 feet.
- (10) Off-Premises Signs. An off-premises sign is a sign structure or billboard advertising an establishment, merchandise, service, or entertainment which is sold, produced, manufactured, or furnished at a place other than the property of which the sign or billboard is located.
- (a) General Requirements. Off-premises signs shall conform to the following requirements:
 - (i) Lighted signs shall be effectively shielded to prevent light from being directed at any portion of the highway right-of-way, or be of such intensity or brilliance to cause or to otherwise interfere or impair a driver's vision.
 - (ii) Maximum height of 15 feet, except as otherwise permitted.
 - (iii) Only 1 off-premises sign shall be permitted per parcel.
- (11) Special Off-Premises Sign Requirements.
- (a) Real Estate Signs. One off-premises sign advertising the sale of lots located within a subdivision shall be permitted after final plat approval provided the sign is established with the approval of the property owner. Each off-premises real estate sign shall be no greater than 32 square feet in area, and shall be no greater than 8 feet in height. Such signs shall be erected no longer than a period of 1 year unless the subdivision is larger than 40 lots and then the maximum time frame for the temporary sign shall be 2 years. Real estate signs shall be removed upon closing of the sale of the lots in the subdivision should this occur earlier than the allowed time frame.
 - (b) Temporary Advertising for Seasonal Roadside Stand. Two temporary off-site signs may be used to advertise seasonal roadside stands so long as the sign is removed after the growing season and is no larger than 16 square feet.
 - (c) Billboard Sign Requirements. Billboards are outdoor advertising structures advertising an establishment, merchandise, service, or entertainment which is sold, produced or manufactured and/or furnished at a place other than on the property of which the billboard is located. Billboards are prohibited except within the RFS and MPR zones adjacent to Interstate 5. Billboards shall meet the following requirements:
 - (i) Sign surface area: maximum 300 square feet per face.
 - (ii) Maximum number of signs: 1 sign per structure, which may be single- or double-faced.
 - (iii) Maximum height: 40 feet.
 - (iv) Minimum setback: 45 feet from the nearest right-of-way line; and 100 feet from the right-of-way line intersection point measured at any angle.
 - (v) Minimum spacing: 500 feet on the same side of the road from another billboard.
 - (vi) Only 1 sign shall be allowed to face the same direction per location. This allows back-to-back or "V" formation, but prohibits 2 signs (side-by-side) facing the same location. (Ord. O20070009 (part); Ord. O20050009 (part); Ord. O20040010; Ord. 17938 Attch. F (part), 2000)

14.16.830 Landscaping requirements.

- (1) Purpose and Intent. Landscaping is essential to provide an aesthetically pleasing balance between the built and natural environment for the residents of Skagit County. Landscaping should be used to help:
 - (a) Soften and enhance the appearance of the built environment and retain the natural landscape character where possible and practical.
 - (b) Buffer conflicting land uses.
 - (c) Maintain property values.
 - (d) Provide shade and visual relief to parking areas and streets.

- (e) Reduce storm water runoff and erosion by providing areas for water retention and biofiltration where deemed necessary.
 - (f) Aid in protecting the natural landscape rural character of Skagit County by helping to maintain and enhance the rural visual landscape quality through the use of native plant materials.
 - (g) Avoid danger to aircraft in the AEO zone.
- (2) Applicability. An approved landscape plan is required for any new commercial or industrial building, special use, or subdivision (as required by Chapter 14.18 SCC) application. Plans for projects including 2,000 square feet or more of landscaping over the entire development area shall be prepared by a licensed landscape architect or Washington State certified nurseryman. There are different requirements depending on the proposed use associated with a residential or commercial/industrial zoning district outlined in Subsection (4) of this Section.
- (3) Application Procedures.
- (a) Submittal. Conceptual landscape plans shall be submitted to Planning and Development Services with the initial project application. An approved plan will be required prior to final project approval. Plans shall be drawn to scale showing the location of buildings, above and below ground utilities, and the location, quantities and sizes of proposed plants and other proposed materials in the landscape area. Potential conflicts between landscaping and utilities shall be minimized or avoided.
- (4) Types, Amounts, and Locations of Landscaping Required.
- (a) Type I, Property Lines Other Than Street Frontage.
 - (i) Description. Type I landscaping is intended to provide screening of areas to reduce the visual impact of incompatible or less desirable characteristics. It is intended to be a very dense sight barrier. The planting strip shall be a minimum of 20 feet wide.
 - (ii) Applicability.
 - (A) A 20-foot-wide Type I buffer is required on all development within SRT, BR-LI, BR-HI, NRI, H-I and RMI zones where it abuts RI, RRv, RVR, BR-CC, BR-R, BR-URv, H-R, H-URv and R zoned land. Entire property lines need not be landscaped if applicant can demonstrate the activity (building or use) is adequately screened and agrees to additional Type I landscaping with future applications. A request for a reduction shall be by administrative decision pursuant to Chapter 14.06 SCC. Requirements for the NRI zone are found within that zone.
 - (B) Type I landscapes may be applied as conditions to discretionary land use applications.
 - (iii) Amount of Plantings Within the Planting Strip.
 - (A) Trees. Two alternating rows of evergreen trees, with a minimum of 2.5-inch caliper and planted at intervals of no greater than 20 feet on center. The trees must be backed by a sight-obscuring fence, a minimum of 5 feet high that may be removed when the trees reach 10 feet high. applicant may eliminate the fence by increasing the required width of the planting area by 10 feet. In the Airport Environs Overlay (AEO), tree height at maturity shall be no greater than the maximum building height for the specific site.
 - (B) Shrubs. Shrubs shall be planted a minimum of 5 feet wide using plants that are 3 1/2 feet in height at the time of planting. A combination of plant materials and landscape materials shall be planted so that the ground surrounding the shrubs will be covered within 3 years.
 - (C) Alternatively, a wall at least 6 feet high may be used for screening to reduce the planting width 5 feet and shall be constructed of masonry, block, or textured concrete.
 - (b) Type II, Property Lines Other Than Street Frontage.
 - (i) Description. Type II landscaping is intended to provide a visual separation between uses and land use districts.
 - (ii) Applicability.

