

1 **For all sections of Title 14 and 15**

2

3 Change 'Planning and Permit Center', 'Permit Center' or 'PPC' to 'Planning and
4 Development Services' or 'PDS' throughout.

5

6 Change 'Unified Building Code' or 'UBC' to 'International Building Code' or 'IBC'
7 throughout.

1 **14.02.070 Office of Hearing Examiner.**

2 (1) Office Created. The office of the Hearing Examiner is hereby created. The term
3 “Hearing Examiner” shall likewise include any pro tem Hearing Examiner. The Hearing
4 Examiner shall interpret, review and implement regulations as provided in this Chapter.

5 (2) Appointment and Term. The Board of County Commissioners shall appoint the
6 Hearing Examiner to serve in said office for terms to be determined by the Board.

7 (3) Removal from Office. The Hearing Examiner may be removed from office at any
8 time by an affirmative vote of 2 of the County Commissioners.

9 (4) Qualifications. The Hearing Examiner shall be appointed with regard to their
10 qualifications for the duties of the office which shall include, but not be limited to, persons
11 with appropriate educational experience such as in planning, public administration or law.
12 Persons appointed to these positions should have at least 3 years experience in land use
13 planning or administration.

14 (5) Duties of Pro Tem Hearing Examiner. The Pro Tem Hearing Examiner shall, in the
15 event of absence or the inability of the Hearing Examiner to act, have all the duties and
16 powers of the Hearing Examiner.

17 (6) Conflict of Interest. The Hearing Examiner shall not conduct or participate in any
18 hearing or decision in which the Hearing Examiner has a direct or indirect personal interest
19 which might influence or appear to influence or interfere with the decision-making process.
20 Any actual or potential conflict of interest shall be disclosed to the parties immediately upon
21 discovery of such conflict.

22 (7) Freedom From Improper Influence. No County official or any other person shall
23 attempt to interfere with, or improperly influence the Hearing Examiner in the performance
24 of his or her duties.

25 (8) Promulgation of Procedural Rules. The Hearing Examiner may, from time to time,
26 adopt such procedural rules as are reasonably necessary to carry out the duties and
27 responsibilities of the office, provided such rules shall not be in conflict with this Chapter, or
28 any other relevant provisions of the Skagit County Code. Such rules shall not take effect until
29 they have been reviewed and approved by the Board of County Commissioners. (Ord. 17938
30 Attch. F (part), 2000)

1 **14.02.080 Planning Commission.**

2 (1) The Skagit County Planning Commission, established by Ordinance 3078, consists
3 of 9 members appointed by the Chairman of the Board of County Commissioners and
4 approved by a majority of the Board. The term of office on the Planning Commission is 4
5 years. Any vacancies are to be filled from the same commissioner district as that of the
6 vacating member.

7 (2) Removal. After public hearing, any appointed member of the Planning Commission
8 may be removed by the Chairman of the Board, with the approval of the Board, for
9 inefficiency, neglect of duty, or malfeasance in office.

10 (3) Organization. The Planning Commission shall elect a chairman and vice-chairman
11 from among its members, shall appoint a secretary who need not be a member of the
12 Commission, and shall adopt rules for transaction of business and shall keep a public record
13 of transactions, findings and determinations.

14 (4) Meetings. Not less than 1 regular meeting shall be held each month unless no
15 matters are pending on the Commission calendar.

16 (5) Powers and Duties. The Skagit County Zoning Ordinance hereby adopts by
17 reference the powers and duties of the Planning Commission as expressed in the Planning
18 Enabling Act, Chapter 36.70 RCW, as now exists or hereafter amended.

19 (6) Promulgation of Procedural Rules. The Planning Commission may, from time to
20 time, adopt such procedural rules as are reasonably necessary to carry out the duties and
21 responsibilities of the Planning Commission, provided such rules shall not be in conflict with
22 this Chapter, or any other relevant provisions of the Skagit County Code. Such rules shall not
23 take effect until they have been reviewed and approved by the Board of County
24 Commissioners. (Ord. 17938 Attch. F (part), 2000)

1 **14.04.020 Definitions.**

2
3 **Accessory dwelling unit (ADU):** a separate living quarters located on the same lot and either
4 detached from or included within a primary residence. ~~(which may include kitchen and~~
5 ~~bathroom facilities) to a primary residence. No mobile/manufactured home or recreational~~
6 ~~vehicle shall be allowed as an accessory dwelling unit.; and such dwelling unit shall be~~
7 ~~subject to the requirements and conditions provided in Chapter 14.16 SCC.~~
8

9 **Bed and breakfast:** an owner-occupied and managed dwelling which is used to provide
10 overnight guest lodging for compensation and which usually provides a morning meal, ~~and/or~~
11 ~~may include facilities for banquets, weddings and similar small parties.~~ Guest lodging may be
12 in a separate structure from the main dwelling unless otherwise stated in SCC 14.16.
13

14 **Campground:** an area of land developed for recreational use in temporary occupancy, such
15 as 2 or more tents and/or recreational vehicles.
16

17 **CaRD lot:** a lot created through a CaRD land division either as a reduced size residential lot
18 or as a non-residential open space lot.
19

20 **Cluster:** two or more residential CaRD lots located immediately adjacent to each other and
21 grouped together in one location on a parcel.
22

23 **Cluster pod:** a number of residential CaRD lots located immediately adjacent to each other
24 and grouped together in one location on a parcel. The number of lots allowed in any one
25 cluster pod is limited as outlined in SCC 14.18.330(2).
26

27 **Conversion, agricultural land:** Any activity that alters the landscape so as to preclude a
28 parcel or a portion of a parcel from the reasonable possibility of agricultural production. This
29 includes the construction of structures or infrastructure or any other alteration which would
30 make agricultural production of a parcel or portion of a parcel technically or economically
31 infeasible. Locating structures within an existing developed area used as a home-site shall not
32 be considered conversion.
33

34 **Habitat enhancement and/or restoration project:** any project, including mitigation banks,
35 private projects or public projects, designed to create, restore and/or enhance habitat for fish,
36 birds and/or mammals and includes the alteration of the landscape by excavation or sculpting
37 of soil and/or the alteration of hydrology. This does not include required on-site mitigation
38 projects associated with permitted development activities pursuant to SCC 14.24 or projects
39 consisting exclusively of planting vegetation.
40

41 **Land-use Lot of Record Certification:** an administrative review process to where the
42 Administrative Official determines if that a lot(s) is a was legally created and eligible for
43 conveyance and/or whether the lot is eligible to be considered for development permits of
44 record and if the Applicant wishes, a determination whether the lot is eligible for residential
45 or nonresidential land uses.
46

47 **Lot clustering:** ~~the grouping together of reduced size residential lots so that each lot is~~
48 ~~contiguous with at least 1 other lot. The land not included in the building lots shall remain in~~
49 ~~non-residential use, such as open space, active recreation, preservation of environmentally~~
50 ~~sensitive area, or natural resource lands.~~

51
52 **Lot, corner:** a lot situated at the intersection of 2 streets or roads. Both lot lines abutting
53 streets shall be deemed front lot lines.

54
55 **Lot line, front:** the boundary of a parcel adjacent to any street right-of-way, or when a parcel
56 is not contiguous to a street, including panhandle lots, a the boundary containing the dedicated
57 access designated by the applicant. Corner Lots and through lots may have more than 1 front
58 lot line.

59
60 **Lot line, rear:** the boundary of a parcel opposite the front lot line. In the case of a triangular
61 lot, it means a line 20 feet in length within the lot parallel to and at the maximum distance
62 from the front lot line. For lots having more than 1 front lot line, the lot line opposite the
63 boundary including the dedicated access shall be considered the rear lot line. ~~Corner and~~
64 ~~through lot lines shall be considered front lot lines for setback purposes.~~

65
66 **Ongoing agriculture:** the continuation of any existing agricultural activity on Agricultural—
67 Natural Resource lands or Rural Resource—Natural Resource lands, including crop rotations;
68 provided, however, that for lands in RRC-NRL that are subject to the provisions of SCC
69 14.24.120, any property owner who applies for and receives CaRD approval under
70 SCC14.18.300 through 14.18.3320 shall, at the time of CaRD approval, automatically be
71 subject to the buffer requirements of SCC 14.24.530 and shall no longer be subject to the
72 provisions of SCC 14.24.120. Activities undertaken for the first time after May 13, 1996, the
73 date Skagit County adopted Ordinance 16156, the Critical Areas Ordinance, do not constitute
74 “ongoing agriculture”; provided, that any lands that were fallow on May 13, 1996, but had
75 been in agricultural production within 5 years prior to May 13, 1996, shall be considered
76 “ongoing agriculture” for purposes of this definition.

77
78 **Park model trailer:** a type of a recreational vehicle that is primarily designed to provide
79 temporary living quarters for recreational, camping or seasonal use that is built on a single
80 chassis mounted on wheels, has a gross trailer area not exceeding 400 square feet (13.75
81 square meters) in set up mode and is certified by the manufacturer as complying with ANSI
82 A119.5.

83
84 **Permit Center:** the prior name of Skagit County Planning and Development Services Permit
85 Center used prior to January 1, 2005.

86
87 **Seasonal roadside stand:** ~~seasonal roadside stands~~ small retail establishment accessory to an
88 actively-managed, ongoing agricultural operation dedicated exclusively to the sale of
89 agricultural products and agricultural promotional items. produced in Skagit County and at
90 least a A majority portion of the agricultural products must be grown on-site or be a product
91 of the primary agricultural operation located in Skagit County. All nonfood agricultural

92 promotional products shall be directly related to the agricultural operation and located solely
93 within the stand. Signage is allowed per SCC 14.16.820.

94
95 **Setback, front:** a setback extending across the full width of the lot, ~~at between~~ the required
96 depth, ~~of~~ which shall be measured ~~horizontally and~~ at right angles from the front lot line to a
97 line parallel thereto on the lot. Lots having more than 1 front lot line, as on corner and through
98 lots, shall meet the required front setback for the front lot line that contains the dedicated
99 access, all other front lot lines shall have a setback of 20 feet.

100
101 **Setback, rear:** a setback extending across the full width of the lot, ~~at between~~ the required
102 depth, ~~of~~ which shall be measured ~~horizontally and~~ at right angles from the rear lot line to a
103 line parallel thereto on the lot.

104
105 **Setback, side:** a ~~building~~ setback extending along the full length of any side property line, at
106 the required depth, which shall be measured at right angles from the lot lines to a line parallel
107 thereto on the lot. requirement measured from the side property lines. In cases where the
108 property adjoins a road so as to have 2 front property lines (one running horizontally and the
109 other vertically as on a corner) the side opposite the dedicated access shall be deemed another
110 side setback and the remaining side shall be deemed the side property line. On through lots
111 having 2 front property lines, the property lines connecting the front property lines shall be
112 considered the side property lines.

113
114 **Structure:** that which is built or constructed, an edifice or building of any kind, or any piece
115 of work artificially built up or composed of parts joined together in some definite manner
116 excluding fences under 6 feet in height.

117
118 **Temporary:** as the term relates to pre-manufactured or site built structures means; occupied
119 and existing on a lot for no more than 180 days during any 12 month period unless otherwise
120 stipulated through official approval.

121
122 **Temporary outdoor events:** Commercial use of a property for Any musical, cultural, or
123 social outdoors event held either indoors or out of doors, which occurs less than 1 month out of
124 any 12-month period and which attracts 250 or more people in any 1 day.

125
126 **Temporary manufactured home:** a the temporary placement of a 1 manufactured home on a
127 parcel with an existing residence to accommodate the housing needs of disabled or elderly
128 family members or to house 1 farm worker and his/her immediate family. Documentation of
129 the need for nearby care or that the nature of the employees work requires said employee to be
130 immediately available to the job site is required by a doctor and/or physician or by the farm
131 owner/lessee/operator. This second temporary dwelling unit must be removed from the
132 property when the family member or farm employee is no longer using the manufactured
133 home.

- 1 **14.06.040 Administration and Interpretation.**
2 (1) – (2) No change.
3 (3) Administrative Interpretations - Official.
4 (a) Generally. Administrative interpretations are decisions by the Administrative
5 Official as to the meaning, application, or intent of any of the provisions of
6 SCC Title 14. Administrative interpretations are also available for questions
7 regarding a map boundary or an alleged scriveners mapping error that does not
8 involve reconsideration or rebalancing of designation criteria. Procedural
9 provisions and statements of policy shall not be subject to this process. A
10 decision by the Administrative Official that the interpretation request is not
11 subject to this process shall be final, does not require a Notice of Decision, and
12 not subject to appeal.
13 (b) No change.
14 (c) Process. Requests for administrative interpretation shall be written and shall
15 concisely identify the issue and desired interpretation. Notice of ~~d~~Decision on
16 interpretations shall be issued within ~~30~~45 days from the date of receipt, ~~and~~
17 ~~shall be sent to the party that initiated the request and published in the County's~~
18 ~~newspaper of record. Fees shall be set by resolution.~~
19 (d) No change.
20 (4) No change.

- 1 **14.06.045 Lot certification.**
2 (1) No change.
3 (2) Pursuant to SCC 14.06.090(1)(b), a lot certification shall be required prior to or as a part
4 of any of the following development permit applications: land divisions, boundary line
5 adjustments, binding site plans pursuant to SCC 14.18.500, individual Comprehensive
6 Plan Map amendments, new on-site sewage systems pursuant to SCC 12.05.090, building
7 permits for new residential, commercial, industrial or institutional structures or structures
8 accessory thereto, special use permits, variance permits, administrative decisions of
9 reduction of setbacks pursuant to SCC 14.16.810(4), or any permits seeking to qualify
10 under the vesting sections of SCC 14.02.050.
11 (3) - (8) No change.

1 **14.06.050 Application level.**

2 (1) Applications for development permits shall be categorized as 1 of 4 levels as
3 follows, provided that shoreline ~~applications permits under the Skagit County~~
4 ~~Shoreline Management Master Program~~ shall be processed as described in the
5 Skagit County Shoreline Management Master Program ~~that Program~~:

6 (a) Level I. Level I applications are those applications for which a final decision is
7 made by the applicable Administrative Staff, either the Director of Public Works
8 or his/her designee, or the Director of ~~the Planning and Permit Center~~Planning and
9 Development Services, or his/her designee without a public hearing. That decision
10 may then be appealed in an open record appeal hearing to the Hearing Examiner.
11 The Hearing Examiner decision may then be appealed in a closed record appeal to
12 the Board. Level I applications include:

13 (i) – (xiii) No change.

14 (xiv) Forest Practice Act Waivers for Single Family Residential development.

15 (xv) Other actions authorized by SCC Title 14.

16 (b) Level II. Level II applications are those applications that require an open
17 record predecision hearing level before the Hearing Examiner and for which the
18 Hearing Examiner decision is final, unless that decision is appealed to the Board in
19 a closed record appeal. Level II applications include:

20 (i) No change.

21 (ii) Hearing Examiner special use permits.

22 (iii) Forest Practice Act Waivers for other than single family residential
23 development.

24 (iv) – (v) No change.

25 (vi) Review of preliminary long subdivisions which contain between 9 and 50 lots,
26 tracts or parcels on contiguous land under the same ownership pursuant to Chapter
27 14.18 SCC.

28 (vii) Review of binding site plans that contain between 9 and 50 lots, tracts,
29 parcels or units on contiguous land under the same ownership pursuant to Chapter
30 14.18 SCC.

31 (viii) Recommendations on development agreements involving 50 or less lots or
32 residential dwelling units or 50,000 square feet or less of commercial or industrial
33 building space.

34 (c) Level III. Level III applications are those applications that require an open
35 record pre-decision hearing before the Hearing Examiner (“Level III-HE”) or
36 before the Planning Commission (“Level III-PC”), and for which the Hearing
37 Examiner or Planning Commission action is only a recommendation. ~~to~~ to The
38 Board of County Commissioners shall make the final decision after a closed record
39 hearing on the Level III-HE actions. The Hearing Examiner shall make the final
40 decision after a closed record hearing on Level III-PC actions.

41 (i) Level III-HE.

42 (A) ~~Review of preliminary long subdivisions which contain between 9 and 50 lots,~~
43 ~~tracts or parcels on contiguous land under the same ownership pursuant to Chapter~~
44 ~~14.18 SCC.~~

45 (B) ~~Review of binding site plans that contain between 9 and 50 lots, tracts, parcels~~

46 ~~or units on contiguous land under the same ownership pursuant to Chapter 14.18~~
47 ~~SCC.~~
48 ~~(C) Recommendations on development agreements involving 50 or less lots or~~
49 ~~residential dwelling units or 50,000 square feet or less of commercial or industrial~~
50 ~~building space.~~
51 ~~(D)~~ (A) Board of County Commissioners variances pursuant to SCC 14.10.020(2)
52 and 14.16.860, Agricultural land preservation.
53 ~~(E)~~ (B) Other recommendations as requested by the Board.
54 (ii) Level III-PC.
55 (A) –(C) No change.
56 (D) Other recommendations as requested by the Hearing Examiner Board.
57 (d) Level IV. Level IV applications are those development permit applications that
58 do not require a public hearing, but require a final decision by the Hearing
59 Examiner Board. Level IV applications include: final long subdivisions pursuant to
60 Chapter 14.18 SCC.

