



Skagit County Planning & Development Services

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Special Use Application Information

Pursuant to Skagit County Code 14.16.900

Visit : www.skagitcounty.net for more detailed information

What is a Special Use application/permit?

It is a basic principle of zoning to group together similar land uses. It is the purpose of the Zoning Ordinance of Skagit County to protect property, improvements and persons against avoidable damage, loss, hazard, or inconvenience by reason of locating uses that are incompatible with the type of use for which certain areas and zones are defined.

The Special Use application process provides an opportunity to recognize and permit land uses not specifically allowed in certain zoning designations. Certain uses, because of their unique characteristics or rare occurrence, require special review. A Special Use permit allows a specific type of use or activity to occur in a zone, although it is not a preferred use in a zone, subject to conditions for construction and/or operation. Uses determined by the Director of Planning and Development Services to be the same or similar to examples provided in the zoning text are eligible for consideration under the applicable zoning districts.

Special Use permit review process.

Application is made to the Department of Planning and Development Services. Planning staff will circulate the application for comments from other departments and agencies. The comments will be reviewed and a staff report will be prepared setting forth specific findings. The application and supplemental materials provide information that will be used to prepare staff findings. A staff recommendation for approval or denial will be prepared based on the Special Use permit criteria outlined in the relevant code section.

Special Use permit decision process.

Pursuant to Skagit County Code Chapter 14.06, Administrative Special Uses shall be reviewed as a Type Level I permit, and Hearing Examiner Special Uses shall be reviewed as a Level II permit. For Level I administrative Special Use applications, the staff will make a determination on approval or denial. For Level II hearing examiner special uses. A public hearing will be held and the staff report will be presented to the Hearing Examiner. You should plan to attend this hearing with any information you wish to present in support of your case. The Hearing Examiner makes an approval or denial determination. Appeals of special use decisions may be made in accordance with Skagit County Code Chapter 14.06.

What happens at a public hearing?

At the hearing, the Hearing Examiner will review the application, the staff report and recommendation, and public testimony. Following the completion of the public hearing, the Hearing Examiner will issue a written decision at a later date. If the Special Use permit is granted, there may be certain conditions imposed. These conditions are binding and will be enforced as part of the Special Use permit.

Life of a Special Use permit.

All special uses shall require that a development project be commenced for the entire parcel within two 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 the 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 has been approved. 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.

Phasing of a Special Use project.

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 timeframes articulated above. Subsequent phases shall be commenced and/or constructed within the time frames established in the phasing plan, or within a 6-year period. Otherwise, the special use shall expire for those portions of the property where these requirements are not met.

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.

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.