- (A) A 10-foot-wide Type II buffer is required on all development within AVR, BR-CC, RFS, RVC, RC, SSB, and RB zones where it abuts RI, RRv, RVR, BR-R, H-R, H-URv and R zoned land. Entire property lines need not be landscaped if applicant can demonstrate the activity (building or use) is adequately screened and agrees to additional Type II landscaping with future applications. A request for a reduction shall be by administrative decision pursuant to Chapter 14.06 SCC.
- (B) Type II landscapes may be applied as conditions to discretionary land use applications.
- (iii) Amount of Plantings.
 - (A) Trees. Evergreen and deciduous trees, with no more than 50% being deciduous, a minimum of 2.5-inch caliper and planted at intervals of no greater than 20 feet on center. In the Airport Environs Overlay (AEO), tree height at maturity shall be no greater than the maximum building height for the specific site.
 - (B) Shrubs. A minimum of 3 1/2 feet in height and other plant materials planted so that the ground will be covered within 3 years.
- (c) Type III, Street Frontage.
 - (i) Description. Type III landscaping is intended to provide aesthetic enhancement, retain the natural landscape character and soften the appearance of streets, parking areas and building elevations of applications subject to this Section. This is the typical landscape requirement that every commercial/industrial application shall meet.
 - (ii) Applicability.
 - (A) An 8-foot-wide Type III buffer is required on the street frontage of all development within all commercial/industrial zones. Entire property lines need not be landscaped if the applicant can demonstrate the activity (building or use) is adequately screened and agrees to additional Type II landscaping with future applications. A request for a reduction shall be by administrative decision pursuant to Chapter 14.06 SCC.
 - (B) Type III landscapes may be applied as conditions to discretionary land use applications.
 - (iii) Amount of Plantings.
 - (A) Standards for AVR, NRI, BR-LI, BR-HI, BR-CC, RFS, SRT, and RMI Zones.
 - (I) Trees. Evergreen and deciduous trees, with no more than 50% being deciduous, a minimum of 6 feet in height, and planted at intervals no greater than 30 feet on center, or maximum spacing of 1 tree for every 30 feet of road frontage may be planted in groupings so as not to visually block a business entrance. In the Airport Environs Overlay (AEO), tree height at maturity shall be no greater than the maximum building height for the specific site.
 - (II) Shrubs and Berms. Minimum of 3 1/2 feet in height, and lawn or ground cover planted so that the ground will be covered within 3 years or earth mounding (berms) an average of 3 1/2 feet in height planted with shrubs, or ground cover so that the ground will be covered within 3 years and produce a landscape at least 3 1/2 feet in height.
 - (B) Standards for RVC, RC, SSB, and R Zones.
 - (I) A minimum of 2 groupings 50 square feet each shall be provided.
 - (II) A minimum of 1 tree in 1 group and 2 trees in the second group.
 - (III) Shrubs shall be adequate to cover the minimum square footage requirement.
- (d) Type IV, Parking Areas.
 - (i) Description. Type IV landscaping is intended to provide relief and shade in parking areas.
 - (ii) Amount of Plantings. Applications within: RFS, RMI, AVR, NRI, BR-LI, BR-HI, BR-CC and SRT zoning designations shall have a minimum of 16 square feet of landscaping for every parking stall.
 - (iii) Design.

- (A) Each area of landscaping must contain at least 100 square feet of area and must be at least 4 feet in any direction. The area must contain at least 1 tree at least 6 feet in height and with minimum size of 1 1/2 inches in caliper measured 6 inches above existing grade if deciduous. Deciduous trees shall have a clear trunk at least 5 feet above the ground. The remaining ground area must be landscaped with a variety of plant materials to include low shrubs, 2 feet at maturity, perennials, annuals and ground cover.
 - (B) A landscaped area must be placed at the end of each parking row in a multiple lane parking area. This area must be at least 4 feet wide and must extend the length of the adjacent parking stall.
 - (C) If less than 6 stalls are required, a minimum of 100 square feet shall be landscaped. The area does not need to meet the dimensional standards of Subsection (4)(d)(iii)(A) of this Section.
 - (D) Up to 100% of the trees proposed for the parking area may be deciduous.
 - (E) The trees shall be protected from the public, either pedestrian or motor vehicles, by appropriate curbs, tree guards or other protective devices.
 - (F) Applications within all other commercial/industrial zoning designations. For every 10 required stalls, a minimum of 200 square feet of landscaping shall be provided including at least 3 trees and a mix of shrubs and groundcovers.
- (5) General Standards. The following general standards will be required in all districts where landscaping is required:
- (a) Existing Vegetation. Preference is to retain as much of the existing mature vegetation (not including invasive non-native species) as possible within planting areas. Existing mature vegetation may be included in the required amount.
 - (b) Trees shall be varieties that will not conflict with underground or overhead utilities.
 - (c) No artificial lawn or shrubbery will be permitted in landscaped areas.
 - (d) Required landscaping or other vegetation within 30 feet of a driveway or street intersection shall not impair the sight vision between 30 inches and 8 feet from the ground. All trees shall have no branches or foliage below 8 feet above the street level.
 - (e) Erosion control measures and temporary run-off control may become part of a landscape plan.
 - (f) Maintenance for all landscaping and screening areas shall be provided by the owner of the landscaped property. Broken or dead trees or shrubs shall be replaced. All screening and landscaping areas shall be kept free of weeds and trash. Any property owner who fails to maintain landscaping areas will be considered to have committed an offense to this Code pursuant to Chapter 14.44 SCC (Enforcement/Penalties).
 - (g) Performance assurance bonding shall be in a cash deposit or other assurance acceptable to the County equal to 125% of the estimated installation costs if landscaping improvements have not been completed prior to application for occupancy. Such deposit shall be accompanied by a letter that shall stipulate the completion of the landscaping no later than 9 months from date of occupancy. If the conditions are not met, the County may use the deposit to perform the landscaping.
 - (h) Phased projects shall submit a landscape plan for the site as a whole before any issuance of a building permit is granted.
 - (i) Alternative landscape plans may be submitted which differ from the requirements contained in this Section. The Administrative Official shall make an administrative decision to approve or deny the landscape plan pursuant to a Level I process. All plans shall demonstrate how they meet the intent as outlined in this Section or that a hardship exists because of lot topography, size, or location.
 - (j) Landscape materials shall be provided consistent with the County's list of acceptable landscape materials. (Ord. O20080010 (part); Ord. O20080009 (part); Ord. O20070009 (part); Ord. O20060007 Exh. D § 11; Ord. 17938 Attch. F (part), 2000)

14.16.840 Performance standards.

- (1) Purpose. It is intended that all activities and land uses within Skagit County adhere to a common standard of environmental performance criteria.
- (2) Vibration. Every use shall be so operated that the ground vibration inherently and/or recurrently generated from use and/or equipment other than vehicles is not perceptible without instruments at any point on or beyond any zone district boundary in which the use is located.
- (3) Heat, Glare and Steam. Any activity producing steam, heat or glare shall be carried on in such a manner that the steam, heat or glare shall not create a nuisance beyond the boundary lines of the property within which the use is located. Building materials with high light reflective qualities shall not be used in construction of buildings where reflected sunlight would throw intense glare on adjacent areas. Artificial lighting shall use full cut-off fixtures so that direct light from high intensity lamps will not result in glare. Lighting shall be directed away from adjoining properties so that not more than 1-foot candles of illumination leaves the property boundaries.
- (4) Electrical Disturbance. No activity shall emit electrical disturbance adversely affecting the operation of equipment or appliances at any point beyond the boundaries of the location site of the use creating such disturbance.
- (5) Noise. Unless additional regulations are adopted by Skagit County pertaining to noise emissions, the maximum permissible environmental noise levels to be emitted to adjacent properties are not to exceed levels of the environmental designations for noise abatement (EDNA) as established by the State of Washington, Department of Ecology as now exist in Chapter 173-60 WAC, or as hereafter amended; provided, that EDNA classifications will conform to certain zone designations established under this Title as follows:
 - (a) Class A EDNA: Residential Use Zones (RI, RVR, RRv, R, URR);
 - (b) Class B EDNA: Commercial Zones (RVC, RC, RFS, SRT, SSB, RB, BR-LI, AVR, URC-I), Public Use Zones OSRSI and URP-OS; and
 - (c) Class C EDNA: Industrial Zones (NRI, RMI, BR-HI), Forestry Zones (IF-NRL, SF-NRL, RRc-NRL), Agricultural Zone (Ag-NRL). (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.16.850 General provisions.