1 **14.06.150 Public notice requirements.**

2 (1) For all public notices that require mailing to property owners ~~or occupants~~, the
3 Applicant shall use the records of the Skagit County Assessor's Office for determining
4 all of the owner(s) of record within 300 feet of ~~the proposal~~ all subject property lines
5 or as otherwise required in subsection (2)(d)(iii) below. ~~The information provided~~
6 ~~shall be updated within 3 months of the date public notice is required.~~ The Applicant
7 shall provide the Department with a mailing list including the names and addresses of
8 all applicable property owners as well as corresponding preaddressed and stamped
9 ~~envelopes to all of the property owners~~, and the Department shall mail the notice. This
10 submittal shall be completed by the Applicant within the time frames for notice
11 specified in this Section. The information provided shall be updated within 3 months
12 of the date public notice is required. ~~The County shall provide a format, both in~~
13 ~~timeframe and content, for the public notice to the Applicant.~~ Failure to submit the
14 required material could result in continuation of any scheduled hearing or decision.
15 The County shall provide a format, both in timeframe and content, for the public
16 notice to the Applicant.

17 (2) Notice of Development Application Requirements.

18 (a) Exemption. A Notice of Development Application pursuant to this Section shall
19 not be required for:

20 (i) – (iii) No change.

21 (iv) Forest Practice Act Waivers for Single Family Residential development where
22 the initial critical area review and site visit concludes that no critical areas have
23 been impacted, or do not exist.

24 (v) Forest Practice Conversions.

25 (vi) Conversion Option Harvest Plans.

26 (b) – (c) No change.

27 (d) Notice of development application shall be made as follows:

28 (i) – (ii) No change.

29 (iii) Mailed to all owners of record ~~and occupants~~ located within 300 feet of all
30 subject property lines ~~the boundary of the development permit~~, or, if the applicant
31 owns property adjacent to the subject property boundary of the development
32 permit, notice shall be given to owners ~~and occupants~~ of real property within 300
33 feet of any portion of the boundaries of such adjacent properties owned by the
34 applicant. Further provided, however, when the Administrative Official finds that a
35 need exists, and so informs the applicant at the preapplication meeting, notice shall
36 be given to owners ~~and occupants~~ of real property within 500 feet of any portion of
37 the applicable boundaries.

1 **14.06.160 Open record public hearings procedures.**

2 (1) – (6) No change.

3 (7) Open Record Hearing Procedures. Open Record Public Hearings shall be conducted in
4 accordance with the hearing body’s rules of procedure as set forth below and shall serve to
5 create or supplement an evidentiary record upon which the body will base its decision.

6 ~~The Chair or Hearing Examiner shall open the public hearing and, in general, observe the~~
7 ~~following sequence of events:~~

8 (a) Pre-decision hearings. The Chair or Hearing Examiner shall open the public
9 hearing and, in general, observe the following sequence of events:

10 ~~(i)(a)~~ Staff representation, including submittal of any administrative staff reports.
11 Members of the hearing body may ask questions of the staff.

12 ~~(ii)(b)~~ Applicant presentation, including submittal of any materials. Members of the
13 hearing body may ask questions of the Applicant.

14 ~~(iii)(c)~~ Testimony or comments by the public germane to the matter. Questions
15 directed to the staff or Applicant shall be posed by the Chair or Hearing Examiner at
16 its discretion.

17 ~~(iv)(d)~~ An opportunity for parties to cross-examine expert witnesses, if any.

18 ~~(v)(e)~~ Rebuttal response or clarifying statements by the staff and the Applicant.

19 ~~(vi)(f)~~ The oral portion of the public hearing shall be closed.

20 ~~(vii)(g)~~ The hearing body may continue the written comment period after the close of
21 the public hearing.

22 ~~(viii)(h)~~ The hearing body shall deliberate on the matter before it.

23 (b) Appeal hearings. The Chair or Hearing Examiner shall open the public hearing
24 and, in general, observe the following sequence of events:

25 (i) Opening statements.

26 (ii) Appellant(s) presentation, including submittal of exhibits and calling of witnesses.

27 (iii) Staff presentation, including submittal of exhibits and calling of witnesses.

28 (iv) Other Respondents presentation, including submittal of exhibits and calling of
29 witnesses.

30 (v) Questions directed to witnesses shall be posed by the Chair or Hearing Examiner at
31 its discretion.

32 (vi) An opportunity for parties to cross-examine all witnesses.

33 (vii) Rebuttal testimony by Appellant(s), staff and any other Respondents;

34 (viii) Closing arguments;

35 (ix) The oral portion of the public hearing shall be closed.

36 (x) The hearing body may continue the written comment period after the close of
37 the public hearing.

38 (xi) The hearing body shall deliberate on the matter before it.

39 (8) – (9) No change.

1 **14.06.240 — Office of Hearing Examiner.**

2 (1) ~~Office Created.~~ The office of the Hearing Examiner is hereby created. The term
3 “Hearing Examiner” shall likewise include any pro tem Hearing Examiner. The Hearing
4 Examiner shall interpret, review and implement regulations as provided in this Chapter.

5 (2) ~~Appointment and Term.~~ The Board of County Commissioners shall appoint the
6 Hearing Examiner to serve in said office for terms to be determined by the Board.

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8 time by an affirmative vote of 2 of the County Commissioners.

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10 qualifications for the duties of the office which shall include, but not be limited to, persons
11 with appropriate educational experience such as in planning, public administration or law.
12 Persons appointed to these positions should have at least 3 years’ experience in land use
13 planning or administration.

14 (5) ~~Duties of Pro Tem Hearing Examiner.~~ The Pro Tem Hearing Examiner shall, in the
15 event of absence or the inability of the Hearing Examiner to act, have all the duties and
16 powers of the Hearing Examiner.

17 (6) ~~Conflict of Interest.~~ The Hearing Examiner shall not conduct or participate in any
18 hearing or decision in which the Hearing Examiner has a direct or indirect personal interest
19 which might influence or appear to influence or interfere with the decision-making process.
20 Any actual or potential conflict of interest shall be disclosed to the parties immediately upon
21 discovery of such conflict.

22 (7) ~~Freedom From Improper Influence.~~ No County official or any other person shall
23 attempt to interfere with, or improperly influence the Hearing Examiner in the performance of
24 his or her duties.

25 (8) ~~Promulgation of Procedural Rules.~~ The Hearing Examiner may, from time to time,
26 adopt such procedural rules as are reasonably necessary to carry out the duties and
27 responsibilities of the office, provided such rules shall not be in conflict with this Chapter, or
28 any other relevant provisions of the Skagit County Code. Such rules shall not take effect until
29 they have been reviewed and approved by the Board of County Commissioners. (Ord. 17938
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1 **14.06.250 — Planning Commission.**

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5 ~~years. Any vacancies are to be filled from the same commissioner district as that of the~~
6 ~~vacating member.~~

7 (2) ~~Removal. After public hearing, any appointed member of the Planning Commission~~
8 ~~may be removed by the Chairman of the Board, with the approval of the Board, for~~
9 ~~inefficiency, neglect of duty, or malfeasance in office.~~

10 (3) ~~Organization. The Planning Commission shall elect a chairman and vice chairman~~
11 ~~from among its members, shall appoint a secretary who need not be a member of the~~
12 ~~Commission, and shall adopt rules for transaction of business and shall keep a public record~~
13 ~~of transactions, findings and determinations.~~

14 (4) ~~Meetings. Not less than 1 regular meeting shall be held each month unless no~~
15 ~~matters are pending on the Commission calendar.~~

16 (5) ~~Powers and Duties. The Skagit County Zoning Ordinance hereby adopts by~~
17 ~~reference the powers and duties of the Planning Commission as expressed in the Planning~~
18 ~~Enabling Act, Chapter 36.70 RCW, as now exists or hereafter amended.~~

19 (6) ~~Promulgation of Procedural Rules. The Planning Commission may, from time to~~
20 ~~time, adopt such procedural rules as are reasonably necessary to carry out the duties and~~
21 ~~responsibilities of the Planning Commission, provided such rules shall not be in conflict with~~
22 ~~this Chapter, or any other relevant provisions of the Skagit County Code. Such rules shall not~~
23 ~~take effect until they have been reviewed and approved by the Board of County~~
24 ~~Commissioners. (Ord. 17938 Atch. F (part), 2000)~~

1 **14.08.020 Petition for a**Amendments to the Comprehensive Plan/~~Rezones.~~

2 (1) Comprehensive Plan amendments consist of two types: policy amendments and map
3 amendments. ~~Any necessary~~ Rezones shall be processed in conjunction with map
4 amendments with the exception of rezones of those lands located within an urban growth area.

5 (2) Comprehensive Plan policy amendments or map amendments may be initiated by the
6 County or by other entities, organizations, or individuals through petitions filed with the
7 County Department by the following dates:

8 (a) On or before the last business day ~~in~~ of July of each year, except when the proposal
9 is to modify a municipal urban growth area boundary; or

10 (b) ~~When a~~ Other than minor amendments such as technical corrections,
11 Comprehensive Plan/Zoning Map amendments is proposinged to modify an municipal urban
12 growth area boundary shall only be considered in the year immediately following the
13 County's completion of each 7 year Growth Management Act update. ,then the Urban growth
14 area amendment applications petitions must be submitted to the relevant municipality's
15 planning department for the municipality's review Department by the last business day of
16 March in any eligible year. The Department shall municipality must forward a copy of the
17 amendment application petition to the relevant municipality for their review. The municipality
18 must respond in writing to the Department, by the last business day of July, with a
19 recommendation for modification, approval, or denial, to the County by the last business day
20 of July. Such a recommendation must include appropriate findings of fact and conclusions in
21 support of the recommendation, and in particular, how the recommendation conforms to the
22 criteria set forth in (5)(b) below. All of the remaining requirements of this section continue to
23 apply to these applications.

24 (3) All proposed amendments to the Comprehensive Plan shall be considered on an annual
25 basis (no more frequently than once per year), according to the schedule provided in this
26 Chapter so that the cumulative effect of all proposed amendments may be considered;
27 provided, however, the County may adopt amendments more frequently than once per year if
28 the proposal is the initial adoption of subarea plan or functional plan, if the amendment is to
29 the County's Shoreline Master Program under the procedures set forth in Chapter 90.58
30 RCW, if the amendment is to the capital facilities element that occurs concurrently with the
31 adoption or amendment of the County budget, if a declared emergency exists, or in response
32 to ~~a~~ a court order or an order of the Growth Management Hearings Board. An emergency
33 amendment may only be adopted if the Board finds that the amendment is necessary to
34 address an immediate situation of Federal, State, subarea, or Countywide concern as opposed
35 to a personal emergency on the part of the applicant or property owner and the situation
36 cannot adequately be addressed by waiting until the annual Comprehensive Plan amendment
37 process.

38 (4) No change.

39 (5) A petition for a map amendment shall include, at a minimum, all of the requirements for a
40 policy amendment, plus the following additions:

41 (a) - (b) No change.

42 (c) Any proposed rural areas and natural resource land map designation changes shall be
43 supported by and dependant on population forecasts and allocated non-urban population
44 distributions, existing rural area and natural resource land densities and infill opportunities.

45 (d) Any proposed natural resource land map designation changes shall recognize that
46 natural resource land designations were intended to be long-term designations and shall

47 further be dependent on one or more of the following:

48 (i) - (iv) No change.

49 (v) Providing an overriding benefit to the Agricultural industry.

50 (6) Rezones.

51 (a) All rezones shall be processed in conjunction with Comprehensive Plan amendments
52 with the exception of rezones those lands located within an Urban Growth Area. The
53 procedures for application, notice, etc., shall follow those for the Comprehensive Plan
54 amendments in section (2) above.

55 (b) Petitions for rezones shall include at a minimum, all of the requirements for a policy
56 and map amendments, plus the following additions:

57 (i) A detailed development proposal that is consistent with the applicable designation
58 criteria; and

59 (ii) A 1-inch equals 100 feet map showing the subject property and property lines and
60 land use designations for all properties within 500 feet of the site.

61 (c) Approval Criteria for Rezones.

62 (i) The property can meet the detailed standards in Chapter 14.16 SCC applicable to the
63 proposed zone.

64 (ii) For rezones from a commercial zone to RI, RVR, and RRv, all vacant lots within the
65 proposed rezones shall be consolidated.

66 (iii) All Comprehensive Plan amendments/rezones to a commercial or industrial zone
67 shall require a development project be commenced for the entire redesignated/rezoned area
68 within 2 years of the redesignation/rezone, unless development is phased. For the purposes of
69 this Section, “commenced” shall mean either 1) a commercial or industrial operation
70 permitted by the redesignation/rezone has been established or 2) a complete building permit
71 has been filed with the Planning and Permit Center for the principal building which will allow
72 the commercial or industrial operation. Upon building permit approval, the principal building
73 shall be completed (i.e., final inspections completed) within 3 years. Those portions of the
74 redesignated/rezoned property which are not included within the development area and where
75 the above timeframes are not met shall automatically revert to the original designation and
76 zoning, unless a phasing plan is approved pursuant to Subsections (c)(iii)(A) and (B) of this
77 Section. For purposes of this Subsection, “development area” shall mean all portions of the
78 site needed to meet UDC requirements, such as lot coverage and setbacks.

79 (A) If an applicant desires to phase development of a commercial or industrial rezoned
80 property, a phasing plan shall be submitted and reviewed as part of the Comprehensive Plan
81 amendment/rezone application. When an amendment/rezone includes a phasing plan, the
82 initial phase shall be commenced and completed within the timeframes articulated above.
83 Subsequent phases shall be commenced and/or constructed within the timeframes established
84 in the phasing plan, or within a 6-year period. Otherwise, the commercial designation/zoning
85 shall expire and the redesignation/rezoning shall revert to its previous designation for those
86 portions of the property where these requirements are not met.

87 (B) Where a redesignation/rezone did not initially include a phasing plan, but prior to the
88 automatic designation/zone reversion an applicant desires the phasing of the operation, a
89 phasing plan may be submitted to the County for consideration. This plan shall be reviewed
90 through a Level II review process and be reviewed for compliance with the rezone criteria.

91 (C) The time limits established above shall be tolled pending resolution of any appeals,
92 and may be extended by the Board of County Commissioners upon a showing that the

93 applicant is diligently taking actions to obtain necessary permits and approvals to establish the
94 use.

95 (d) Approved rezones shall be shown on the official zoning map.

96 (7)(6)The petition for a Comprehensive Plan policy or map amendment and/or rezone shall be
97 on forms provided by the Department and shall contain suggested amendatory language,
98 where appropriate. If the proposed amendment is a site-specific amendment that applies to a
99 specific number of parcels which are in readily identifiable ownership and is in conjunction
100 with an identifiable development proposal, then the petitioner shall pay a fee with the petition
101 as prescribed by the approved fee schedule as now or hereafter amended. (Ord. O20030023:
102 Ord. 17938 Attch. F (part), 2000)

1 **14.08.030 Initiation of Review of Amendments to the Comprehensive Plan.**

2 (1) All amendment petitions, unless exempted by this Chapter, are to be considered in a
3 single annual docket so that the cumulative impacts of the proposed amendments can
4 be reviewed.

5 (2) ~~(1)~~ Within 45 days from the last business day of July of each year, the Department
6 shall review all ~~new of the~~ petitions for Comprehensive Plan amendments, ~~any~~
7 petitions deferred from the docket of amendments for ~~submitted in~~ the previous year,
8 together with any ~~proposed new~~ amendments suggested by the Department, and shall
9 forward a recommendation to the Board as to which of the ~~petitions submitted~~
10 ~~amendments~~ the Department recommends for inclusion in the current year's docket of
11 amendments, requiring further consideration by the County.

12 (3) In making its docket recommendation the Department shall consider whether:

13 (a) The proposed amendment, in light of all proposed amendments being
14 considered for inclusion in the year's docket, can be reasonably reviewed within the
15 staffing and operational budget allocated to the Department by the Board;

16 (b) A proposed amendment, to be adopted, would not require additional
17 amendments to the Comprehensive Plan or development regulations not addressed in
18 the petitioner's application, and is consistent with other goals, objectives and policies
19 adopted by the Board;

20 (c) A proposed amendment raises policy, land-use, or scheduling issues that would
21 more appropriately be addressed as part of an ongoing or planned work program, or as
22 part of a regular review cycle; or

23 (d) Some legal or procedural flaw of the proposal would prevent its legal
24 implementation.