- (1) Any provision of this Title may be suspended in an emergency situation by the Administrative Official, subject to approval by the Board of County Commissioners.
- (2) There shall be no more than 1 primary dwelling unit and 1 accessory dwelling unit per lot of record, unless otherwise permitted in the zoning district.
 - (a) Recreational vehicles, including park model trailers, will not be considered as dwelling units, shall only be occupied on a temporary basis and shall be limited to 1 occupied vehicle per lot of record.
- (3) Prohibition on Extension of Sewer Service into Rural and Resource Areas.
 - (a) Extension of sewer service is prohibited into rural and resource designated areas, except in these limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban densities.
 - (b) For the Similk Beach LAMIRD (SCC 14.16.920), only those properties within the LAMIRD may be served by the sewage system designed for that area, even if allowed by Chapter 12.05 SCC (On-Site Sewage Code). Connections to provide sewage service to properties outside of the LAMIRD are prohibited.
- (4) Development of Lots of Record.
 - (a) Notwithstanding other restrictions of the Skagit County Code, only lots of record meeting the minimum lot size requirements of the zoning district in which they are located will be eligible for development permits. Lots of record that do not meet the minimum lot size requirements of the

zoning district in which they are located (hereafter “substandard lots of record”) shall only be considered for development permits if they meet 1 or more of the exceptions described in Subsection (4)(c) of this Section.

- (i) An owner of contiguous, substandard lots may choose to aggregate (combine) the lots in order to meet these requirements; provided, that aggregation of lots shall meet the requirements of and be recorded as a boundary line adjustment, pursuant to SCC 14.18.700.
 - (ii) If the owner chooses to aggregate contiguous, substandard lots to meet these requirements, the County shall waive the application fee for the boundary line adjustment.
 - (iii) If an owner of contiguous, substandard lots chooses to aggregate the lots pursuant to this Subsection in order to meet these requirements and the resulting aggregated lot still does not meet the zoning minimum lot size, the lot must meet an exemption in Subsection (4)(c) of this Section, or apply for and receive a reasonable use exception pursuant to Subsection (4)(f) of this Section to be considered for development permits.
- (b) Lots created through testamentary provisions or the laws of descent shall be governed by the following provisions:
- (i) Lots that meet the current lot size requirements of the zoning district in which they are located shall be treated the same as a legally subdivided lot;
 - (ii) Lots that do not meet the current lot size requirements of the zoning district in which they are located, but which did meet the requirements in effect at the time they were created will be treated the same as substandard lots of record under Subsection (4)(c) of this Section;
 - (iii) Lots that do not meet the current minimum lot size dimensional standards of the zoning district in which they are located, and did not meet the standards in effect at the time they were created shall be treated as lots of record for purposes of conveyance, but will not be considered for building or development permits.
- (c) The County shall only consider issuing development permits on those substandard lots of record meeting any of the exemptions in this Subsection.
- (i) The lot of record was properly platted and approved by Skagit County on or after March 1, 1965; provided, that any lot that was created with a restriction on the face of the plat that the lot was created “not for development purposes” shall not be considered for development pursuant to this Subsection.
 - (ii) The lot of record is recognized as a participating parcel paying assessments to the Edison Subarea (Sub-District) of the Skagit County Clean Water District pursuant to Ordinance No. 16177 or any subsequent ordinances.
 - (iii) The lot of record is recognized as part of an adopted “Limited Area of More Intense Rural Development (LAMIRD)” pursuant to SCC 14.16.920.
 - (iv) The lot of record has been approved on a previously issued lot of record certification consistent with SCC 14.06.045(5).
 - (v) The lot of record is located in an urban growth area, is a minimum of 1 acre in size, and can satisfy the requirements of the Skagit County Code for water (either on-site or connection to a public water system) and for wastewater (either on-site or connection to a public sewer system), together with any other code provision applicable to the type of development proposed, as specified in SCC 14.06.045(6).
 - (vi) The lot of record is at least 1 acre in size and further meets 1 or more of the following:
 - (A) Has existing water meter and/or sewer service connection existing on the lot prior to January 1, 2004; or
 - (B) Has water and/or sewer connections allowed under a specific binding written contract in effect on January 1, 2004, that is an extension agreement or connection agreement; or

- (C) The owner or predecessor owner has paid or is currently still paying water and/or sewer assessments pursuant to a legally established utility local improvement district (ULID) or a local improvement district (LID) that was established prior to January 1, 2004.
- (vii) The lot of record meets 1 or more of the following:
 - (A) Has an existing dwelling unit that, at a minimum, meets the standards of an “efficiency dwelling unit” under Section 206 of the 1997 Uniform Building Code or a commercial/industrial/institutional building located solely on the lot of record and the dwelling unit or commercial/industrial/institutional building was either constructed prior to July 1, 1990, according to the Assessor’s records, or, if constructed after that date, obtained a building permit for its construction and approval to occupy from the County; or
 - (B) Has an approved permit for an on-site sewage system pursuant to Chapter 12.05 SCC that is submitted and approved prior to January 1, 2004, and either that permit is still valid, or the system has been installed; or
 - (C) Has an individual water system evaluation pursuant to Chapter 12.48 SCC (including installation of the well) submitted and approved prior to June 1, 1997, for a water system intended to serve the substandard lot; or
 - (D) Has been issued a development permit which vests future structure(s) pursuant to SCC 14.02.050 (Vesting).
- (viii) The lot of record was legally created prior to March 1, 1965, or if created after March 1, 1965, was exempt from subdivision requirements at the time it was created, and meets 1 of the following requirements:
 - (A) The lot of record is 1 acre or larger and is located in the Rural Village Residential or Rural Intermediate zoning district. Lots located within the Fidalgo Island subarea plan boundaries identified in Ordinance No. 18375, Appendix 1, Section 1, No. 12, or located on Guemes Island shall not be eligible for this Subsection until after completion of and subject to the adopted recommendations of the Fidalgo Island subarea plan or the Guemes Island subarea plan, respectively; or
 - (B) The lot of record is 5 acres or larger and is located in a Rural Reserve or Bayview Ridge Urban Reserve zoning district; or
 - (C) The lot of record is 10 acres or larger and is located in a Rural Resource-Natural Resource Lands or Secondary Forest-Natural Resource Lands zoning district; or
 - (D) The lot of record meets the requirements of SCC 14.16.410(3)(c) for residential development in the Industrial Forest-Natural Resource Lands designation; or
 - (E) The lot of record is 0.25 acres or larger and is located in the Bayview Ridge Residential zoning district.
- (d) In the following zones, if the proposed use for the substandard lot of record is 1 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.
 - (A) Administrative special uses: minor utility developments; parks, specialized recreation facilities; trails and primary and secondary trailheads.
 - (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; personal wireless services towers, subject to SCC 14.16.720.
 - (ii) Rural Intermediate.
 - (A) Permitted uses: agriculture, agricultural accessory uses.
 - (B) Administrative special uses: minor utility developments; parks, specialized recreational facilities; trails and primary and secondary trailheads.

- (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; personal wireless service towers, subject to SCC 14.16.720.
- (iii) Rural Reserve.
 - (A) Permitted uses: agriculture, agricultural accessory uses, agricultural processing facilities, cultivation, harvest and production of forest products or any forest crop, in accordance with the Forest Practice Act of 1974, and any regulations adopted pursuant thereto.
 - (B) Administrative special uses: minor utility developments; parks, specialized recreational facility; trails and primary and secondary trailheads.
 - (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; personal wireless services towers, subject to SCC 14.16.720.
- (iv) Urban Reserve Residential.
 - (A) Administrative special uses: expansion of existing major public uses, minor public use, minor utility development, seasonal roadside stands under 300 square feet, temporary event, trails and primary and secondary trailheads.
 - (B) Hearing Examiner special uses: cemetery; community club/grange hall; display gardens; historic sites open to the public; parks, community; personal wireless services towers subject to SCC 14.16.720.
- (v) Urban Reserve Commercial-Industrial.
 - (A) Permitted uses: community club/grange hall, historic sites open to the public, minor public uses.
 - (B) Administrative special uses: expansion of existing major public uses up to 3,000 square feet; minor utility developments; parks, specialized recreational facility; personal wireless services towers subject to SCC 14.16.720; temporary events; trails and primary and secondary trailheads.
 - (C) Hearing Examiner special uses: none.
- (vi) Urban Reserve Public Open Space.
 - (A) Permitted uses: agriculture; agricultural accessory use; caretaker dwelling unit for on-site resident park manager accessory to the primary public use; cultivation; harvest and production of forest products or any forest crop, in accordance with the Forest Practice Act of 1974, and any regulations adopted pursuant thereto; historic sites open to the public; interpretive center; minor public uses; minor utility development; open space; parks, community; park, recreation open space; parks, regional; park, specialized recreation area; trails and primary and secondary trailheads.
 - (B) Administrative special uses: natural resources training/research facility, outdoor recreation facilities, personal wireless services towers, subject to SCC 14.16.720, Water diversion structure.
 - (C) Hearing Examiner special uses: impoundment.
- (vii) Bayview Ridge Residential.
 - (A) Permitted uses: agricultural uses; historic sites open to the public.
 - (B) Administrative special uses: minor utility developments; parks, specialized recreational facilities; trails and primary and secondary trailheads.
 - (C) Hearing Examiner special uses: parks, community.

- (viii) Bayview Ridge Urban Reserve.
 - (A) Permitted uses: agriculture.
 - (B) Administrative special uses: minor utility developments; parks, specialized recreational facilities; trails and primary and secondary trailheads.
 - (C) Hearing Examiner special uses: expansion of existing major public uses up to 3,000 square feet; impoundments greater than 1-acre feet in volume; parks, community.
- (e) In the natural resource land zones, if the proposed use for the substandard lot of record is any of the uses permitted in the respective natural resource land zone other than the following residential uses, it may be allowed regardless of the determination pursuant to SCC 14.06.045(1)(b):
 - (i) Agricultural-NRL: co-housing, as part of CaRD, subject to SCC 14.18.300 through 14.18.330; farm-based business carried on exclusively by a member or members of a family residing on the farm and employing no more than 3 nonresident full-time equivalent employees; family day care provider as defined in Chapter 14.04 SCC; Home Based Business 1; single-family detached residential dwelling unit and residential accessory uses, when accessory to an agricultural use; temporary manufactured homes as permitted in SCC 14.16.900(2)(b); Home Based Business 2, provided no conversion of agricultural land is required to accommodate the business activity; Home Based Business 3, provided no conversion of agricultural land is required to accommodate the business activity.
 - (ii) Secondary Forest-NRL: accessory residential structures; co-housing as part of a CaRD, subject to SCC 14.18.300 through 14.18.330; detached single-family residential dwellings; family day care provider; Home Based Business 1; Home Based Business 2, provided no conversion of agricultural land is required to accommodate the business activity; Home Based Business 3, provided no conversion of agricultural land is required to accommodate the business activity.
 - (iii) Rural Resource-NRL: detached single-family residential dwelling; Home Based Business 1; family day care provider; residential accessory structures; Home Based Business 2, provided no conversion of agricultural land is required to accommodate the business activity; Home Based Business 3, provided no conversion of agricultural land is required to accommodate the business activity.
 - (iv) Industrial Forest-NRL: co-housing, as part of CaRD, subject to SCC 14.18.300 through 14.18.330; single-family residential dwellings; Home Based Business 1; Home Based Business 2, provided no conversion of agricultural land is required to accommodate the business activity; Home Based Business 3, provided no conversion of agricultural land is required to accommodate the business activity.
- (f) Reasonable Use.
 - (i) Variances from the requirements of this Section shall not be considered. However, if a substandard lot of record in the Rural Reserve, Rural Intermediate, Rural Village Residential, Urban Reserve Residential, Bayview Ridge Residential or Bayview Ridge Urban Reserve zones does not meet any of the exceptions in Subsection (4)(c) of this Section, the lot owner may request that the County further evaluate the lot for a reasonable use exception pursuant to this Subsection. Issuance of a reasonable use exception shall allow the lot owner to apply for residential development permits on the lot. Reasonable use exceptions shall only be issued if the lot owner can demonstrate the following:
 - (A) The lot has not been owned with any other contiguous lots with the same zoning designation at any time from July 1, 1990, to the present. The owner may elect to aggregate all contiguous, substandard lots held in common ownership, thereby creating a single parcel, to then qualify under this Subsection; and
 - (B) The proposed use can otherwise satisfy all other requirements of the Skagit County Code; and

(C) The proposed use does not require extension of, or installation of, urban levels of service outside of an urban growth area.

Lots included in a plat shall not be required to be combined with unplatted land or lots in separate plats for the purposes of qualifying under this Subsection. Lots where ownership of 1 or more contiguous lots has been transferred since July 1, 1990, shall not be considered as held in common ownership if the segregation(s) occurred in compliance with all zoning and aggregation provisions in effect at the time of transfer.