25 (4) ~~(2)~~ Within ~~30~~45 days of receipt of the Department's docket recommendation on the

26 package of proposed amendments, the Board shall ~~hold, in~~ a public hearing to allow

27 applicants and the general public to comment on the Department's recommendation.

28 During its next available public meeting, the Board shall consider the Department's

29 recommendation and public testimony on each proposed amendment and decide

30 which petitions will be reviewed further as part of the annual docket. ~~whether to~~

31 ~~initiate plan amendment review of each of the proposed amendments.~~

32 (a) A decision by the Board to ~~initiate the plan amendment review process for a~~

33 particular ~~proposed amendment at this stage~~ include a particular proposed amendment

34 as part of the current year's docket of amendments is procedural only and does not

35 constitute a decision by the Board as to whether the amendment will ultimately be

36 approved.

37 (b) A decision by the Board to ~~deny further review of a particular petition~~

38 terminates that petition without prejudice to the applicant or the proposal. The

39 applicant may request a refund of the unused portion of any application fees, and may

40 request the same, or similar amendment as part of a future amendment or review

41 cycle.

42 (5) Those petitions forwarded for further review shall be processed according to the

43 remaining sections of this chapter, including public review and comment and Planning

44 Commission recommendation. Final action by the Board shall be taken to approve,

45 approve with conditions or deny each petition. (Ord. 17938 Attch. F (part), 2000)

1 **14.08.040 Environmental Review.**
2

- 3 (1) After ~~the a~~ Board establishes the current year's docket of ~~decision to proceed with further~~
4 ~~review of proposed~~ Comprehensive Plan amendments, the County shall complete
5 environmental review of all of the proposed amendments, consistent with the
6 requirements of RCW 43.21C and SCC 14.12 (SEPA). For any site-specific
7 Comprehensive Plan amendments, the proponent of those amendments shall submit a
8 complete environmental checklist to the County within 20 days of the Board's decision to
9 consider the proposed site-specific amendment.
- 10 (2) Within 15 days from receipt of the environmental checklist(s) for the proposed
11 Comprehensive Plan amendments, the Department shall issue a threshold determination
12 on the ~~docket package~~ of amendments. If necessary, a Draft Environmental Impact
13 Statement (DEIS) should be published no later than the first business day of ~~April~~ May of
14 the year following the submitted petition.
- 15 (3) Any environmental review shall consolidate, as much as practical, site-specific SEPA
16 review with review of the entire ~~docket package~~ of proposed Comprehensive Plan
17 amendments to ensure adequate consideration of cumulative effects of the proposed
18 amendments. ~~Costs for SEPA review related to individual site specific amendments may~~
19 ~~be charged to the individual Applicant as part of a major development fee. SEPA fees~~
20 shall be in accordance with SCC 14.12.270.
- 21 (4) Amendment petitions that are carried over from a previous year's docket to the current
22 docket do not require a new SEPA checklist and fee, and are not required to be considered
23 in the same environmental document as other proposals in the same docket. However, the
24 Department may require additional SEPA analysis to assess the cumulative impacts of the
25 various proposals constituting a docket. (Ord. 17938 Atch. F (part), 2000)

1 **14.08.050 Adoption of community (subarea) plans, functional plans, and**
2 **Shoreline Master Program amendments and review of open space current use**
3 **applications.**

4 (1) Initial adoption of a subarea plan or a functional plan shall not be subject to the once-
5 per-year batching requirements or decision of the Board to initiate review
6 requirements described in SCC 14.08.020 and 14.08.030, but shall be subject to the
7 review procedures and requirements contained in the balance of this Chapter.

8 (a) Once each year, Planning and Development Services shall request that the Board
9 review and prioritize the list of remaining community plans.

10 (b) The development of a community plan can either be initiated by the Board or by
11 individual citizens or groups or a collaboration of the two.

12 (c) A citizen advisory committee shall be formed and public outreach procedures
13 designed, consistent with the County's public participation program, for each
14 plan.

15 (d) Community plans shall be consistent with the Comprehensive Plan.

16 (e) The Board shall have final review and approval authority for all community
17 plans and any changes to the County Compresive Plan or development
18 regulations shall be processed as a legislative action according to SCC 14.08.

19 (2) - (3) No change.

1 **14.08.070 Public Participation Requirements.**

2 ~~The review of all proposed subarea plans, functional plans, development regulations and~~
3 ~~Comprehensive Plan amendments, including, but not limited to, the roles of Citizen~~
4 ~~Advisory Committees and Technical Advisory Committees and the minimum~~
5 ~~requirements for public comment shall be processed according to the provisions of the~~
6 ~~Skagit County Growth Management Act Public Participation Program, adopted by~~
7 ~~Resolution No. 16852, as may hereafter be amended.~~

8 (1) This section addresses the creation and roles of Citizen Advisory Committees
9 (CACs) and Technical Advisory Committees (TACs), and provides for public
10 notification requirements in addition to any such requirements otherwise required
11 by this Chapter.

12 (2) Unless exempted by this section, the Board shall establish one or more CACs or
13 TACs, as appropriate, to participate and assist in the initial development of
14 Comprehensive Plan Elements, sub-area plans and functional plans. The Board
15 shall seek to have a variety of interests represented on such committees.

16 (3) A CAC or TAC may be initiated by one of the following methods:

17 (a) The Board may establish one by resolution; or

18 (b) Any citizen may request the BCC to consider calling for a new CAC
19 or TAC relating to a GMA purpose. The BCC will take public
20 comment on the request. If the BCC is convinced that a new CAC or
21 TAC would be useful, the BCC may authorize its formation by
22 resolution.

23 (4) The BCC may establish a procedure for taking applications and selecting
24 membership to the CAC or TAC, including establishing a term of service and
25 a method of reappointment (if any) or replacement of members. The BCC
26 may also establish by resolution rules of procedure, and time frames for
27 recommendations by a CAC or TAC.

28 (5) CACs and TACs shall follow the requirements of RCW 42.30 Open Public
29 Meetings Act. All meetings of the CAC or TAC shall be open to the public
30 and held at a site and times when the working public can attend. The CAC
31 and TAC shall establish and publish a schedule of meeting days, times and
32 locations for main group and subcommittee meetings and shall keep minutes
33 of committee and subcommittee meetings.

34 (6) A Skagit County Planning and Permit Center or other staff person will be
35 assigned to each CAC and TAC, and will provide staff support and maintain
36 a copy of the minutes of such committee or subcommittee meeting on file at
37 the Skagit County Planning and Permit Center.

38 (7) Notwithstanding the procedure outlined in this section, if the Board
39 determines that time constraints imposed by orders from the Western
40 Washington Growth Management Hearings Board or other legal
41 requirements likely cannot be met if a CAC or TAC is established and
42 utilized as provided in this section, the Board need not honor a request to
43 form the CAC or TAC, even if it would be useful to do so.

44 (8) The Board may forward a CAC or TAC recommendation to the Planning
45 Commission, or it may make suggested changes to such recommendation and
46 either remand it to the CAC or TAC for further consideration, or forward the

47 CAC or TAC recommendation to the Planning Commission with the Board's
48 suggested changes.
49 (9) Public Notification – General Legislative Proposals. Where public notice is
50 otherwise required by this Chapter, information regarding any legislative proposal
51 shall also be broadly disseminated to the public using one or more of the following
52 methods as determined to be appropriate for the specific proposal by the
53 Administrative Official or Board:
54 (a) Publishing an additional paid public notice sufficient to inform the
55 public of the nature of the proposal, the date and time of the public
56 hearing, the appropriate contact name and number, and the
57 availability of relevant draft documents;
58 (c) Distributing a press release to the newspaper of general circulation,
59 or radio station in the county, city, or general area where the
60 proposal is located or that will be affected by the proposal;
61 (d) Notifying individuals or groups with known interest in the type of
62 proposal being considered, or who have requested to be notified in
63 relation to a specific legislative proposal. The Department may
64 charge a subscription fee for the administration of mailing lists of
65 persons or groups requesting to be notified in writing, when such
66 notification has also been published in the newspaper of general
67 circulation;
68 (e) Placing notices in appropriate regional, neighborhood, ethnic, or
69 trade journals; and
70 (f) Publishing notice in agency newsletters or sending notice to agency
71 mailing lists, including general lists or lists for specific proposals or
72 subject areas.
73 (10) Public Notification – Site-specific Comprehensive Plan/Zoning Map amendments.
74 Where public notice is otherwise required by this chapter, for site-specific
75 legislative proposals, such notice shall be mailed directly to the owners of the
76 affected properties, and to all property owners within 300 feet of the subject
77 property.(Ord. 17938 Attch. F (part), 2000)

1 **14.08.090 Review and decisions by Board.**

2 (1) Upon receipt of a recommendation on all or any part of a plan, plan amendment or
3 development regulation from the Planning Commission, the Board shall, at its next
4 regular public meeting, set the date for a public meeting where it will consider and
5 take action on the recommendation.

6 (2) If the Board agrees with the recommendation of the Planning Commission on a
7 proposed, it shall approve the plan, plan amendment or development regulation by
8 ordinance, it shall take action consistent with the Commission's recommendation.

9 (3) If the Board considers a change in the recommendation of the Planning Commission
10 on a proposed plan, plan amendment or development regulation to be necessary, the
11 Board shall proceed as follows:

12 (a) Changes to plans or plan amendments. Before acting on a proposed change to a
13 plan or plan amendment, the Board must first refer the proposed change back to
14 the Planning Commission for a report and recommendation. The Commission shall
15 follow the public notice and hearing requirements for consideration of such change
16 as required for the initial Commission review of the proposal. The Board may set a
17 deadline for receipt of the Commission recommendation. After receipt of the
18 report and recommendation of the Commission, or after lapse of the time frame
19 specified by the Board, the Board may approve the plan, without further reference
20 to the Commission, provided:

21 (i) That the plan or plan amendment conforms either to the proposal as initiated by
22 the Board or the recommendation by the Planning Commission and/or

23 (ii) If the Planning Commission has failed to report within a 90-day period, the
24 Board shall hold at least 1 public hearing on the proposed plan or plan amendment.
25 Public notice for such hearing shall be the same as that required for public
26 hearings before the Commission, described in SCC 14.08.080(3), above.
27 Thereafter, the Board may proceed to approve the proposed plan or plan
28 amendment.

29 (b) Changes to development regulations. Before acting on a proposed change to a
30 development regulation recommended by the Planning Commission, the Board
31 shall either refer the proposed change back to the Commission for further public
32 comment and consideration consistent with the procedures for changes to plans or
33 plan amendments described in Subsection (a), above, or the Board shall conduct its
34 own public hearing, giving notice as required in SCC 14.08.080(3), above, and
35 adopt its own findings of fact and a statement setting forth the factors considered
36 at the hearing and its own analysis of findings considered by it to be controlling.

37 (4) Final disposition of annual docket. The Board must take action on the current year's
38 docket on or before the last business day of July. The Board's decision, or failure to
39 make a decision by the above date, to either approve, deny, or defer action on, plans or
40 plan amendments terminates that year's docket. Upon termination of the current
41 docket, a new docket must be established as required in SCC 14.08.030 above.

42 (5) The Board may defer action on any specific plan or plan amendment to a future docket
43 if:

44 (a) Additional time is needed to analyze the impacts of the proposal;

45 (b) Delaying action on the proposal would unfairly delay action on other proposals
46 that are otherwise ready for a decision; or

47 (c) Approval of the proposal depends on the implementation of other rules, standards
48 or policies that either do not exist, or are not official by the time the Board is ready
49 to make its decision on the annual docket. (Ord. 17938 Attch. F (part), 2000)

- 1 **14.10.020 Types of variances.**
2 Variances shall generally be 1 of 3 types:
3 (1) Administrative Variances. The following variances shall be processed as a Level I
4 administrative decision pursuant to the provisions of Chapter 14.06 SCC by the
5 respective department indicated:
6 (a) - (b) No change.
7 (c) Variances allowed in SCC 14.16.800(1)(d) related to parking requirements, SCC
8 14.16.810(4) related to setback reductions and SCC14.16.830(5)(i) related to
9 landscaping requirements shall be decided administratively by ~~the~~ Planning and
10 Permit Center Development Services.
11 (d) No change.
12 (2) - (3) No change.

1 **14.12.210 Appeals.**

2 Skagit County establishes the following administrative appeal procedures under RCW
3 43.21C.075 and WAC 197-11-680:

4 (1) A final environmental threshold determination for a project proposal is
5 administratively appealable as a Level I decision, pursuant to Skagit County Code
6 14.06. No appeals of threshold determinations relating to legislative actions shall
7 be available.

8 (2) – (4) No change.

9 (5) The County shall give official notice consistent with WAC 197-11-680(5)
10 whenever it issues a permit or approval for which a statute or Ordinance
11 establishes a time limit for commencing judicial appeal. The notice shall include:

12 (a) – (b) No change.

13 (c) Notice shall be given following the County's normal methods of notice
14 found in SCC 14.06, or SCC 14.08, as appropriate.

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.

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

Table of Land Use Districts

Comprehensive Plan Land Use Designation	Residential Densities Dwelling units/acre	Zoning District
Rural Village Commercial	Not Applicable	Rural Village Commercial (RVC)
Rural Center	Not Applicable	Rural Center (RC)
Rural Freeway Services	Not Applicable	Rural Freeway Services (RFS)
Small Scale Recreation and Tourism	Not Applicable	Small Scale Recreation and Tourism (SRT)
Cottage Industry/Small Scale Business	Not Applicable	Cottage Industry/Small Scale Business (CSB)
Rural Business	Not Applicable	Rural Business (RB)
Natural Resource Industrial	Not Applicable	Natural Resource Industrial (NRI)
Rural Marine Industry	Not Applicable	Rural Marine Industry (RMI)
Bayview Ridge Industrial Urban Growth Area	Not Applicable	Bayview Ridge Industrial (BR-I)
Bayview Ridge Heavy Industrial Urban Growth Area	Not Applicable	Bayview Ridge Heavy Industrial (BR-HI)
Urban Growth Area	<u>1/5 acres or 1/128th of a section unless higher densities are granted through an URDP</u>	<u>Urban Reserve Commercial-Industrial (URC-I)</u>
Aviation Related	Not Applicable	Aviation Related (AVR)
Airport Environs Overlay	Not Applicable	Airport Environs Overlay (AEO)
Rural Intermediate	1/2.5 acres or 1/256 th of a section	Rural Intermediate (RI)
Rural Village Residential	1/1 acre or 1/640 th of a section with public water & septic or 1/2.5 acres or 1/256 th of a section with private water & septic	Rural Village Residential (RVR)

Rural Reserve	1/10 acres or 1/64th of a section or 2/10 acre with CaRD	Rural Reserve (RRv)
Residential	8,400 square feet with public sewer; 12,500 square feet without public sewer	Residential (R)
<u>Urban Growth Area</u>	<u>Not Applicable</u>	<u>Urban Reserve Residential (URR)</u>
Agricultural –Natural Resource Lands	1/40 acres or 1/16th of a section	Agricultural –Natural Resource Lands (Ag-NRL)
Industrial Forest –Natural Resource Lands	1/80 acres or 1/8th of a section	Industrial Forest –Natural Resource Lands (IF-NRL)
Secondary Forest –Natural Resource Lands	1/20 acres or 1/32nd of a section	Secondary Forest –Natural Resource Lands (SF-NRL)
Rural Resource –Natural Resource Lands	1/40 acres or 1/16th of a section or 4/40 acres with CaRD	Rural Resource –Natural Resource Lands (RRc-NRL)
Mineral Resource Overlay	Not Applicable	Mineral Reserve Overlay (MRO)
<u>Urban Growth Area</u>	<u>Not Applicable</u>	<u>Urban Reserve Public-Open Space (URP-OS)</u>
<u>Public Open Space of Regional/Statewide Importance</u>	Not Applicable	<u>Public Open Space of Regional/Statewide Importance (OSRSI)</u>

12

13 (1) – (2) No change.

- 1 **14.16.100 Rural Village Commercial (RVC).**
2 (1) No change.
3 (2) Permitted Uses. The following uses that primarily serve the needs of the
4 surrounding rural population, visitors to the rural area, or natural resource industrial uses
5 in the rural area:
6 (a) - (g) No change.
7 (h) 1 Loft living quarters above store fronts;
8 (i) - (r) No change.
9 (3) Administrative Special Uses.
10 (a) - (e) No change.
11 (f) Temporary ~~outdoor~~ events.
12 (g) No change.
13 (4) No change.
14 (5) Dimensional Standards.
15 (a) Setbacks.
16 (i) - (ii) No change.
17 (iii) Accessory structures:
18 Front: 15 feet.
19 Side: 15 feet.
20 Rear: 20 feet.
21 (iv) No change.
22 (b) - (c) No change.
23 (d) Maximum Lot Coverage: ~~Gross building area shall not exceed 50% of the lot~~
24 ~~area.~~
25 (e) - (g) No change
26 (6) - (7) No change.

- 1 **14.16.110 Rural Center (RC).**
2 (1) - (2) No change.
3 (3) Administrative Special Uses.
4 (a) - (d) No change.
5 (e) Temporary ~~outdoor~~ events.
6 (f) No change.
7 (4) No change.
8 (5) Dimensional Standards.
9 (a) Setbacks.
10 (i) - (ii) No change.
11 (iii) Accessory structures: Front: 35 feet.
12 Side: 20 feet.
13 Rear: If adjacent to an RVR, RI zone, 20 feet, or the height of the back wall of
14 the building, whichever is greater. Otherwise, the setback shall be equal to the height
15 of the back wall of the building.
16 (iv) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).
17 (b) - (c) No change.
18 (d) Maximum Lot Coverage: ~~Gross building area shall not exceed 50% of the lot~~
19 ~~area.~~
20 (6) No change.

- 1 **14.16.120 Rural Freeway Service (RFS).**
2 (1) - (2) No change.
3 (3) Administrative Special Uses.
4 (a) - (j) No change.
5 (k) Temporary ~~outdoor~~ events.
6 (l) No change.
7 (4) Hearing Examiner Special Uses.
8 (a) - (c) No change.
9 (d) Off-road Motorized vehicle use areas and trails recreational facility as
10 authorized by the State.
11 (e) No change.
12 (5) Dimensional Standards.
13 (a) - (c) No change
14 (d) Maximum Lot Coverage: ~~Gross building area shall not exceed 25% of the lot~~
15 ~~area.~~
16 (6) No change

1 **14.16.130 Small Scale Recreation and Tourism (SRT)**

2 (1) No change.

3 (2) Permitted Uses.

4 (a) - (m) No change.

5 (n) Off-road vehicle ~~park~~ use areas and trails as authorized by the State.

6 (o) - (u) No change.

7 (3) No change.

8 (4) Administrative Special Uses.

9 (a) - (f) No change.

10 (g) Retail and wholesale nurseries/greenhouses.

11 (h) Temporary ~~outdoor~~-events.

12 (5) No change.

13 (6) Dimensional Standards.

14 (a) No change.

15 (b) Maximum Size Limits. The entire SRT designated area, whose boundaries are identified
16 on a single Comprehensive Plan Map Amendment, shall be considered as 1 unit for the
17 purpose of this calculation and shall be subject to the limits outlined in the following
18 subsections as a whole.

19 (i) The maximum number of acres that may be devoted to the built environment ~~within an~~
20 ~~SRT designation~~ is 20 acres ~~of contiguous developable land~~. Additional land may be
21 associated with an ~~SRT-designated area~~ development provided it remains substantially
22 undeveloped, primarily left in a natural state, and is used for passive recreation purposes only.

23 (ii) No change.

24 (iii) Retail and service uses shall not exceed 3,000 square feet of gross ~~floor~~ building area per
25 establishment ~~with not more than~~ and shall be limited to 2 establishments. ~~in any contiguous~~
26 ~~zoned SRT district~~. Storage or other uses that are accessory to the permitted use and do not
27 exceed 50% of the square footage of the permitted use or a total of 1,500 square feet ~~for any~~
28 ~~contiguous zoned SRT district~~ shall also be permitted.

29 (c) No change.

30 (d) Maximum Lot Coverage. ~~Gross building area shall not exceed 5% of the lot area.~~ The
31 following formula shall be used for calculating lot coverage allowances in the SRT district:
32 lot coverage = .35 – (acres of SRT ÷ 100), provided that a maximum coverage of 130,680
33 square feet shall be allowed. The entire SRT designated area, whose boundaries are identified
34 on a single Comprehensive Plan Map Amendment, shall be considered as 1 unit and shall be
35 subject to the above stated limit as a whole.

- 1 **14.16.140 Cottage Industry/Small Scale Business (CSB).**
- 2 (1) - (3) No change.
- 3 (4) Administrative Special Uses.
- 4 (a) - (d) No change.
- 5 (e) Temporary ~~outdoor~~ events.
- 6 (f) No change.
- 7 (5) - (8) No change.

- 1 **14.16.150 Rural Business (RB).**
2 (1) - (2) No change.
3 (3) Administrative Special Uses.
4 (a) - (d) No change.
5 (e) Temporary ~~outdoor~~ events.
6 (4) No change.
7 (5) Dimensional Standards.
8 (a) – (b) No change
9 (c) Maximum Lot Coverage: ~~Gross building area shall not exceed 50% of the lot~~
10 ~~area.~~
11 (6) No change.

- 1 **14.16.160 Natural Resource Industrial (NRI).**
- 2 (1) - (3) No change.
- 3 (4) Administrative Special Uses.
- 4 (a) - (e) No change.
- 5 (f) Temporary ~~outdoor~~ events.
- 6 (g) No change.
- 7 (5) - (8) No change.

1 **14.16.180 Bayview Ridge Industrial (BR-I).**

2 (1) – (2) No change.

3 (3) Limitations on Permitted Uses in BR-I. Permitted uses shall not include uses that meet
4 the criteria for an additional special use permit in the BR-HI zone, SCC 14.16.190(6),
5 except if the use meets the criteria for continuation and expansion of an existing non-
6 conforming use, as follows. Any existing use currently in operation or for which a
7 complete building permit application has been filed on or before January 23, 1998,
8 shall be allowed to continue, and to expand consistent with the development standards
9 in SCC 14.16.190(6), below for any expansion, to the limits of the boundaries of the
10 ~~legal H~~lot of ~~r~~Record that the use is located on, as that ~~legal H~~lot of ~~r~~Record exists as
11 of the date of the ordinance codified in this Title; provided, that any expansion shall
12 require a Hearing Examiner special use permit.

13 (4) No change.

14 (5) Administrative Special Uses.

15 (a) - (f) No change.

16 (g) Temporary ~~outdoor~~ events.

17 (h) No change.

18 (6) - (9) No change.

- 1 **14.16.190 Bayview Ridge Heavy Industrial (BR-HI).**
- 2 (1) - (3) No change.
- 3 (4) Administrative Special Uses.
- 4 (a) - (e) No change.
- 5 (f) Temporary ~~outdoor~~ events.
- 6 (g) No change.
- 7 (5) - (9) No change.

1 **14.16.195 Urban Reserve Commercial-Industrial (URC-I).**

2 (1) Purpose. The purpose of the Urban Reserve Commercial-Industrial district is to allow
3 for limited commercial, industrial, or other nonresidential uses of the land in certain
4 unincorporated UGAs at lower than urban intensities and without requiring the provision
5 of urban services and/or utilities. The Urban Reserve Commercial-Industrial district is
6 also intended to reserve the remainder of the land for more intensive urban
7 commercial/industrial development in the future. More intensive development than that
8 allowed under the Urban Reserve Commercial-Industrial district will require annexation
9 to the appropriate municipality jurisdiction or will require approval of an urban reserve
10 development permit pursuant to SCC 14.16.910.

11 (2) No change.

12 (3) Administrative Special Uses.

13 (a) - (g) No change.

14 (h) Temporary ~~outdoor~~ events.

15 (i) No change.

16 (4) No change

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

22 (a) – (e) No change

23 (f) Maximum Lot Coverage: ~~Gross building area shall not exceed 50% of the lot area.~~

24 (6) – (8) No change

- 1 **14.16.200 Aviation Related (AVR).**
- 2 (1) - (2) No change.
- 3 (3) Administrative Special Uses.
- 4 (a) - (c) No change.
- 5 (d) Temporary ~~outdoor~~ events.
- 6 (e) No change.
- 7 (4) - (7) No change.

1 **14.16.215 Bayview Ridge Urban Growth Area.**

2 (1) – (6) No change.

3 (7) Sanitary Sewer Service in Bayview Ridge UGA. As a condition of development
4 approval for any of the listed permitted, accessory or special uses, other than for interim
5 agricultural use, if the property on which a proposed use is located is within 200 feet of an
6 existing City of Burlington sewer line, the owner must obtain confirmation of sewer
7 availability from the City of Burlington prior to development approval and must connect
8 to the existing sewer line. If the proposed use is located beyond that 200-foot limit, the use
9 may apply for a waiver to operate on an approved holding tank, pursuant to the
10 requirements of SCC 12.05.130 and 12.05.260 and the Washington State Department of
11 Health Standards and Guidance for Holding Tank Sewage Systems, in the interim, subject
12 to the following:

13 (a) – (b) No change.

14 (c) The required holding tank sewage system for the proposed industrial use is
15 sized for no more than 2 units volume of sewage flow, as defined by SCC
16 12.05.030 (900 gpd) per 20 acres of existing ~~legal~~ Lot of Record parcel area;
17 provided, that any existing ~~legal~~ Lot of Record within the Bayview Ridge UGA
18 smaller than 10 acres as of the date of the ordinance codified in this Section shall
19 be entitled to construct a holding tank sewage system sized for no more than 1 unit
20 volume of sewage flow (450 gpd), as long as all requirements of Chapter 12.05
21 SCC can otherwise be met;

22 (8) – (9) No change.

- 1 **14.16.300 Rural Intermediate (RI).**
2 (1) - (2) No change.
3 (3) Administrative Special Uses.
4 (a)-(d) No change.
5 (e) Temporary ~~outdoor~~ events.
6 (f)-(h) No change.
7 (4) No change.
8 (5) Dimensional Standards.
9 (a) Setbacks.
10 (i) - (iii) Rear: 25 feet.
11 (iv) Accessory: Front: 35 feet.
12 Side: 8 feet, however, a 3-foot setback is permitted for non-residential structures
13 when the accessory building is a minimum of 75 feet from the front property line
14 or when there is an alley along the rear property line providing that the structure
15 is less than 1,000 square feet in size and 16 feet or less in height.
16 Rear: 25 feet, however, a 3-foot setback is permitted for non-residential
17 structures when the accessory building is a minimum of 75 feet from the front
18 property line or when there is an alley along the rear property line; providing,
19 that the structure is less than 1,000 square feet in size and 16 feet or less in
20 height.
21 (v) No change.
22 (b) - (d) No change.
23 (e) Maximum Lot Coverage: ; ~~Gross building area shall not exceed 35% of the lot~~
24 ~~area.~~
25 (6) No change.

1 **14.16.310 Rural Village Residential (RVR).**

2 (1) - (2) No change.

3 (3) Administrative Special Uses.

4 (a) - (d) No change.

5 (e) Temporary ~~outdoor~~ events.

6 (f) - (h) No change.

7 (4) No change.

8 (5) Dimensional Standards.

9 (a) Setbacks.

10 (i) - (iii) No change.

11 (iv) Accessory: Front: 35 feet.

12 Side: 8 feet, however, a 3-foot setback is permitted for non-residential structures
13 when the accessory building is a minimum of 75 feet from the front property line
14 or when there is an alley along the rear property line; providing, that the
15 structure is less than 1,000 square feet in size and 16 feet or less in height.

16 Rear: 25 feet, however, a 3-foot setback is permitted for non-residential
17 structures when the accessory building is a minimum of 75 feet from the front
18 property line or when there is an alley along the rear property line; providing,
19 that the structure is less than 1,000 square feet in size and 16 feet or less in
20 height.

21 (v) No change.

22 (b) - (d) No change.

23 (e) Maximum Lot Coverage: ~~Gross building area shall not exceed 50% of the lot~~
24 ~~area.~~

25 (6) No change.

26 (7) Special Provisions—Big Lake Rural Village Overlook Golf Course Property. Prior to
27 the adoption of a Big Lake Rural Village Community Joint Plan, property that is
28 commonly referred to as the Overlook Golf Course and as depicted on the Big Lake
29 Rural Village Comprehensive Plan and Zoning map, may be developed (for purposes
30 of vesting “developed” means the “filing of a complete development application and
31 payment of all required fees for the proposed development”) at the following
32 densities:

33 (a) At 1 unit per 5 five acres, or at a lower density, when the following conditions
34 are is met:

35 (i) ~~The development shall use on-site sewage systems and shall not connect to~~
36 ~~public sewer (cluster community on-site sewage systems or community drain~~
37 ~~fields are allowed when health code requirements are met).~~

38 ~~(ii)~~ The development shall use public water.

39 (b) At a density of between 1 unit per 5 acres and 1 unit per 1 acre when all of the
40 following conditions are met:

41 (i) The development shall be served by a public sewer system. ~~The~~
42 ~~development shall use on-site sewage systems and shall not connect to public~~
43 ~~sewer (cluster community on-site sewage systems or community drain fields are~~
44 ~~allowed when health code requirements are met).~~

45 (ii) The development shall use public water.

46 (iii) The development shall only be permitted as a long CaRD subdivision and
47 shall be subject to the provisions of the County's CaRD regulations (SCC
48 14.18.300 through 14.18.330 as now adopted or hereafter amended) that are in
49 effect at the time of submittal of any complete CaRD subdivision application.
50 (iv) The owner shall design all stormwater facilities and temporary
51 erosion/sedimentation control systems to ensure no pollution or degradation to
52 Big Lake. At a minimum, all development shall comply with SCC 14.32 (as now
53 adopted or hereafter amended).
54 ~~The owner shall have the burden to demonstrate that any proposed development~~
55 ~~at a density above 1 unit per 5 acres will not result in pollution to Big Lake from~~
56 ~~on-site sewage systems (minimizing the potential for public exposure to sewage~~
57 ~~and any adverse effects to public and environmental health) and that stormwater~~
58 ~~discharge resulting from development activities be controlled and treated using~~
59 ~~available and reasonable methods of erosion control, flood control, and water~~
60 ~~quality treatment so that pollution to Big Lake will not at any time exceed the~~
61 ~~pollution to Big Lake from a new standard subdivision at 1 unit per 5 acres that~~
62 ~~meets the requirements of Chapters 12.05 and 14.32 SCC (as now adopted or~~
63 ~~hereafter amended) that are in effect at the time of submittal of any complete~~
64 ~~CaRD subdivision application.~~
65 (v) The development standards described in Subsections (7)(b)(i) through (iv) of
66 this Section shall no longer apply if the property becomes part of the Mount
67 Vernon urban growth area. If that occurs, development shall be governed by the
68 regulations then in effect. If the Overlook Golf Course property is not developed
69 prior to the adoption of the Big Lake Rural Village Community Joint Plan, then
70 the subject property will have the potential to develop at whatever the density is
71 allowed by the community joint plan. Consideration at that time shall be given
72 to whether all or part of the property should be inside or outside of the Rural
73 Village and whether the development standards in Subsections (7)(b)(i) through
74 (iv) of this Section should or should not be applied to the Overlook Golf Course
75 property by the community joint plan.

- 1 **14.16.320 Rural Reserve (RRv).**
- 2 (1) No change
- 3 (2) Permitted Uses.
- 4 (a) - (c) No change.
- 5 ~~(d) Campground, primitive.~~
- 6 (d)(e) Co-housing, as part of a CaRD, subject to SCC 14.18.300 through 14.18.330.
- 7 (e)(f) Cultivation, harvest and production of forest products or any forest crop, in
- 8 accordance with the Forest Practice Act of 1974, and any regulations adopted pursuant
- 9 thereto.
- 10 (f)(g) Detached single-family dwelling units.
- 11 (g)(h) Family day care provider.
- 12 (h)(i) Home Based Business 1.
- 13 (i)(j) Residential accessory uses.
- 14 (j)(k) Wine tasting room.
- 15 (3) Administrative Special Uses.
- 16 (a) Bed and breakfast, subject to SCC 14.16.900 (3)(c).
- 17 (b) Campground, primitive.
- 18 (c)(b) Minor utility developments.
- 19 (d)(e) Parks, specialized recreational facility.
- 20 (e)(f) Temporary manufactured home.
- 21 (f)(e) Temporary ~~outdoor~~ events.
- 22 (g)(f) Trails and primary and secondary trailheads.
- 23 (h)(g) Expansion of existing major public uses up to 3,000 square feet.
- 24 (i)(h) Minor public uses.
- 25 (4) Hearing Examiner Special Uses.
- 26 (a) - (v) No change.
- 27 (w) Off-road vehicle ~~park~~ use areas and trails as authorized by the State.
- 28 (x) - (mm) No change.
- 29 (5) Dimensional Standards.
- 30 (a) No change.
- 31 (b) Setbacks, Accessory Structure.
- 32 (i) Front: 35 feet.
- 33 (ii) Side: 8 feet, a 3-foot setback is permitted from the side and rear lots for non-residential
- 34 structures when the accessory building is a minimum of 75 feet from the front property
- 35 line or when there is an alley along the rear property line, 20 feet from the street right-of-
- 36 way.
- 37 (iii) Rear: 25 feet, a 3-foot setback is permitted from the side and rear lots for non-
- 38 residential structures when the accessory building is a minimum of 75 feet from the front
- 39 property line or when there is an alley along the rear property line.
- 40 (c) - (g) No change.
- 41 (6) No change.