- (ii) The County evaluation of a reasonable use exception to the requirements of this Section shall be processed as a Level I administrative decision, pursuant to SCC 14.06.110, including all of the public notice and comment requirements.
 - (iii) In the Natural Resource Lands zoning districts (Ag-NRL, RRc-NRL, SF-NRL and IF-NRL), natural resource production is deemed a reasonable use of the property and, therefore, substandard lots of record in these zones shall not be eligible for a reasonable use exception pursuant to this Subsection.
- (5) Storage of Articles or Vehicles in Setbacks and Rights-of-Way.
- (a) In no zoning district shall any portion of articles or vehicles be permitted to be stored in public rights-of-way.
 - (b) All vehicles placed in setbacks shall be currently licensed and registered.
- (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.
- (7) Except lots restricted by SCC 14.18.700(2)(c)(ii), when a lot has multiple zoning designations, then each separately zoned portion of the lot may be developed, subdivided, or used consistent with the applicable zoning district's use regulations; provided, that each separately zoned portion of the lot meets all applicable Skagit County Code requirements and either meets the minimum lot size for the zoning district or at least 1 exemption listed in Subsection (4)(c) of this Section, other than Subsection (4)(c)(i) of this Section. Any subdivisions allowed under this provision shall occur on the zoning line and shall not result in any lots with multiple zoning designations. In cases where 1 or more separately zoned portion(s) of a lot do not meet 1 of the exemptions required above, those portion(s) of the lot may still be segregated, but will not be considered for any development permits unless otherwise allowed in Subsection (4)(d) or (e) of this Section or an approved reasonable use exception pursuant to SCC 14.16.820(4)(f). An owner of a lot with multiple zoning designations may request that the County review the current zoning designations and, if possible, process a County-initiated Comprehensive Plan amendment to reflect a single zoning designation on the property.
- (8) The minimum lot size required for a land division may be reduced at the discretion of the Administrative Official to accommodate financing, land division, ownership and development of public safety facilities in the following land use districts: Rural Village Residential; Rural Intermediate; Rural Reserve; Agriculture-Natural Resource Lands; Secondary Forest-Natural Resource Lands; Industrial Forest-Natural Resource Lands; and Rural Resource-Natural Resource Lands. Public safety facilities include fire halls, emergency medical, law enforcement substations and training stations, flood control facilities and other similar facilities owned or operated by the County or a district or private service provider holding a franchise or long-term lease agreement with the County. Such facilities shall be dedicated to providing emergency responses to the general public. The land division or boundary line adjustment shall be no greater than what is required to accommodate that particular safety facility and to reduce the impacts to Rural or Natural Resource Lands.
- Once such a lot is created, it may not be converted to residential use at any time unless the zoning district minimum lot size is altered by a Comprehensive Plan amendment and the lot sized for the public safety facility becomes a conforming lot size for residential development.
- (9) Existing mobile home parks shall be regulated pursuant to Chapter 12.24 SCC. (Ord. O20080012 (part); Ord. O20080009 (part); Ord. O20070009 (part); Ord. O20050007 § 9; Ord. O20050003 (part); Ord. O20040017 (part); Ord. 20040008 Attch. 3 § 2; Ord. 20030009; Ord. R20020194 § 8; Ord. 17938 Attch. F (part), 2000)

14.16.860 Agricultural land preservation.

- (1) Purpose. The following zoning provision is intended to encourage long-term agricultural land protection. Owners of an existing house in the Agricultural-Natural Resource Lands or Rural Resource-Natural Resource Lands zones are hereby provided a mechanism to create a substandard lot, by means of a subdivision in cases involving 1 lot of record or by means of a boundary line adjustment in cases involving multiple lots of record, where the net number of lots will not be increased, in consideration for placing a permanent restriction on the balance of the property in the form of an agricultural preservation agreement.
- (2) Exceptions.
 - (a) Exceptions from the dimensional requirements of the SCC may be granted by the Administrative Official through the use of a County-adopted agricultural preservation agreement and agricultural use covenant and agreement relating to development rights, if they:
 - (i) Are not contrary to the public interest;
 - (ii) Are not contrary to the Skagit County Comprehensive Plan;
 - (iii) Do not increase the allowable density as prescribed by the Comprehensive Plan, and satisfy the criteria listed below:
 - (A) Parcel consists of predominantly Lowland Prime Soils (as defined by the Skagit County Planning and Permit Center's "Farmland Soils Map").
 - (B) Parcel is zoned Agriculture-NRL or Rural Resource-NRL.
 - (C) Residential lots may not exceed 1 acre in size unless site constraints preclude placement of a well or septic system.
 - (iv) An agricultural use covenant is placed on the remainder of the property and granted to Skagit County. The covenant is an interest in real property under the provisions of RCW 64.04.130 and will be held in trust by Skagit County. The covenant will remain in effect until a court of competent jurisdiction finds that it is no longer possible to commercially use the property for the production of food or agricultural products. In lieu of granting an agricultural use covenant to Skagit County, the property owner may convey a substantially similar conservation easement to a nonprofit Skagit County-based land trust or other qualified conservation organization as defined in RCW 84.34.250.
 - (v) If these criteria are met, and a parcel has more than 1 residential structure existing as of September 11, 1996, then separate lots may be created for each such primary residence; provided, that the requirements stated above are met for each lot.
 - (b) Exceptions from the site assessment requirements of Chapter 14.24 SCC may be granted by the Administrative Official; provided, that:
 - (i) The short subdivision does not include additional "development" as defined under SCC 14.04.020; and
 - (ii) All subsequent development on the segregated homesite and/or the remainder parcel(s) shall require complete standard critical areas review pursuant to Chapter 14.24 SCC. (Ord. O20080014 (part); Ord. O20070009 (part); Ord. O20050003 (part); Ord. 17938 Attch. F (part), 2000)

14.16.870 Notification of development activities on or adjacent to designated natural resource lands.

- (1) Title Notification. The owner of any site in or within 500 feet of Natural Resources Lands, for which an application for a development permit is submitted as defined in Chapter 14.04 SCC, shall record a title notification with the Skagit County Auditor. The content and form must be approved by the Administrative Official and the Prosecuting Attorney. The notice shall be notarized and shall be recorded prior to approval of any development proposal for the site, and include the following language:

This parcel lies within an area or within 500 feet of an area designated as a natural resource land (agricultural, forest and mineral resource lands of long-term commercial significance) in Skagit County. A variety of natural resource land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated natural resource lands, and area residents should be prepared to accept such incompatibilities, inconveniences, or discomfort from normal, necessary natural resource land operations when performed in compliance with best management practices and local, State, and Federal law. In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. In addition, greater setbacks than typical may be required from the resource area, consistent with SCC 14.16.810. Contact Skagit County Planning and Development Services for details.

(Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

14.16.880 Nonconforming uses and structures.

- (1) Intent. Any lot, building, structure, or use of land, legally permitted or established at the time of the adoption of the ordinance codified in this Chapter, shall be permitted to continue. A change in occupancy or ownership shall not affect such right to continue such use, building, or structure. It is the intent of the ordinance codified in this Chapter:
 - (a) To permit these nonconformities to continue until they are removed, but not to encourage their survival, except as expressly provided in this Section; and
 - (b) That nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district; and
 - (c) That nonconforming uses or structures not be allowed to expand, be altered or reconstructed except as otherwise outlined in this Section.
- (2) Enlargement, Alteration, Expansion or Change of Nonconforming Uses.
 - (a) Nonconforming Uses. No nonconforming use shall be permitted to be enlarged, altered, or expanded, except that a nonconforming use may be extended throughout any part of the building which was designed for its use prior to the time of the adoption of this Chapter. This extension is allowed; provided, that no structural alterations, except those required by law, are made therein, and that no expansion of the structure or parking requirements occurs.
 - (b) No nonconforming use shall be allowed to be reestablished after abandonment. Thereafter, the use of the building, structure or site shall be in conformity with the regulations for the district in which it is located.
 - (c) A nonconforming use shall not hereafter be changed to any other nonconforming use, regardless of the conforming or nonconforming status of the building in which it is housed.
- (3) Enlargement, Alteration, Reconstruction of Nonconforming Buildings and Structures. Subsections (3)(a) and (b) of this Section outline requirements for routine maintenance, reconstruction/replacement after damage by fire, natural disaster, or other calamity, and structural repairs needed to maintain a building or structure in a safe structural condition:
 - (a) Routine maintenance and repairs may be performed on a nonconforming structure or building.
 - (b) When a nonconforming building or structure is damaged, said building or structure may be restored or replaced provided:
 - (i) A complete application for reconstruction or replacement is submitted within 1 year of the damage, and