- 1 **14.16.330 Residential District (R).**
2 (1) - (5) No change.
3 (6) Dimensional Requirements.
4 (a) No change.
5 (b) Setbacks.
6 (i) No change.
7 (ii) Accessory Structures.
8 (A) No change.
9 (B) Side: 8 feet, a 3-foot setback is permitted for non-residential structures from the side
10 and rear lot lines when the accessory building is a minimum of 75 feet from the front
11 property line or when there is an alley along the rear property line provideding that the
12 structure is 1,000 square feet or less in size and 16 feet or less in height.
13 ~~(C) A side yard setback of 20 feet is required for all accessory buildings when the side~~
14 ~~property line is adjacent to a street right-of-way.~~
15 ~~(C)(D)~~ Rear yard: 25 feet, a 3-foot setback is permitted for non-residential structures
16 from the side and rear lot lines when the accessory building is a minimum of 75 feet from
17 the front property line or when there is an alley along the rear property line provideding
18 that the structure is 1,000 square feet or less in size and 16 feet or less in height.
19 (iii) No change.
20 (c) - (d) No change.
21 (7) No change.

1 **14.16.370 Urban Reserve Residential (URR).**

2 (1) Purpose. The purpose of the Urban Reserve Residential district is to allow for the
3 residential use of land in certain unincorporated ~~municipal~~ UGAs at lower than urban
4 densities and without requiring the provision of urban services and/or utilities. It is also
5 intended to reserve the remainder of the land for more intensive urban residential
6 development in the future. More intensive development than that allowed under the Urban
7 Reserve Residential district requires annexation to the appropriate city jurisdiction or requires
8 approval of an urban reserve development permit pursuant to SCC 14.16.910.

9 (2) No change.

10 (3) Administrative Special Uses.

11 (a) - (f) No change.

12 (g) Temporary ~~outdoor~~ events.

13 (h) No change.

14 (4) No change.

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

20 (a) No change.

21 (b) Setbacks, Accessory Structures.

22 (i) No change.

23 (ii) Side: 8 feet, a 3-foot setback is permitted for non-residential structures from the side
24 and rear lot lines when there is an alley along the rear property line provided that the
25 structure is 1,000 square feet or less in size and 16 feet or less in height.

26 (iii) Rear: 10 feet, a 3-foot setback is permitted for non-residential structures from the side
27 and rear lot lines when there is an alley along the rear property line provided that the
28 structure is 1,000 square feet or less in size and 16 feet or less in height.

29 (c) No change.

30 (d) Maximum building height: 30 feet, or shall conform to the Skagit County Building
31 Code.

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

34 (e) - (h) No change.

35 (6) No change.

36 (7) Mobile Homes and Manufactured Housing in URR Zone. Mobile homes and
37 manufactured housing units in the URR zone, that are not located within a sales lot, or are not
38 specifically authorized by Subsection ~~(4)~~ (3)(f) of this Section, shall meet the requirements for
39 a “designated manufactured home” set forth in RCW 35.63.160(2) and 35A.63.160(2), set
40 forth in Subsections (7)(a) through (d) of this Section and shall further comply with the
41 additional requirements authorized by RCW 36.01.255, set forth in Subsections (7)(e) and (f)
42 of this Section.

43 (a) - (f) No change.

44 (8) No change.

1 **14.16.400 Agricultural—Natural Resource Lands (Ag-NRL).**

2 (1) Purpose. The purpose of the Agricultural—Natural Resource Lands district is to provide
3 land for continued farming activities, conserve agricultural land, and reaffirm agricultural use,
4 activities and operations as the primary use of the district. Non-agricultural uses are allowed
5 only as accessory uses to the primary use of the land for agricultural purposes. The district is
6 composed mainly of low flat land with highly productive soil and is the very essence of the
7 County’s farming heritage and character.

8 (2) Permitted Uses.

9 (a) - (f) No change.

10 (g) Family day care provider as defined in Chapter 14.04 SCC, provided that no conversion of
11 agricultural land is allowed.

12 (h) - (j) No change.

13 ~~(k) Impoundments that function as m~~Manure lagoons, irrigation ponds, on-site wetland
14 ~~enhancement/restoration projects or other on-site resource management based ponds.~~

15 (l) Cultivation Management and harvest of any forest products or forest crop and the usual
16 necessary accessory buildings.

17 (m) - (n) No change.

18 (o) Single-family detached residential dwelling unit and residential accessory uses, when
19 accessory to an agricultural use and provided that no conversion of agricultural land is
20 allowed for accessory uses.

21 (p) Water diversion structures and impoundments related to resource management ~~and on-site~~
22 ~~wetland restoration/enhancement projects.~~

23 (q) No change.

24 (3) Administrative Special Uses.

25 (a) Agricultural slaughtering facilities.

26 ~~(a)~~Bed and breakfast, subject to SCC 14.16.900 (3)(c), provided the use is accessory to an
27 actively-managed, ongoing agricultural operation and no new structures are constructed
28 outside of the home for lodging purposes.

29 ~~(b)~~ Expansion of an existing major or minor utility or public use; provided, that the
30 expansion is designed to utilize the minimum amount of resource lands necessary and meets
31 item (i) or (ii) as well as item (iii) of the following requirements:

32 (i) - (iii) No change.

33 ~~(e)~~ Greenhouse operations not otherwise permitted in SCC 14.16.400(2)(e). Greenhouses
34 operating in the Ag-NRL zone as an administrative special use, should they cease operation,
35 shall be required to return the land to its former state or otherwise place the land in
36 agricultural production.

37 ~~(d)~~ Minor public uses related to the provision of emergency services where there is no other
38 viable parcel or non-resource designated land to serve the affected area. Applicants shall
39 demonstrate the need to locate the use in the natural resource land. Analysis of alternatives to
40 the development of the use within the natural resource land must be provided.

41 ~~(e)~~ Minor utility developments including those that are a necessary part of a salmon recovery
42 or enhancement project pursuant to SCC 14.24.130, including stormwater management
43 projects, where there is no other viable parcel of non-agricultural land to locate the ~~salmon~~
44 ~~recovery or enhancement~~ project.

45 ~~(f)~~g) Personal wireless services towers, subject to SCC 14.16.720.

46 (~~gh~~) Seasonal roadside stands not exceeding 300 2,000 square feet, except as allowed in (2)(n)
47 above.

48 (~~hi~~) Temporary manufactured homes ~~as permitted in SCC 14.16.900(3)(b),~~ provided that no
49 conversion of agricultural land is allowed.

50 (~~ij~~) Temporary ~~outdoor~~ events related to agricultural production and provided that no
51 agricultural land is converted and no permanent structures are constructed.

52 (~~jk~~) Trails and primary and secondary trailheads.

53 (~~k~~) ~~Agricultural slaughtering facilities.~~

54 (4) Hearing Examiner Special Uses.

55 (a) - (b) No change.

56 (c) Habitat enhancement and/or restoration projects.

57 (~~ed~~) Home Based Business 2, provided the use is accessory to an actively-managed, on-going
58 agricultural operation and no conversion of agricultural land is required to accommodate the
59 business activity.

60 (~~d~~) ~~If located within a designated mineral resource overlay, extracting and processing mineral~~
61 ~~resources.~~

62 (e) - (g) No change.

63 (h) Outdoor outfitters enterprises as defined in Chapter 14.04 SCC that remain incidental to
64 the primary use of the property for agriculture, result in no ~~net loss~~ conversion of agricultural
65 land soil; and provided, that temporary lodging, etc., as regulated in SCC 14.16.900(3)(d) is
66 prohibited.

67 (i) No change.

68 (~~j~~) Seasonal roadside stands not exceeding 5,000 square feet, except as allowed in (2)(n) and
69 (3)(h) above.

70 (~~jk~~) Shooting club (outdoor), with no associated enclosed structures allowed except as needed
71 for emergency communications equipment; and provided, that no conversion of agricultural
72 land is allowed ~~net loss of agricultural soil is associated with the use).~~

73 (~~kl~~) Temporary asphalt/concrete batching as defined and limited in Chapter 14.04 SCC,
74 provided there is no other viable parcel of non-resource designated land to serve the purpose.

75 (5) Dimensional Standards.

76 (a) Setbacks.

77 (i) Residential.

78 (A) Front: 35 feet minimum, 200 feet maximum from public road. If a parcel is located such
79 that no portion or developable portion of the property is within 200 feet of a public road, the
80 maximum 200 foot setback shall be measured from the front property line. The Mmaximum
81 setback may be waived by the Planning and Permit Center Development Services where
82 critical areas, preventing the placement of residential structures, are located within the 200
83 foot setback area. feet of the road, preventing the placement of a house within the setback
84 area. The maximum setback may also be waived by ~~the~~ Planning and ~~Permit Center~~
85 Development Services in cases where nonfloodplain or nonprime agricultural land is located
86 on the lot outside of the setback area, which would provide for a more appropriate placement
87 of ~~a house~~ residential structures. In cases where a residence exists outside the setback area,
88 residential accessory structures may be placed outside the setback area if located in
89 accordance with the siting criteria outlined in subsection (6) below.

90 (B) - (D) No change.

91 (ii) No change.

92 (b) - (c) No change.
93 (6) Siting Criteria. In addition to the dimensional standards describe in subsection (5) above,
94 new, non-agricultural structures shall be required to comply with the following provisions.
95 (a) Siting of all structures in the Agricultural - Natural Resource Lands district shall minimize
96 potential impacts on agricultural activities.
97 (b) When no structures or no compatible structures exist on the subject property or adjacent
98 properties, new Sstructures shall be located in a corner at the edge of the property, either
99 adjacent to the road or next to an interior lot line and all development including but not
100 limited to structures, parking areas, driveways, septic systems and landscaping shall be
101 contained within an area of not more than 1 acre.
102 (c) When structures exist on the subject property or adjacent properties, siting of new
103 structures shall comply with the following prioritized techniques:
104 (i) Locate new structure(s) ~~in the same ownership~~ within the existing, developed area of
105 ~~adjacent to an existing any compatible structure(s) in the same ownership,~~ and utilize the
106 existing sharing a common access road.
107 (ii) When the provisions of Subsection (6)(c)(i) of this Section are not ~~practical possible,~~
108 locate new structure(s) within the existing, developed area of adjacent to an existing any
109 compatible structure in the same ownership.
110 (iii) When the provisions of Subsection (6)(c)(i) or (6)(c)(ii) of this Section are not
111 ~~practical possible,~~ site new structure(s) to achieve minimum distance from any existing
112 compatible structure on either the subject property or an adjacent property.
113 (7) No change.

- 1 **14.16.410 Industrial Forest—Natural Resource Lands (IF-NRL).**
2 (1) - (2) No change.
3 (3) Permitted Uses.
4 (a) – (b) No Change.
5 (c) Single-family residential dwellings, together with the usual accessory buildings
6 and uses only when all of the following criteria are met:
7 (i) No Change
8 (ii) The residence is located within the existing, as of July 26, 2005, boundaries of a
9 fire district.
10 (iii) – (viii) No Change.
11 (d) – (p) No Change.
12 (4) Administrative Special Uses.
13 (a) - (c) No Change.
14 (d) Temporary ~~outdoor~~ events related to the resource use as long as no permanent
15 structures are constructed.
16 (e) No change.
17 (5) - (7) No change.

- 1 **14.16.420 Secondary Forest—Natural Resource Lands (SF-NRL).**
2 (1) - (2) No change.
3 (3) Administrative Special Uses.
4 (a) - (g) No change.
5 (h) Temporary ~~outdoor~~ events related to resource management, provided no permanent
6 structures are constructed.
7 (i) Temporary manufactured home.
8 (j)(4) Trails and primary and secondary trailheads.
9 (4) - (6) No change.

1 **14.16.430 Rural Resource—Natural Resource Lands (RRC-NRL).**

2 (1) No change.

3 (2) Permitted Uses.

4 (a) – (b) No change.

5 (c) Agricultural processing facilities.

6 (d)(e)-Aquaculture.

7 (e)(d)- Campground, primitive as long as there is no conversion of resource land and the
8 campground does not interfere with resource management.

9 (f) Commercial greenhouse operations that are an integral part of a local soil-based
10 commercial agriculture operation.

11 (g)(e) Commercial uses supporting resource uses, such as packing, first stage processing
12 and processing that provides added value to resource products as long as there is no
13 permanent conversion of the forest land.

14 (h) Individual or multiple farm composting as an incidental agricultural operation to a
15 working farm with no net loss of soil. The composting operation shall be managed according
16 to an approved nutrient management plan in conjunction with the local Conservation District
17 and Natural Resources Conservation Service (NRCS) standards and all applicable
18 environmental, solid waste, access and health regulations. Such use shall not generate traffic
19 uncommon to a farm operation.

20 (i)(f) Cultivation and harvest of forest products or any forest crop in accordance with the
21 Forest Practices Act and any regulations adopted pursuant thereto.

22 (j)(g) Detached single-family residential dwelling.

23 (k)(h) Extraction of gravel and rock for road and trail construction and maintenance
24 purposes, and the operation of rock crushers, all providing the material is used within the
25 Rural Resource—Natural Resource Lands Zone, or on same forest owners' property, on 3
26 acres or less.

27 (l)(i) Family day care provider.

28 (m) Farm-based business carried on exclusively by a member or members of a family
29 residing on the farm and employing no more than 3 nonresident full-time equivalent
30 employees.

31 (n)(j) Historic sites open to the public that do not interfere with the management of forest
32 land.

33 (o)(k) Home Based Business 1.

34 (p)(l) On-site sorting, bagging, storage, and similar wholesale processing activities of
35 agricultural products that are predominantly grown on-site or produced principally from the
36 entire commercial farm operation. Such activities shall be limited to those which are
37 integrally related to the agricultural production and harvesting process.

38 (q) Operation of scaling stations, log dumps and sorting areas, and forest industry residue
39 dumping areas; provided, that any such use within 1,000 feet of any residential use zone, park,
40 or recreation area shall be temporary and less than 12 months' duration.

41 (r)(m) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment
42 maintenance buildings, and storage yards; provided, that such uses are temporary and are
43 located on the property for no longer than 12 months' duration.

44 (s)(n) Residential accessory structures.

45 (t)(o) Temporary roadside stands not exceeding 300 square feet.

46 (u)(p) Water diversion structures and impoundments related to resource management and

- 47 on-site wetland restoration/enhancement projects.
- 48 (3) Administrative Special Uses.
- 49 (a) Agricultural slaughtering facilities.
- 50 ~~(b)(a)~~ Animal clinic/hospital if accessory to the existing resource base; provided, that any
- 51 structures are placed in currently developed areas and no land is taken out of resource
- 52 production.
- 53 ~~(c)(b)~~ Bed and breakfast, subject to SCC 14.16.900 (3)(c), provided no new structures are
- 54 constructed or expanded in building footprint outside of the home for lodging purposes.
- 55 ~~(d)(e)~~ Expansion of existing major or minor utility or public uses; provided, that the
- 56 expansion is designed to minimize the amount of resource lands utilized and meets item (i) or
- 57 (ii) as well as item (iii) of the following requirements:
- 58 (i) It is located within the existing building envelope which may include the required
- 59 landscaping of the existing use;
- 60 (ii) It will be sited on existing impervious surface or within existing right-of-way;
- 61 (iii) The applicant has proven that there is no other viable alternative to providing the
- 62 expansion on non-natural resource lands.
- 63 (e) Greenhouse operations not otherwise permitted in SCC 14.16.400(2)(e). Greenhouses
- 64 operating in the Ag-NRL zone as an administrative special use, should they cease operation,
- 65 shall be required to return the land to its former state or otherwise place the land in
- 66 agricultural production.
- 67 ~~(f)(d)~~ Minor public uses related to the provision of emergency services where there is no
- 68 other viable parcel or non-resource designated land to serve the affected area. Applicants shall
- 69 demonstrate the need to locate the use in the natural resource land. Analysis of alternatives to
- 70 the development of the use within the natural resource land must be provided.
- 71 ~~(g)(e)~~ Minor utility developments.
- 72 ~~(h)(f)~~ Personal wireless services towers, subject to SCC 14.16.720.
- 73 ~~(i)(g)~~ Retail and wholesale nurseries/greenhouses, provided there is no permanent
- 74 conversion of resource lands.
- 75 ~~(j)(h)~~ Riding clubs and stables if accessory to the existing resource base and no new
- 76 structures are constructed.
- 77 ~~(k)(i)~~ Seasonal roadside stands greater than 300 square feet.
- 78 ~~(l)(j)~~ Temporary ~~outdoor~~ events, provided no permanent structures are constructed.
- 79 (m) Temporary manufactured home.
- 80 ~~(n)(k)~~ Trails and primary and secondary trailheads.
- 81 (4) Hearing Examiner Special Uses.
- 82 (a) - (h) No change.
- 83 ~~(i) Manure Lagoons for livestock and poultry waste, which shall follow construction and~~
- 84 ~~management guidelines to be set forth by the Agricultural Advisory Board.~~
- 85 (j) - (q) No change.
- 86 (r) Temporary asphalt/concrete batching as defined and limited in Chapter 14.04 SCC,
- 87 provided there is no other viable parcel of non-resource designated land to serve the purpose.
- 88 (5) - (6) No change.

- 1 **14.16.440 Mineral Resource Overlay (MRO).**
2 (1) - (5) No change.
3 (6) Accessory Uses. All Accessory uses permitted in the underlying zone are allowed in
4 the MRO, normally associated and in conjunction with a permitted use stated in
5 Subsection (5) are permitted in the MRO.
6 (7) – (10) No change.

1 **14.16.450 Urban Reserve Public-Open Space (URP-OS).**

2 (1) Purpose. The purpose of the Urban Reserve Public-Open Space district is to allow for the
3 dedication or use of land for public purposes, open space, recreation, the development of
4 recreational facilities, the enjoyment of scenic amenities, and the protection of
5 environmentally sensitive areas in certain unincorporated UGAs. More intensive uses will
6 require annexation to the appropriate ~~municipality~~jurisdiction, or approval of an urban reserve
7 development permit pursuant to SCC 14.16.910.

8 (2) No change.

9 (3) Administrative Special Uses.

10 (a) - (h) No change.

11 (i) Temporary ~~outdoor~~ events.

12 (j) No change.

13 (4) No change.

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

19 (a) – (e) No change

20 (f) Maximum Lot Coverage: ~~Gross building area shall not exceed 50% of the lot area.~~

21 (6) – (8) No change.

1 **14.16.500 Public Open Space of Regional/Statewide Importance (OSRSI).**

2 (1) Purpose. The purpose of the Public Open Space district is to provide a zoning designation
3 for lands in public ownership that are dedicated or reserved for public purposes or
4 enjoyment for recreation, scenic amenities, or for the protection of environmentally
5 sensitive areas. This district encompasses public open space having Statewide and
6 regional importance. For example, Deception Pass, Bayview, Larrabbe, Rasar and
7 Rockport ~~the following~~ State pParks are designated in this zoning designation. ~~Bayview,~~
8 Publicly owned portions of Burrowsughs Island, Cypress Island, ~~Deception Pass,~~ Hope
9 Island, Huckleberry Island, Ika Island, ~~Larrabbe, Rasar, Rockport,~~ Saddlebag Island, and
10 Skagit Island are also included. Also, Glacier Peak Wilderness, Noisy Diobsud
11 Wilderness~~National Park,~~ Mount Baker National Forest, portions of the Northern State
12 Recreation Area, PUD #1 Judy Reservoir, North Cascades National Park, Ross Lake
13 National Recreation Area, ~~Ross Lake National Recreation Area,~~ City of Seattle City Light
14 dam-mitigation lands, WA Department of Natural Resources Natural Resource
15 Conservation Areas and Natural Area Preserves and Skagit Wildlife Refuge are included
16 in this district.

17 (2) No change.

18 (3) Permitted Uses.

19 (a) – (c) No change.

20 (d) Caretaker ~~Single-family~~ dwelling unit for on-site resident park manager
21 accessory to the primary public use.

22 (e) No change.

23 (4) Administrative Special Uses.

24 (a) - (l) No change.

25 (m) Temporary ~~outdoor~~ events.

26 (n) - (o) No change.

27 (5) - (7) No change.

1 **14.16.700 ZoningSpecial use matrix.**

2 A matrix is available at ~~the Planning and Permit Center~~ Planning and Development
3 Services showing the various ~~special~~-uses allowed in ~~various~~ each zones. This matrix is
4 intended as an aid to provide a general understanding about the ~~special~~ uses, including special
5 uses, which may be allowed in specific zones. The matrix does not include detailed
6 requirements, ~~which~~ those are instead reflected in the text of various ~~the zone~~sections of this
7 chapter. (Ord. 17938 Attch. F (part), 2000)

1 **14.16.710 Accessory dwelling units.**

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

5 14.16.920, Similk Beach LAMIRD:

6 (a) No change.

7 (b) No more than 1 family ~~as defined in the Uniform Building Code~~ shall be
8 allowed to occupy an accessory dwelling unit.

9 (c) – (d) No change

10 (e) Location. The accessory dwelling unit may be attached to, included within the
11 principal unit of the single-family dwelling, or located in a detached structure. All
12 requirements of the Uniform Building Code regarding fire separation shall be met.

13 (i) No recreational vehicle, including park model trailers, shall be allowed as an
14 accessory dwelling unit.

15 (ii) Any accessory dwelling unit included within a primary residence shall have no
16 interconnected interior spaces.

17 (iii) All accessory dwelling units shall contain provisions for eating, sleeping, cooking
18 and sanitation.

19 (f) - (k) No change.

1 **14.16.810 Setback requirements.**

2 (1) - (6) No change

3 (7) Parcels of land outside of and immediately adjacent to Natural Resource Lands (Rural
4 Resource- NRL, Agriculture-NRL, Industrial Forest-NRL, Secondary Forest-NRL, and
5 Mineral Resource Overlay Zones) shall observe a minimum building setback of 200 feet
6 from such Natural Resource Lands. This setback may be waived if the Applicant for the
7 building permit on the adjacent non-resource land acknowledges in writing the possible
8 occurrence of agricultural, forestry, or mining activity on the adjacent property and
9 waives, in writing, for all current and future owners, any claim for damages that may
10 occur to the building or occupants because of such activities which are conducted in
11 accordance with applicable state regulations. In the case of Agricultural-NRL and
12 Industrial Forest-NRL lands, this waiver must also be approved by the owner of the
13 adjacent Agricultural-NRL and Industrial Forest-NRL lands. The acknowledgement and
14 waiver discussed herein shall be recorded by the Applicant with the County Auditor. In
15 addition, the Planning and Development Services ~~Permit Center~~ may administratively
16 reduce setbacks for lots where the lot's size and configuration would otherwise preclude
17 reasonable development of the property.

18 (8) No change

1 **14.16.830 Landscaping requirements.**

2 (1) No change.

3 (2) Applicability. An approved landscape plan is required for any new commercial or
4 industrial building, ~~or special use, or subdivision (as required by Chapter 14.18)~~
5 application. Plans for projects including 2,000 square feet or more of landscaping over the
6 entire development area shall be prepared by a licensed landscape architect or Washington
7 State Certified Nurseryman. There are different requirements depending on the proposed
8 use associated with a residential or commercial/industrial zoning district outlined in
9 subsection (4) below.

10 (3) Application Procedures.

11 (a) Submittal. Conceptual Landscape plans shall be submitted to the Planning and Permit
12 Center Development Services with the initial project application. An approved plan is will
13 be required prior to the issuance of a building permit prior to final project approval. Plans
14 shall be drawn to scale showing the location of buildings, above and below ground
15 utilities, and the location, quantities and sizes of proposed plants and other proposed
16 materials in the landscape area. Potential conflicts between landscaping and utilities shall
17 be minimized or avoided.

18 (b) Appeal. ~~Any Applicant may appeal the decision of the reviewer pursuant to a Level I~~
19 ~~process in Chapter 14.06 SCC (Permit Procedures).~~

20 (4) – (5) No change.

1 **14.16.840 Performance standards.**

2 (1) - (4) No change.

3 (5) Noise. ~~On-site sound levels are not to exceed levels established by noise control~~
4 ~~regulations of the Department of Labor and Industries. Unless additional regulations are~~
5 ~~adopted by Skagit County pertaining to noise emissions, the M~~maximum permissible
6 environmental noise levels to be emitted to adjacent properties are not to exceed levels of the
7 environmental designations for noise abatement (EDNA) as established by the State of
8 Washington, Department of Ecology as now exist in WAC 173-60, or as hereafter amended;
9 provided, that EDNA classifications will conform to certain zone designations established
10 under this Title as follows:

11 (a) Class A EDNA: Residential Use Zones (RI, RVR, RRv, R, URR);

12 (b) Class B EDNA: Commercial Zones (RVC, RC, RFS, SRT, CSB, RB, BR-I, ~~BR-HI~~, AVR,
13 URC-I), Public Use Zones OSRSI and URP-OS; ~~and~~

14 (c) Class C EDNA: Industrial Zones (NRI, RMI, ~~BR-HI~~), Forestry Zones (IF-NRL, SF-NRL,
15 RRc-NRL), Agricultural Zone (Ag-NRL). (Ord. 17938 Atch. F (part), 2000)

1 **14.16.850 General provisions.**

2 (1) No change.

3 (2) There shall be no more than 1 primary dwelling unit and 1 accessory dwelling unit per lot
4 of record.

5 (a) Recreational vehicles, including park model trailers, will not be considered as dwelling
6 units, shall only be occupied on a temporary basis and shall be limited to 1 occupied vehicle
7 per lot of record.

8 (3) No change.

9 (4) Development of Lots of Record.

10 (a) – (e) No change.

11 (f) Reasonable Use.

12 (i) Variances from the requirements of this Section shall not be considered. However, if a
13 substandard lot of record in the Rural Reserve, Rural Intermediate, Rural Village Residential
14 or Urban Reserve Residential zones does not meet any of the exceptions in Subsection (4)(c)
15 of this Section, the lot owner may request that the County further evaluate the lot for a
16 reasonable use exception pursuant to this Subsection. Issuance of a reasonable use exception
17 shall allow the lot owner to apply for residential development permits on the lot. Reasonable
18 use exceptions shall only be issued if the lot owner can demonstrate the following:

19 (A) - (B) No change.

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

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

27 (ii) - (iii) No change.

28 (5) No change.

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

30 (a) No Change.

31 (b) Exceptions.

32 (i) – (ii) No change.

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

37 (A) The lot was a ~~legal~~ lot of ~~record~~ prior to the adoption of interim controls on June 11,
38 1990.

39 (B) – (G) No change.

40 (iv) No change.

41 (7) Except lots restricted by SCC 14.18.700(2)(c)(ii), ~~W~~when a lot has multiple zoning
42 designations, then each separately zoned portion of the lot may be developed, subdivided, or
43 used consistent with the applicable zoning district's use regulations provided that each
44 separately zoned portion of the lot meets all applicable Skagit County Code requirements and
45 either meets the minimum lot size for the zoning district or at least 1 exemption listed in SCC
46 14.16.850(4)(c), other than (4)(c)(i). Any subdivisions allowed under this provision shall

47 occur on the zoning line and shall not result in any lots with multiple zoning designations. In
48 cases where a 1 or more separately zoned portion(s) of a lot do not meet 1 of the exemptions
49 required above, is smaller than the minimum lot size of the applicable zone, that those
50 portion(s) of the lot may still be segregated, but will not be considered for any development
51 permits unless otherwise allowed in SCC 14.16.850(4)(d)-(e) or an approved Reasonable Use
52 Exception pursuant to SCC 14.16.820(4)(f). –as long as the requirements of Chapters 12.05
53 and 12.48 SCC (except SCC 12.05.210(4)(e)) are met. An owner of a lot with multiple
54 zoning designations may request that the County review the current zoning designations and,
55 if possible, process a County-initiated Comprehensive Plan Amendment to reflect a single
56 zoning designation on the property.

57 (8) No change.

58 (9) Existing mobile home parks shall be regulated pursuant to SCC 12.24.

- 1 **14.16.880 Nonconforming uses and structures.**
2 (1) – (2) No change.
3 (3) Enlargement, Alteration, Reconstruction of Nonconforming Buildings and Structures.
4 The following items (3)(a) and (b)) outline requirements for routine maintenance,
5 reconstruction/replacement after damage by fire, natural disaster, or other calamity, and
6 structural repairs needed to maintain a building or structure in a safe structural condition:
7 (a) - (b) No change.
8 (c) Additions to non-conforming structures that meet all applicable zoning dimensional
9 standards shall not be considered an enlargement under this Subsection.
10 (4) – (6) No change.

1 **14.16.900 Rezone and sSpecial use permit requirements.**

2 ~~(1) Rezones.~~

3 ~~(a) All rezones shall be processed in conjunction with Comprehensive Plan amendments. The~~
4 ~~procedures for application, notice, etc., shall follow those for the Comprehensive Plan, which are~~
5 ~~found in SCC 14.08.020.~~

6 ~~(b) Additional Submittal Requirements for Rezones.~~

7 ~~(i) A detailed statement of how the proposal meets the applicable approval criteria; and~~

8 ~~(ii) A 1 inch equals 100 feet map showing the subject property and property lines and land use~~
9 ~~designations for all properties within 500 feet of the site.~~

10 ~~(c) Additional Approval Criteria for Rezones.~~

11 ~~(i) The property can meet the detailed standards in Chapter 14.16 SCC applicable to the proposed~~
12 ~~zone.~~

13 ~~(ii) For rezones from a commercial zone to RI, RVR, and RRV, all vacant lots within the proposed~~
14 ~~rezones shall be consolidated.~~

15 ~~(iii) All Comprehensive Plan amendments/rezones to a commercial or industrial zone shall require~~
16 ~~a development project be commenced for the entire redesignated/rezoned area within 2 years of~~
17 ~~the redesignation/rezone, unless development is phased. For the purposes of this Section,~~
18 ~~“commenced” shall mean either 1) a commercial or industrial operation permitted by the~~
19 ~~redesignation/rezone has been established or 2) a complete building permit has been filed with the~~
20 ~~Planning and Permit Center for the principal building which will allow the commercial or~~
21 ~~industrial operation. Upon building permit approval, the principal building shall be completed~~
22 ~~(i.e., final inspections completed) within 3 years. Those portions of the redesignated/rezoned~~
23 ~~property which are not included within the development area and where the above timeframes are~~
24 ~~not met shall automatically revert to the original designation and zoning, unless a phasing plan is~~
25 ~~approved pursuant to Subsections (1)(c)(iii)(A) and (B) of this Section. For purposes of this~~
26 ~~Subsection, “development area” shall mean all portions of the site needed to meet UDC~~
27 ~~requirements, such as lot coverage and setbacks.~~

28 ~~(A) If an applicant desires to phase development of a commercial or industrial rezoned property, a~~
29 ~~phasing plan shall be submitted and reviewed as part of the Comprehensive Plan~~
30 ~~amendment/rezone application. When an amendment/rezone includes a phasing plan, the initial~~
31 ~~phase shall be commenced and completed within the timeframes articulated above. Subsequent~~
32 ~~phases shall be commenced and/or constructed within the timeframes established in the phasing~~
33 ~~plan, or within a 6-year period. Otherwise, the commercial designation/zoning shall expire and the~~
34 ~~redesignation/rezoning shall revert to its previous designation for those portions of the property~~
35 ~~where these requirements are not met.~~

36 ~~(B) Where a redesignation/rezone did not initially include a phasing plan, but prior to the~~
37 ~~automatic designation/zone reversion an applicant desires the phasing of the operation, a phasing~~
38 ~~plan may be submitted to the County for consideration. This plan shall be reviewed through a~~
39 ~~Level II review process and be reviewed for compliance with the rezone criteria.~~