- (ii) That the restoration or replacement shall be made to conform to the regulations of the zoning district in which the building or structure is located, or if such regulations cannot physically be met without reducing the size of the building, the restoration shall not extend any nonconformity that existed prior to the damage.
- (c) Additions to nonconforming structures that meet all applicable zoning dimensional standards shall not be considered an enlargement under this Subsection.
- (4) Abandonment. For the purposes of this Subsection, abandonment shall mean:
 - (a) An intention to abandon; and
 - (b) An overt act, which carries the implication that the owner does not claim or retain any interest in the right to the nonconforming use.
- (5) Conformance after Abandonment. If any nonconforming use of land and/or building or structure ceases for any reason whatsoever for a period of 1 year or more, any future use of such land, building or structure shall thereafter be in conformity in the zoning district in which it is located. The mere presence of a structure, equipment or material shall not be deemed to constitute a continuance of a nonconforming use unless the structure, equipment, or material are actually being occupied or employed in maintaining such use.
- (6) Procedure for Verifying Abandonment. When the Department obtains information indicating that a nonconforming use, building or structure has or may have been abandoned, the Department shall send a letter by certified mail return receipt requested to the property owner requesting confirmation of either abandonment or non-abandonment. Documentation that the nonconforming use, structure, or building has been occupied, used, or maintained within the last year shall be required. After proper notification, if the owner fails to respond to the request within 60 days, the building, structure, or use shall be deemed abandoned. If the owner replies that the building, structure, or use is not abandoned, the Department may treat this as a Level II permit application, in which case the Hearing Examiner will make a determination regarding the abandonment status, or the Department may determine that abandonment has not occurred. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)

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 elements:
 - (A) The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.
 - (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) Potential effects regarding the general public health, safety, and general 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.
- (c) Approved special uses shall be shown on the official zoning map.
 - (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)(c)(iii)(A) and (B) 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. Special use permits are subject to the following criteria:
- (i) Is carried out by a member or members of a family residing in the dwelling;
 - (ii) Is clearly incidental and secondary to the use of the property for dwelling purposes;
 - (iii) Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property with the exception of 1 sign not to exceed 4 square feet, provided such sign shall not be illuminated;
 - (iv) Does not require the installation of heavy equipment, large power tools or power sources not common to a residential dwelling;
 - (v) Does not create a level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to a residential area;
 - (vi) Does not create a level of parking demand beyond that which is normal to a residential area;
 - (vii) May have clients come to the site;
 - (viii) If established after June 1, 1997, shall not be used as justification for future Comprehensive Plan amendment and/or rezone requests.
- (f) Home Based Business 3. Special use permits are subject to the following criteria:
- (i) Is carried out by a member or members of a family residing in the dwelling and may include up to 3 additional employees;
 - (ii) Is clearly incidental and secondary to the use of the property for dwelling purposes;
 - (iii) The business activity may be conducted in buildings other than the dwelling; provided, that the size of such building shall be consistent with the residential area and such building is properly permitted for the use;
 - (iv) Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property with the exception of 1 sign not to exceed 4 square feet, provided such sign shall not be illuminated;

- (v) Does not create a level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic and other environmental impacts beyond that which is common to a residential area;
 - (vi) Does not create a level of parking demand beyond that which is normal to a residential area;
 - (vii) Maintains 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;
 - (viii) May have clients come to the site;
 - (ix) If established after June 1, 1997, shall not be used as justification for future Comprehensive Plan amendment and/or rezone requests.
- (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.
- It should be noted that the intent of this category of special uses is to allow home based businesses to operate with the above-noted limitations. When the business grows beyond the criteria established above and the conditions included in any approval, the business shall relocate to a zoning classification which would permit the activity.
- (h) Temporary Events. Special use permits for temporary events are also subject to the following criteria:
- (i) Events may occur on no more than 24 calendar days per year.
 - (ii) Parking for all events shall be fully contained on the subject property and shall not include the use of any road right-of-way.
 - (iii) Does not create a detrimental level of electrical interference, line voltage fluctuation, noise, vibration, smoke, dust, odors, heat, glare, traffic or other environmental impacts on the surrounding area.
 - (iv) All lighting is directed away from neighboring residences or businesses.
- (i) Kennels. Special use permits for kennels are also subject to the following criteria:
- (i) Areas used as part of a dog kennel operation shall be composed of at least one-half of 1 acre for every 5 dogs (i.e. 2.5 acres of kennel area would be required for 25 dogs).
 - (ii) Any indoor or outdoor area to be occupied by kennel animals shall be located at least 50 feet from any property line. A solid-wood fence or continuous, non-deciduous vegetative barrier shall be required, each at least 6 feet in height, between any outdoor kennel use area and the subject property lines. Fences and continuous barriers will not be required in cases where kennel use areas are at least 500 feet from all subject property lines.
 - (iii) Parking for all kennel customers and employees shall be fully contained on the subject property and shall not include the use of any road right-of-way.
 - (iv) All lighting shall be directed away from neighboring residences or businesses.
 - (v) An approved waste disposal plan that complies with Chapter 12.16 SCC shall be required.
 - (vi) Kennel animals must be contained on the subject property. Outdoor kennel areas shall be constructed with adequate materials and height so as to prevent animal escapement.
 - (vii) Any outdoor kennel use areas shall be configured such that impacts to surrounding properties are minimized. All animals must be contained in enclosed buildings between the hours of 9:00 p.m. and 8:00 a.m. daily.
 - (viii) Day-use kennels shall also be subject to the following criteria:
 - (A) A day-use kennel shall not exceed 25 dogs or cats on site at any one time.
 - (B) No commercial breeding or selling of dogs or cats shall occur at a day-use kennel.

- (C) No overnight boarding of animals shall occur at a day-use kennel.
 - (ix) Limited kennels shall also be subject to the following criteria:
 - (A) A limited kennel shall not exceed 25 dogs or cats over 16 weeks of age on site at any one time.
 - (B) At no time shall there be more than 50 dogs or cats of any age on site.
 - (C) No dogs or cats shall be commercially boarded at a limited kennel.
 - (D) A limited kennel may have animals kept during daytime and overnight hours and may also include additional related services including but not limited to selling, training, grooming, and daily care.
 - (x) Overnight boarding kennels shall also be subject to the following criteria:
 - (A) An overnight boarding kennel shall not exceed 150 dogs or cats on site at any one time.
 - (B) No commercial breeding or selling of dogs or cats shall occur at an overnight boarding kennel. A single, incidental litter in a 12-month period is not commercial breeding or selling.
 - (C) An overnight boarding kennel may have animals kept during daytime and overnight hours and may also include additional related services including but not limited to training, grooming, and daily care.
 - (xi) Only 1 kennel, either day-use, limited, or overnight boarding, shall be allowed on any property at one time.
 - (xii) An emergency evacuation plan satisfactory to the Department shall be required.
 - (xiii) An exercise plan satisfactory to the Department shall be required.
 - (xiv) Planning and Development Services may refuse issuance of a special use permit, or rescind an approved special use permit, if it is discovered that the applicant has been convicted of animal cruelty as defined in Chapter 16.52 RCW.
 - (xv) Planning and Development Services may rescind an approved special use permit for a kennel that is found in violation of any of the provisions of Chapter 7.02 SCC.
- (3) Special Use Permit Annual Self-Certification.
- (a) Each year Planning and Development Services shall send an affidavit to the property owner(s) of record for all active special use permits. Planning and Development Services shall use the records of the Skagit County Assessor's Office for determining owner(s) of record and the Department's permit tracking system for determining active special use permits.
 - (b) The affidavit shall contain the special use permit number, applicant name, owner(s) of record name and address, parcel number and address of the subject property, a description of the original project approval, any conditions of the approval, the date of mailing, the required return date and a statement of acknowledgement including the following language:

By my signature, I hereby certify as the major property owner or officer of the corporation owning the above described property that the activities approved pursuant to the Special Use permit issued by Skagit County are occurring in accordance with all approvals including any conditions.

The affidavit shall be accompanied by a pre-addressed return envelope.

- (c) Within 30 days from the date of mailing indicated on the affidavit, the property owner or officer shall return the signed affidavit to Planning and Development Services acknowledging compliance with the original permit approval including any conditions. If acknowledgment of compliance is not possible due to changes in the operation, the owner or officer shall contact Planning and Development Services within 30 days from the date of mailing to establish a schedule for compliance. If an affidavit acknowledging compliance is not returned or contact to arrange a compliance schedule is not made within the above stated timeline, a second affidavit shall be sent by

certified mail and the owner(s) of record shall be subject to enforcement pursuant to Chapter 14.44 SCC.

- (d) Upon enforcement action pursuant to SCC 14.44.075, the submittal of additional information may also be required in conjunction with the affidavit for temporary manufactured homes used to house 1 farmworker and his/her immediate family and/or uses allowed as accessory to an existing agricultural use/operation. (Ord. O20080012 (part); Ord. O20080004 (part); Ord. O20070009 (part); Ord. O20050009 (part); Ord. O20050003 (part); Ord. 17938 Attch. F (part), 2000)

14.16.910 Urban reserve development permit (URDP).

- (1) Subdivisions of lots of record into lots of smaller size and construction of commercial or industrial buildings of larger size than is allowed in the URR, URC-I and URP-OS zones (SCC 14.16.370, 14.16.195 and 14.16.450, respectively) may only be permitted prior to annexation to the respective city pursuant to the requirements for an urban reserve development permit (URDP) described in this Section. There are two types of URDPs:
 - (a) Hearing Examiner URDPs for all portions of the unincorporated UGAs zoned URR, URC-I or URP-OS as shown on Attachments 2, 3, 4 and 5 to the ordinance codified in this Section; and
 - (b) URDP 1-acre plat, but only for those areas that have specifically been identified in Subsection (3) of this Section as having circumstances to support approval of 1-acre lots and subject to the requirements and limitations for such 1-acre lots described in Subsection (3) of this Section.
- (2) Hearing Examiner URDP. A request for a Hearing Examiner URDP shall be processed by the County according to the steps and criteria in this Subsection.
 - (a) Determination Regarding Sewer Service.
 - (i) Prior to applying for a Hearing Examiner URDP under this Subsection, the property owner or applicant shall first obtain a determination from the city in whose UGA the project is located that adequate provision has been made for sewer service to the project. "Adequate provision for sewer service" shall include either an agreement for concurrent extension of sewer service to the property as a condition of URDP approval or an agreement between the city and the property owner for extension of and connection to sewer at a date certain in the future, together with approval by the Skagit County Boundary Review Board, if such approval by the Boundary Review Board is necessary prior to the extension of sewer service.
 - (ii) The terms of such agreement regarding provision of sewer shall be between the city and the property owner. This determination by the city shall be within the city's sole discretion, as the sewer service provider, and shall not be subject to appeal by or to the County under any circumstances. Each city shall establish its own procedures and criteria for reviewing and deciding these requests for determination regarding sewer service in the unincorporated UGA, including, but not limited to, whether the city will agree to any extensions outside of the city limits without annexation.
 - (iii) If the property owner is unable to obtain city agreement regarding sewer, then the owner shall not be eligible to apply to the County for a Hearing Examiner URDP. The County is not authorized to grant any variance from this sewer service determination requirement.
 - (iv) The agreement between the owner and the city referenced in this Subsection may be, but need not be, a development agreement authorized by RCW 36.70B.170, and Skagit County may be a party to the agreement pursuant to Chapter 14.14 SCC.
 - (b) After the property owner or applicant has obtained a favorable determination regarding sewer service from the applicable city, the applicant may file an application for a Hearing Examiner URDP. The application shall be processed as a Level II decision pursuant to SCC 14.06.120.
 - (c) Criteria for Hearing Examiner URDP Decision. In addition to any requirements or criteria applicable to the requested use or proposed construction found elsewhere in this Code, the proposed

development shall meet the following additional requirements. The applicant shall bear the burden of proof to demonstrate that each of the requirements are met:

- (i) The proposal meets all of the criteria for a special use permit found in SCC 14.16.900(1)(b)(v) and (2), if applicable.
- (ii) The proposal complies with all of the dimensional standards, design review standards, landscaping, parking and signage requirements for the city in whose UGA the property is located. Staff from the applicable municipality will assist with this review.
- (iii) The proposal will be required to participate in and connect to sanitary sewer service, consistent with the requirements of the city determination regarding sewer service.
- (iv) The proposal shall provide for construction of planned public facilities and services consistent with requirements for similar size or intensity development, if it had been annexed to the city in whose UGA the project is located. The Hearing Examiner shall evaluate the plans, ordinances, and development standards of the city in whose UGA the project is located in making this determination.
- (v) The proposal, as conditioned, provides for its pro rata share of mitigation for off-site traffic impacts that are directly related to the proposed development, consistent with applicable city and County transportation concurrency requirements. The County shall use its SEPA review process, including a requirement for a project-specific impact assessment, as necessary to identify the level of project-specific direct impact and appropriate mitigation.
- (vi) If the proposed development is to create residential lots at a density greater than 1 dwelling unit per 5 acres, or a lot size smaller than 5 acres, then, in addition to the information required pursuant to Chapter 14.18 SCC for the subdivision or short plat, the proposal must include information sufficient for the County to verify that the property that is not subdivided at a density of 4 dwelling units per acre can be further subdivided and developed in the future at the minimum urban densities required by the city's residential zoning by creating a "shadow-plat." This shadow-plat shall show proposed future urban lot lines and proposed future urban infrastructure sufficient for the County to verify that the current development proposal will not preclude future urban infill of the property when it is annexed to the city and urban services are provided. This shadow-plat information shall not be recorded as lot lines, or other restriction on the property, but shall only be retained for informational purposes to assist the property owner and the County or city in achieving future urban development of the property after annexation and extension of urban services. The shadow-plat information may be used by the County in reviewing and approving the locations of structures within the lots being developed, as part of the building permit review. The future urban lot lines and future urban infrastructure locations shown on the shadow-plat may be modified administratively by the County, at the request of the property owner, provided the County consults with the city in whose UGA the property is located before doing so and provided any such modification protects the ability to develop the property in the future at urban densities. Creation of additional lots at urban densities in the future shall require annexation to the city in whose UGA the property is located and a future subdivision, binding site plan or short plat approval, whichever is applicable, pursuant to the applicable city subdivision regulations.
- (vii) The following note shall be added to any plat developing with a Hearing Examiner URDP that does not subdivide the entire property at a density of 4 dwelling units per acre:

This subdivision was approved together with a shadow plat showing that this property could be developed at a density of 4 dwelling units per acre at a future date. Before any further subdivision or structures are constructed on this site, County staff shall review the shadow plat as part of the development permit review to ensure that said development is in conformance with the shadow plat.