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

43 ~~(d) Approved rezones shall be shown on the official zoning map.~~

44 ~~(1)(2) Special Uses.~~

45 ~~(a) – (d) No change.~~

46 ~~(2)(3) Special Uses with Specific Criteria.~~

- 47 (a) No change.
- 48 (b) Temporary Manufactured Home—Accessory to Farm Dwelling Unit. A temporary
49 manufactured home accessory to a farm dwelling unit on property meeting the definition of a
50 farmland in RCW 84.34.020 to accommodate agricultural workers and their families employed on
51 the premises, as provided:
- 52 (i) The property must meet the definition of a farmland in RCW 84.34.020 (Open Space
53 Taxation),
- 54 (ii) No change.
- 55 (iii) The agricultural worker shall be employed by the farm owner/operator in farm work for a
56 minimum of 1,040 hours per year each year that the temporary manufactured home is in place.
- 57 (iv) Documentation that the nature of the employees work requires said employee to be
58 immediately available to the job site is required by the farm owner/operator.
- 59 (v) The farm owner/operator shall submit an IRS Form 943 each year together with the required
60 Special Use Permit Annual Self-Certification annual outlined in subsection (3) below.
- 61 (c) – (f) No change.
- 62 (g) Temporary Events. Special Use permits for Temporary Events are also subject to the following
63 criteria:
- 64 (i) Events may occur on no more than 24 calendar days per year.
- 65 (ii) Parking for all events shall be fully contained on the subject property and shall not include the
66 use of any road right-of-way.
- 67 (iii) Does not create a detrimental level of electrical interference, line voltage fluctuation, noise,
68 vibration, smoke, dust, odors, heat, glare, traffic or other environmental impacts on the
69 surrounding area;
- 70 (iv) All lighting is directed away from neighboring residences or businesses.
- 71 (h) Habitat enhancement and/or restoration projects pursuant to SCC 14.16.400(4)(c) are also
72 subject to the following criteria:
- 73 (i) Adequate sanitation facilities shall be provided for any use proposed with public access or any
74 private recreational component.
- 75 (ii) A detailed project narrative that includes a description of the proposed
76 restoration/enhancement shall be submitted for all projects. Applications shall be distributed to all
77 appropriate agencies and County departments for review and comment.
- 78 (iii) An impact analysis prepared by a professional engineer shall be required for any project
79 proposing alteration of the landscape from the excavation or sculpting of soil and/or alteration of
80 hydrology. The analysis shall include effects on water table and surficial hydrology on the subject
81 and adjacent properties and any drainage infrastructure. The analysis shall be distributed to any
82 affected drainage utility administrator (for projects located within the County Drainage Utility,
83 routing shall be to the Public Works Department, for projects located in or adjacent to any dike
84 and/or drainage district, routing shall be to the appropriate District(s)).
- 85 (iv) All applications shall be forwarded to the Agricultural Advisory Board or designated
86 subcommittee for review, comment and recommendation.
- 87 (v) Projects shall not adversely impact drainage functions of any drainage infrastructure or the
88 ongoing agricultural use of the neighboring agricultural lands. Projects determined to have an
89 adverse impact on adjacent properties and/or drainage infrastructure shall be denied.
- 90 (vi) For any project approved on land included in a Current Use Taxation program, Planning and
91 Development Services shall forward notification of the approval to the Assessor’s office.

92 (vii) Prior to any additional alteration of the landscape from the excavation or sculpting of soil
93 and/or hydrology not addressed in a prior approval, a request for modification of the original land
94 use approval shall be submitted and approved or denied according to the criteria above.
95 (i) In the Agricultural-Natural Resource Land zoning district, an IRS Form 1040 Schedule F shall
96 be submitted as documentation of an existing agricultural operation for all Special Uses allowed as
97 accessory to an agricultural use/operation. The farm owner/operator shall also submit an IRS Form
98 1040 Schedule F each year together with the required Special Use Permit Annual Self-
99 Certification outlined in subsection (3) below.
100 (3) Special Use Permit Annual Self-Certification.
101 (a) Each year Planning and Development Services shall send an affidavit to the property owner(s)
102 of record for all active Special Use permits. Planning and Development Services shall use the
103 records of the Skagit County Assessor's Office for determining owner(s) of record and the
104 Department's permit tracking system for determining active Special Use permits.
105 (b) The affidavit shall contain the Special Use Permit number, applicant name, owner(s) of record
106 name and address, parcel number and address of the subject property, a description of the original
107 project approval, any conditions of the approval, the date of mailing, the required return date and a
108 statement of acknowledgement including the following language:
109 *By my signature, I hereby certify as the major property owner or officer of the corporation owning*
110 *the above described property that the activities approved pursuant to the Special Use permit*
111 *issued by Skagit County are occurring in accordance with all approvals including any conditions.*
112 The affidavit shall be accompanied by a pre-addressed return envelope.
113 (c) Within 30 days from the date of mailing indicated on the affidavit, the property owner or
114 officer shall return the signed affidavit to Planning and Development Services acknowledging
115 compliance with the original permit approval including any conditions. If acknowledgment of
116 compliance is not possible due to changes in the operation, the owner or officer shall contact
117 Planning and Development Services within 30 days from the date of mailing to establish a
118 schedule for compliance. If an affidavit acknowledging compliance is not returned or contact to
119 arrange a compliance schedule is not made within the above stated timeline a second affidavit
120 shall be sent by certified mail and the owner(s) of record shall be subject to enforcement pursuant
121 to SCC 14.44.
122 (d) The submittal of additional information is also required in conjunction with the affidavit for
123 Temporary Manufactured Homes used to house 1 farmworker and his/her immediate family
124 pursuant to (2)(b)(v) above and uses allowed as accessory to an agricultural use/operation pursuant
125 to (2)(i) above. (Ord. O20050009 (part); Ord. O20050003 (part); Ord. 17938 Attch. F (part), 2000)

1 **14.18.300 Conservation and Reserve Developments (CaRDs) – An alternative division of**
2 **land.**

3 (1) No change.

4 (2) Applicability.

5 (a) – (b) No change.

6 (c) CaRDs are permitted in the following zones:

7 (i) – (iii) No change.

8 (iv) Rural Resource (on parcels 20 acres or 1/32 section, or greater, with 1 lot allowed for
9 each additional 10 acres);

10 (v) Rural Reserve; (on parcels 10 acres or 1/64 section, or greater, with 1 lot allowed for
11 each additional 5 acres)

12 (vi) Rural Intermediate (on parcels 5 acres or 1/128 section, or greater); and

13 (vii) Rural Village Residential (on parcels 2 acres or 1/320 section with public water and
14 septic or on parcels 5 acres or 1/128 section with private water and septic, or greater).

15 (d) No change.

16 (3) Additional Submittal Requirements.

17 (a) No change.

18 (b) In addition to the application materials for the underlying application, CaRD
19 applications for 5 or more lots shall include the following information on a site plan:

20 ~~(i) Approximate existing vegetation coverage shall be shown on the site plan, based on a~~
21 ~~recent aerial photograph or field survey of the site, which shall show locations of all~~
22 ~~forested, vegetated, and cleared areas.~~

23 ~~(i)~~(ii) Topography. Source may be USGS, unless specific site circumstances dictate 5-foot
24 aerial contours.

25 (4) No change.

1 **14.18.310 General approval provisions—CaRD.**

2 (1) No change.

3 (2) Allowable Density. The maximum residential gross densities shall not exceed those set forth in
 4 the following lot size table. The maximum density ~~as allowed for by the Comprehensive Plan~~ may
 5 not necessarily be granted if a density limitation is necessary to meet septic and/or water system
 6 requirements. There shall be no density bonus for CaRD developments in areas designated as a
 7 “sole source aquifer,” except where the source of water is from a public water system whose
 8 source is outside the designated area or from an approved alternative water system pursuant to
 9 Chapter 12.48 SCC. Applications for such systems are processed pursuant to the regulations
 10 outlined in Chapter 12.48 SCC. Applications for CaRDs requesting an alternative system to obtain
 11 a density bonus shall be processed as a Level II application. Hearing Examiner criteria for review
 12 of an alternative system shall ensure that the system has no adverse impacts to the sole source
 13 aquifer. There shall be no density bonus for CaRD developments where the water source is in a
 14 low flow watershed, unless the applicant has demonstrated that there is no continuity between the
 15 water source(s) and the low-flow stream per SCC 14.24.350(5)(c).
 16

Zone	Maximum Residential Densities with a CaRD*, Dwelling Units per Acre*	Open Space Options
Rural Intermediate	1/2.5 acres or 1 per 1/256 of a section	All, where appropriate
Rural Village Residential	1/1 acre or 1 per 1/640 of a section with public water and septic or 1/2.5 acres or 1/256 of a section with private water and septic	All, where appropriate
Rural Reserve	2/10 acres or 2 per 1/64 of a section	All, where appropriate
Agricultural Natural Resource Lands	1/40 acres or 1 per 1/16 of a section	Os-PA, Os-NRL Os-RSV (per subsection (6))
Industrial Natural Resource Lands	1/80 acres or 1 per 1/8 of a section	Os-PA, Os-NRL Os-RSV (per subsection (6))
Secondary Forest Natural Resource Lands	1/20 acres or 1 per 1/32 of a section	Os-PA, Os-NRL Os-RSV (per subsection (6))
Rural Resource Natural Resource Lands	4/40 acres or 4 per 1/16 of a section	Os-PA, Os-NRL Os-RSV (per subsection (6))
	*Exception: Maximum Residential gross densities for lands in or within one-quarter mile of a that are designated as Mineral Resource Overlay (MRO) or are within one-quarter mile of designated MROs, shall be no greater than 4 residential dwelling unit per 1/10 acres; provided, that if the underlying land use designation density of land within one-quarter mile of MRO lands is greater than 4 dwelling unit per 1/10 acres, the development rights associated with that	

	density may be transferred to and clustered on that portion of the property located outside of one-quarter mile for the MRO lands, consistent with the CaRD policies in the Land Use Element of the Comprehensive Plan.	
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- (3) – (7) No change.
- (8) Setbacks for all Buildings Within the Development.
- (a) - (b) No change.
- ~~(c) No other setbacks shall be required, except that fire separation may be required based on the UBC. Fire separation shall be required pursuant to the IBC.~~
- (d) Underlying zoning setbacks shall be required from all exterior lot lines of the CaRD development, except as provided in subsection (a) above.
- (e) Internal setbacks may be established by private covenant.
- (9) Additional Design Requirements Applicable to All CaRDs.
- (a) – (b) No change.
- (c) For lands in RRC-NRL that are subject to the provisions of SCC 14.24.120, any property owner who applies for and receives CaRD approval under SCC 14.18.300 through 14.18.330 shall, at the time of CaRD approval, automatically be subject to the buffer requirements of SCC14.24.530 and shall no longer be subject to the provisions of SCC 14.24.120.
- (ed) For the purpose of determining compliance of a binding site plan with this Section, a development envelope, which meets all the requirements of lots outlined herein, shall be drawn around each proposed building.

1 **14.18.320 Approval provisions – CaRD’s with 4 or fewer lots (Short CaRD).**

2 (1) Lots shall be located to minimize infrastructure requirements such as roadways,
3 driveways, utilities, etc. In order to achieve a reduction of necessary infrastructure, Short CaRDs
4 shall be required to meet one of the following provisions:

5 (a) Where a Short CaRD is located adjacent to an existing public road, all new building
6 lots shall be located immediately adjacent to the road, or

7 (b) Where an existing residence is located either on the subject or an adjacent property, all
8 new building lots shall be located immediately adjacent to the existing residence.

9 (2) As an alternative to Subsection (1) above of this Section, for divisions resulting in more
10 than 1 new building lot, lots may be located elsewhere within the CaRD as long as the all lots with
11 proposed for new construction are clustered together.

12 (3) Alternatives (1) and (2) above may be waived if the Short CaRD is processed subject to a
13 Level III-HE process and the Hearing Examiner determines that the purposes of SCC 14.18.300
14 can be met and the required right-of-way or easement area for any access roads to serve the
15 building lots/envelopes shall then be taken out of the allowable area for the building
16 lots/envelopes. (Ord.17938 Attch. F(part), 2000)

1 **14.18.330 Approval Provisions - CaRDs with 5 or more lots (Long CaRDs).**

2 (1) Clustering of lots required. Except as described below ~~for a parcel containing an~~
3 ~~existing house~~, clustering of lots within the CaRD into cluster pods shall be
4 required. Cluster pods shall be located a minimum of 25 feet from each other and
5 from existing public roads. Clustering of lots into cluster pods may not be
6 required in the ~~except under~~ the following limited circumstances:

7 (a) - (c) No change.

8 Additional conditions may be applied if the clustering requirement is waived. In
9 no way does the waiver of the clustering requirement modify the lot size
10 requirements of this Section. A lot containing an existing house need not be
11 included within a cluster, unless this is necessary to meet the other CaRD design
12 requirements.

13 (2) No change.

14 (3) Screening of cluster pods. Except in Ag-NRL zoned CaRDs, cluster pods shall be
15 screened from existing adjacent public roads and from other cluster pods either by:

16 (a) No change.

17 (b) An approved landscaping plan pursuant to SCC 14.16.830.

1 **14.18.700 Boundary line adjustments.**

2 (1) Purpose. The purpose of this Section is to provide procedures and criteria for the
3 review and approval of minor adjustments to boundary lines of lots of record or building
4 sites in order to rectify defects in legal descriptions, to allow the enlargement or merging
5 of lots to improve a building site, to achieve increased setbacks from property lines or
6 sensitive areas, to correct situations wherein an established use is located across a lot line,
7 to combine substandard lots of record pursuant to SCC 14.16.850(4)(a) and
8 14.18.000(9)(a), or for other similar purposes.

9 (2) Procedures and Limitations of the Boundary Line Adjustment Process. Adjustment of
10 boundary lines between adjacent lots shall be consistent with the following review
11 procedures and limitations:

12 (a) Applications for boundary line adjustments shall be reviewed as a Level I permit as
13 provided in Chapter 14.06 SCC. The review shall include examination for consistency
14 with Chapter 14.16 SCC, shoreline master program (Chapter 14.26 SCC), applicable
15 Board of Health regulations, and, for developed lots, uniform fire and building codes.

16 (b) Any adjustment of boundary lines must be approved by the Department prior to the
17 transfer of property ownership between adjacent legal lots.

18 (c) Where other alternatives exist, boundary line adjustments that will result in the
19 occurrence of multiple zoning designations on 1 lot should be avoided. Any adjustment of
20 boundary lines resulting in the occurrence of multiple zoning designations on 1 lot shall
21 include the following conditions.

22 (i) The areas of any separately zoned portions of the lot shall not be allowed to be
23 combined in the calculation of the total lot acreage for development purposes unless the
24 multiple zoning designations are resolved through a Comprehensive Plan Map
25 amendment.

26 (ii) The lot shall not be considered for the provisions outlined in SCC 14.16.850(7).

27 (iii) The property owner shall identify 1 separately zoned portion of the lot as the area to
28 be considered for the purpose of determining density. The identified portion of the lot
29 must meet all applicable requirements for development and meet the minimum lot size for
30 the applicable zoning district, meet at least 1 exemption listed in SCC 14.16.850(4)(c), or
31 be granted a Reasonable Use Exception pursuant to SCC 14.16.850(4)(f).

32 (iv) Any development on the property shall comply with the requirements of the zoning
33 district in which the development is located.

34 ~~(d)~~ A boundary line adjustment proposal shall not:

35 (i) Result in the creation of an additional lot. Boundary line adjustments between
36 contiguous lots of record where the net number of lots is not increased and each resulting
37 lot meets the minimum lot size dimensional standards of the zoning designation shall not
38 be considered the creation of additional lots.

39 (ii) Result in the creation of a substandard lot, unless the boundary line adjustment
40 proposal is pursuant to SCC 14.16.860 or 14.16.850(4)(a), in which case the substandard
41 lots can be combined through a boundary line adjustment, even if the resulting lot is
42 substandard in size.

43 (iii) Result in a lot that does not qualify as a building site pursuant to Health Department
44 requirements for sewer and water.

45 (iv) Reduce the overall area in a land division devoted to open space.

- 46 (v) Be inconsistent with any restrictions or conditions of approval for a recorded plat or
47 short plat.
- 48 (3) Final Approval and Recording Required.
- 49 (a) A title insurance certificate updated not more than 30 days prior to recording of the
50 adjustment, which includes all parcels within the adjustment, must be submitted to the
51 Department with boundary line adjustment final review documents. All persons having an
52 ownership interest within the boundary line adjustment shall sign the final recording
53 document in the presence of a notary public.
- 54 (b) Prior to final approval, documentation authorizing the transfer of property ownership
55 shall be placed on the original boundary line map along with the legal descriptions of
56 those portions of land being transferred when lots are under separate ownership. Lot lines
57 within lots under the same ownership will be adjusted upon the recording of the boundary
58 line adjustment.
- 59 (c) Boundary line adjustments shall be based on legal descriptions, certified by a licensed
60 surveyor or title company, of the revised lots, tracts, or parcels. (Ord. O20050003 (part);
61 Ord. O20040017 (part); Ord. 17938 Attch. F (part), 2000)

1 **14.24.110 County regulation of forest practices for the protection of critical**
2 **areas.**

3 Forest practices governed under Chapter 76.09 RCW are subject to the provisions of this
4 Section as follows:

5 (1) - (5) No change.