- (viii) Any proposed commercial or industrial use shall meet any requirements for such use found in the commercial or industrial zone of the city in whose UGA the property is located.
- (3) URDP 1-Acre Plat.
- (a) For purposes of this Subsection, a “1-acre plat” shall mean a short plat or subdivision approval which creates 1-acre lots but includes review of “shadow-plat” information regarding future lot configuration and future provision of urban services to the lots at the minimum lot size for the residential zone of the city in whose UGA the property is located. The 1-acre plat approval shall contain conditions or limitations deemed necessary by the County to ensure adequate provision for utilities, public services and infrastructure, both prior to annexation and development at full urban densities and after annexation and development at full urban densities.
- (b) Each city that has all or a portion of its unincorporated UGA zoned URR may, at the city’s option, designate a portion of the city’s unincorporated UGA that is zoned URR to allow 1-acre lot development prior to annexation and extension of urban services. Such areas may be designated as eligible for 1-acre lot development pursuant to this Subsection if the city first amends its comprehensive plan designation and adopts a 1-acre lot overlay zone for the area to designate it appropriate for 1-acre lot development. The comprehensive plan and zoning overlay amendments may be processed concurrently, or, alternatively, the zoning overlay amendment may be processed by the city after a specific property or specific development project has been proposed. The city comprehensive plan amendment and zoning overlay amendment shall include findings that demonstrate how the area proposed for 1-acre lot development meets all of the following criteria:
- (i) The city has determined the area can be served with extension of city sewer within 6 years from the date of development approval.
- (ii) The city will limit the number of 1-acre lots created to 4 lots per lot that exists as of the date of the request for the 1-acre lot development.
- (iii) If the County has adopted a city-impact fee ordinance for certain public services or facilities, then the proposal shall be required to pay those impact fees consistent with the requirements of the adopted impact fee ordinances, and payment of those fees shall be deemed adequate mitigation of the public facilities or services for which the impact fees were collected.
- (iv) The city has determined that reviewing and approving a 1-acre plat for the area would not preclude future extension of urban infrastructure and services to the area or to other portions of the unincorporated UGA and would not interfere with ultimate future development of the area platted at minimum urban densities, consistent with the city’s planning and zoning designations for this portion of the city UGA.
- (c) Once an area has been designated by the city as appropriate for 1-acre lot development within the city’s unincorporated UGA, a property owner may submit a short-plat request to the County for 1-acre plat approval pursuant to the requirements of this Subsection. The application for 1-acre plat approval shall be processed as a short subdivision (4 or fewer lots), pursuant to the requirements of SCC 14.18.100 through 14.18.200.
- (d) One-Acre Plat Application Requirements and Criteria for Review. In addition to the information required pursuant to Chapter 14.18 SCC for a short subdivision, the proposal must include information sufficient for the County to verify that the property can be further subdivided and developed in the future at the minimum urban densities required by the city’s residential zoning by creating a shadow-plat.
- (i) The shadow plat shall show proposed future urban lot lines and proposed future urban infrastructure sufficient for the County to verify that the current development proposal will not preclude future urban infill of the property when it is annexed to the city and urban services are provided.

- (ii) Any approved short plat shall contain a note on the face of the plat or site plan indicating that the County has on file “shadow-plat” information demonstrating how the site may be further developed at urban densities in the future.
- (iii) This shadow-plat information shall not be recorded as lot lines or other restriction on the property, but shall only be retained for informational purposes to assist the property owner and the County or city in achieving future urban development of the property after annexation and extension of urban services.
- (iv) The following note shall be added to any 1-acre plat:

This subdivision was approved together with a shadow-plat showing that this property could be developed at a density of 4 dwelling units per acre at a future date. Before any further subdivision or structures are constructed on this site, County staff shall review the shadow-plat as part of the development permit review to ensure that said development is in conformance with the shadow-plat.

- (v) The shadow-plat information may be used by the County in reviewing and approving the locations of structures within the lots being developed, as part of the building permit review.
- (vi) The future urban lot lines and future urban infrastructure locations shown on the shadow-plat may be modified administratively by the County, at the request of the property owner, provided the County consults with the city in whose UGA the property is located before doing so and provided any such modification protects the ability to develop the property in the future at urban densities.
- (vii) Creation of additional lots at urban densities in the future shall require annexation to the city in whose UGA the property is located and a future subdivision, binding site plan or short plat approval, whichever is applicable, pursuant to the applicable city subdivision regulations. (Ord. O20050007 § 8).

14.16.920 Similk Beach LAMIRD.

- (1) Purpose. To identify a limited area of more intensive rural development (LAMIRD) to be served by a sewage system which will protect basic public health and safety and the environment.
- (2) Permitted Uses. All those uses listed in the Rural Intermediate (RI) zoning district. Development and redevelopment within the LAMIRD shall be limited to a maximum of 117 connections to the sewage system serving this area. For any development and/or redevelopment project which will produce sewage, an applicant shall provide a certificate of sewage treatment availability (connection approval) from the appropriate service provider demonstrating compliance with this requirement.
- (3) Prohibited Uses. Connections to the sewage system are prohibited, unless the requirements of Subsection (4) of this Section are met.
- (4) Development and Redevelopment of Lots of Record. Notwithstanding other restrictions of the Skagit County Code, except as set forth below, only lots of record meeting the minimum dimensional standards of the RI zoning district will be approved for development and redevelopment permits. An owner of contiguous lots may choose to aggregate (combine) them in order to meet this requirement. Aggregation of lots shall be recorded as a boundary line adjustment, pursuant to SCC 14.18.700, Boundary line adjustments. Except for substandard lots created through testamentary provisions, developments may occur on lots of record that do not meet the minimum dimensional requirements of the RI zoning district if 1 of the following exemptions apply:
 - (a) A lot that has been previously certified as a legal lot of record; or
 - (b) A lot upon which there is, or was, a legally placed residence; or
 - (c) A lot of record upon which a previous development permit has been issued pursuant to Skagit County Code; or

- (d) A lot of record that meets the following requirements:
 - (i) A lot, or combination of lots accomplished by a boundary line adjustment, with a total land area within the LAMIRD equal to or exceeding 12,500 square feet; and
 - (ii) Compliance with Chapter 14.28 SCC, Concurrency, even if otherwise exempt; or
 - (iii) A development permit is required as part of a compliance order to protect the public's health, life, safety and the environment. (Ord. R20020194 § 9)