6 (6) Waiver of the 6-Year Moratorium. The applicant may apply to the County for a waiver
7 of the 6-year moratorium. The fee for all waiver applications shall be paid to the County
8 and shall be double the standard fee amount charged by the DNR for a Class IV-General
9 Conversion review.

10 (a) Waiver for 1 Single-Family Residence and Outbuildings. The 6-year moratorium
11 may be waived for constructing a single-family residence or outbuildings, or both,
12 on a legal lot and building site where such activity complies with all applicable
13 County ordinances. Such waiver may be issued by the Planning Director where a
14 finding can be made that granting the waiver meets the criteria noted in Subsection
15 (6)(c) of this Section. ~~Before acting on the request for waiver of the moratorium,~~
16 ~~the Planning Director, or designee, shall issue a notice of development application~~
17 ~~(NODA) consistent with the procedures under Chapter 14.06 SCC, including a 15-~~
18 ~~day comment period; provided further, where the initial critical area review and~~
19 ~~site visit concludes that no critical areas have been impacted, or do not exist, the~~
20 ~~Director may waive the NODA requirement and issue the waiver. Waivers shall be~~
21 ~~processed as Level I or II permits, pursuant to Chapter 14.06.~~

22 (b) No change.

23 ~~(c)(e)~~ For both Subsections (6)(a) and (b) of this section, the following shall provide
24 the criteria for considering a waiver to the 6-year moratorium:

25 (i) – (ii) No change.

26 (7) No change.

27 **14.38.030 Disclosure.**

28 (1) No change.

29 (2) The following shall constitute the disclosure required by this Section:

30 “This disclosure applies to parcels ~~lies designated within an area~~ or within 1 mile of ~~an~~
31 ~~area~~ designated as agricultural land or within 1/4 mile of rural resource, forest or mineral
32 resource lands of long-term commercial significance in Skagit County. A variety of
33 Natural Resource Land commercial activities occur or may occur in the area that may not
34 be compatible with non-resource uses and may be inconvenient or cause discomfort to
35 area residents. This may arise from the use of chemicals; or from spraying, pruning,
36 harvesting or mineral extraction with associated activities, which occasionally generates
37 traffic, dust, smoke, noise, and odor. Skagit County has established natural resource
38 management operations as a priority use on designated Natural Resource Lands, and area
39 residents should be prepared to accept such incompatibilities, inconveniences or
40 discomfort from normal, necessary Natural Resource Land operations when performed in
41 compliance with Best Management Practices and local, State, and Federal law.” In the
42 case of mineral lands, application might be made for mining-related activities including
43 extraction, washing, crushing, stockpiling, blasting, transporting and recycling of
44 minerals. If you are adjacent to designated NR Lands, you will have setback requirements
45 from designated NR Lands. (Ord. 17938 Attch. F (part), 2000)

1 **Chapter 15.20**

2 **FLOOD DAMAGE PREVENTION***

3 **Sections:**

4 15.20.010 Statutory authorization.

5 15.20.020 Findings of fact.

6 15.20.030 Statement of purpose.

7 15.20.040 Methods of reducing flood losses.

8 15.20.050 Definitions.

9 15.20.070 Basis for establishing areas of special flood hazard.

10 15.20.080 Compliance.

11 15.20.090 Abrogation and greater restrictions.

12 15.20.100 Interpretation.

13 15.20.110 Warning and disclaimer of liability.

14 15.20.120 Development permit—Required—Application.

15 15.20.130 Director of Planning and Community Development or designee—Administration

16 15.20.140 Director of Planning and Community Development—Duties

17 15.20.150 Appeals procedure.

18 15.20.160 Variances.

19 15.20.180 General standards.

20 15.20.190 Specific standards.

21 15.20.195 Specific standards for AO zones or areas of shallow flooding.

22 15.20.197 Specific standards for construction in special flood risk zones.

23 15.20.200 Floodways.

24 15.20.205 Encroachment standards.

25 15.20.210 Coastal high hazard area.

26 15.20.220 Wetlands management.

27 15.20.230 Penalties and enforcement.

28 * Prior ordinance history: Resolutions 8937, 9243, 9244, 9316 and 9320; and Ordinances 7947,

29 8770, 10225 and 10331.

30
31 **15.20.010 Statutory authorization.**

32 The Legislature of the State of Washington has in RCW Chapter 36.70 delegated the
33 responsibility to local governmental units to adopt regulations designed to promote the public
34 health, safety, and general welfare of its citizenry. Therefore, the County of Skagit, State of
35 Washington, does ordain the provisions set forth in this chapter.
36 (Ord. 16311 (part), 1996; Ord. 11888 (part), 1988; Ord. 11216 (part), 1987)

37
38 **15.20.020 Findings of fact.**

39 (1) The flood hazard areas of Skagit County are subject to periodic inundation which results
40 in loss of life and property, health and safety hazards, disruption of commerce and
41 governmental services, extraordinary public expenditures for flood protection and relief, and
42 impairment of the tax base, all of which adversely affect the public health, safety and general
43 welfare.

44 (2) These flood losses are caused by the cumulative effect of obstructions in areas of special
45 flood hazards which increase flood heights and velocities, and when inadequately anchored,
46 damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise
47 protected from flood damage also contribute to the flood loss.
48 (Ord. 16311 (part), 1996; Ord. 11888 (part), 1988; Ord. 11216 (part), 1987)

50 **15.20.030 Statement of purpose.**

51 It is the purpose of this chapter to promote the public health, safety, and general welfare, and
52 to minimize public and private losses due to flood conditions in specific areas by provisions
53 designed:

- 54 (1) To protect human life and health;
- 55 (2) To minimize expenditure of public money and costly flood control projects;
- 56 (3) To minimize the need for rescue and relief efforts associated with flooding and generally
57 undertaken at the expense of the general public;
- 58 (4) To minimize prolonged business interruption;
- 59 (5) To minimize damage to public facilities and utilities such as water and gas mains,
60 electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- 61 (6) To help maintain a stable tax base by providing for the sound use and development of
62 areas of special flood hazard so as to minimize future flood blight areas;
- 63 (7) To ensure that potential buyers are notified that property is in an area of special flood
64 hazard; and
- 65 (8) To ensure that those who occupy the areas of special flood hazard assume responsibility
66 for their actions. (Ord. 16311 (part), 1996: Ord. 11888 (part), 1988: Ord. 11216 (part), 1987)

67

68 **15.20.040 Methods of reducing flood losses.**

69 In order to accomplish its purpose, this chapter includes methods and provisions for:

- 70 (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to
71 water or erosion hazards, or which result in damaging increases in erosion or in flood heights
72 or velocities;
- 73 (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be
74 protected against flood damage at the time of initial construction;
- 75 (3) Controlling the alteration of natural floodplains, stream channels, and natural protective
76 barriers, which help accommodate or channel floodwaters;
- 77 (4) Controlling filling, grading, dredging, and other development which may increase flood
78 damage; and
- 79 (5) Preventing or regulating the construction of flood barriers which will unnaturally divert
80 floodwaters or which may increase flood hazards in other areas. (Ord. 16311 (part), 1996: Ord.
81 11888 (part), 1988: Ord. 11216 (part), 1987)

82

83 **15.20.050 Definitions.**

84 Unless specifically defined below, words or phrases used in this Chapter shall be interpreted
85 so as to give them the meaning they have in common usage and to give this Chapter its most
86 reasonable application.

- 87 (1) "Appeal" means a request for a review of the Planning Director or his designee's
88 interpretation of any provision of this Chapter.
- 89 (2) "Area of Shallow Flooding" means a designated AO or AH zone on the flood insurance
90 rate map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined
91 channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity
92 flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
- 93 (3) "Area of Special Flood Hazard" means the land in the floodplain within a community
94 subject to a one (1) percent or greater chance of flooding in any given year. Designation on
95 maps always includes the letters A or V.
- 96 (4) "Base flood" means the flood having a one (1) percent chance of being equaled or
97 exceeded in any given year.
- 98 (5) "Best available information" means in the absence of official flood insurance rate map

99 data, communities can use data from other federal, state, or other sources provided this data
100 has either been generated using technically defensible methods or is based on reasonable
101 historical analysis and experience.

102 (6) “Breakaway walls” means any type of walls, whether solid or lattice, and whether
103 constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material
104 which are not part of the structural support of the building and which are so designed as to
105 break away, under abnormally high tides or wave action, without damage to the structural
106 integrity of the building on which they are used or any buildings in which they might be
107 carried by floodwaters.

108 (7) “Coastal high hazard area” means the area subject to high velocity waters, including but
109 not limited to storm surge or tsunamis. The area is designated on a FIRM as Zone V1-30.

110 (8) “Critical facility” means a facility for which even a slight chance of flooding would be
111 too great. Critical facilities include but are not limited to schools, hospitals, police, fire, and
112 emergency response installations, nursing homes, installations which produce, use, or store
113 hazardous materials or hazardous waste.

114 (9) “Development” means any manmade change to improved or unimproved real estate,
115 including but not limited to buildings or other structures, mining, dredging, filling, grading,
116 paving, excavation, or drilling operations located within the area of special flood hazard.

117 (10) “Dwelling unit” means a structure or that part of a structure which is used as a
118 home, residence, or sleeping place by one or more persons maintaining a common household,
119 including but not limited to single family residences and multiplexed units, apartment
120 buildings, and mobile homes or manufactured homes.

121 (11) “Flood” or “flooding” means a general and temporary condition of partial or
122 complete inundation of normally dry land areas from:

123 (a) The overflow of inland or tidal waters; and/or
124 (b) The unusual and rapid accumulation of runoff or surface waters from any source.

125 (12) “Flood insurance rate map” (FIRM) means the official map on which the Federal
126 Insurance Administration has delineated both the areas of special flood hazards and the risk
127 premium zones applicable to the community.

128 (13) “Flood insurance study” means the official report provided by the Federal
129 Insurance Administration that includes flood profiles, the flood boundary—floodway map, and
130 the water surface elevation of the base flood.

131 (14) “Flood protection elevation” means one foot above the base flood elevation.

132 (15) “Floodway” means the channel of a river or other watercourse and the adjacent
133 land areas that must be reserved in order to discharge the base flood without cumulatively
134 increasing the water surface elevation more than one (1) foot.

135 (16) “Lowest floor” means the lowest floor of the lowest enclosed area (including
136 basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles,
137 building access or storage, in an area other than a basement area, is not considered a building’s
138 lowest floor, provided that such enclosure is not built so as to render the structure in violation
139 of the applicable non-elevation design requirements of this ordinance found at Section
140 15.20.190(1).

141 (17) “Manufactured home” means a structure, transportable in one or more sections
142 which is built on a permanent chassis and is designed for use with or without a permanent
143 foundation when connected to the required utilities. For floodplain management purposes the
144 term “manufactured home” also includes park trailers, travel trailers, and other similar
145 vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the
146 term “manufactured home” does not include park trailers, travel trailers, and other similar
147 vehicles.

148 (18) “Manufactured home park or subdivision” means a parcel (or contiguous parcels)
149 of land divided into two or more manufactured home lots for rent or sale.

150 (19) “New construction” means structures for which the “start of construction”
151 commenced on or after the effective date of this ordinance.

152 (20) “Permanent foundation” means reinforced piers, columns, piles or pedestals that
153 may be made up of wood posts, reinforced concrete block or steel, and are capable of resisting
154 design loads.

155 (21) “Person” means an individual, partnership, corporation, association, organization,
156 cooperative, public or municipal corporation, or any agency of the state or local governmental
157 unit however designated.

158 (22) “Ready for highway use” means that a recreational vehicle is on its wheels or
159 wheels and jacking system, is attached to the site only by quick disconnect type utilities and
160 security devices, is currently licensed and has no permanently attached additions.

161 (23) “Recreational vehicle” means a vehicular type unit primarily designed for
162 recreational camping, travel, or seasonal use which has its own motive power or is mounted
163 on or towed by another vehicle. The basic entities are: Travel trailer, folding camper trailer,
164 park trailer, truck camper, motor home, and multi use vehicles.

165 (24) “Residential structure” means all structures serving or designed as a dwelling
166 unit, residence or for occupation by residence.

167 (25) “Special flood hazard area” means an area subject to a base or one hundred year
168 flood; areas of special flood hazard are shown on a flood hazard boundary map or flood
169 insurance rate map as Zone A, AO, A1 30, AE, A99, AH, VO, V1 30, VE, or V.

170 (26) “Special flood risk zone” means an area within the 100 year floodplain from the
171 beginning to the end of Gages Slough which meets the following criteria:

172 (a) An area within 500 feet of the centerline of the slough having a ground elevation
173 which is three feet or more below the 100 year floodplain elevation.

174 (b) An area lying between the landward toe of the dikes and levees along the Skagit
175 River and a line 500 feet landward thereof. (Where dikes or levees do not exist, the ordinary
176 high water mark shall be utilized to measure the special flood risk zone.)

177 (27) “Start of construction” includes substantial improvement, and means the date the
178 building permit was issued, provided the actual start of construction, repair reconstruction,
179 placement or other improvement was within 180 days of the permit date. The actual start
180 means either the first placement of permanent construction of a structure on a site, such as the
181 pouring of slab or footings, the installation of piles, the construction of columns, or any work
182 beyond the stage of excavation; or the placement of a manufactured home on a foundation.
183 Permanent construction does not include land preparation, such as clearing, grading and
184 filling; nor does it include the installation of streets and/or walkways; nor does it include
185 excavation for a basement, footings, piers, or foundation or the erection of temporary forms;
186 nor does it include the installation on the property of accessory buildings, such as garages or
187 sheds not occupied as dwelling units or not part of the main structure.

188 (28) “Structure” means a walled and roofed building including a gas or liquid storage
189 tank that is principally above ground.

190 (29) “Substantial improvement” means:

191 (a) Any repair, reconstruction, or improvement of a structure, the cost of which equals or
192 exceeds fifty (50) percent of the market value of the structure either:

193 (i) Before the improvement or repair is started; or

194 (ii) If the structure has been damaged and is being restored, before the damage
195 occurred. For the purposes of this definition, substantial improvement is considered to occur
196 when the first alteration of any wall, ceiling, floor, or other structural part of the building

197 commences whether or not that alteration affects the external dimensions of the structure.
198 (b) The term does not, however, include either:
199 (i) Any project for improvement of a structure to comply with existing state or local
200 health, sanitary, or safety code specifications which are solely necessary to assure safe living
201 conditions; or
202 (ii) Any alteration of a structure listed on the National Register of Historic Places or
203 a State Inventory of Historic Places.
204 (30) "Variance" means a grant of relief from the requirements of this chapter which
205 permits construction in a manner that would otherwise be prohibited by this chapter.
206 (31) "Water dependent" means a water dependent structure for commerce or industry
207 which cannot exist in any other location and is dependent on the water by reason of the
208 intrinsic nature of its operations.
209 (32) "Wetlands" means lands transitional between terrestrial and aquatic systems
210 where the water table is usually at or near the surface or the land is covered by shallow water.
211 Wetlands have one or more of the following three attributes: (a) at least periodically, the land
212 supports predominately hydrophytes; (b) the substrate is predominately undrained hydric soil
213 and (c) the substrate is nonsoils and is saturated with water or covered by shallow water at
214 some time during the growing season of each year. (Ord. 16311 (part), 1996: Ord. 11888
215 (part), 1988: Ord. 12216 (part), 1987)

216

217 **15.20.070 Basis for establishing areas of special flood hazard.**

218 The areas of Special Flood Hazard identified by the Federal Emergency Management Agency
219 in the scientific and technical engineering report entitled "Flood Insurance Study for the
220 Unincorporated Areas of Skagit County Washington," dated May 11, 1984, with
221 accompanying flood insurance rate and floodway maps and subsequent revisions, is hereby
222 adopted by reference and declared to be a part of this chapter. The Board of County
223 Commissioners, shall obtain, review, and reasonably utilize more recent and accurate data
224 supplied by Federal, State, or other sources for requiring that the provisions of Sections
225 15.20.190 and 15.20.195 be met. The Flood Insurance Study is on file with the Skagit County
226 Department of Planning and Community Development, County Administration Building,
227 Mount Vernon, Washington 98273. (Ord. 16311 (part), 1996: Ord. 11888 (part), 1988: Ord.
228 11216 (part), 1987)

229

230 **15.20.080 Compliance.**

231 No structure or land shall hereafter be constructed, located, extended, converted, or altered
232 without full compliance with the terms of this chapter, R.C.W. Chapter 86.16 and W.A.C.
233 173-158. (Ord. 16311 (part), 1996: Ord. 11888 (part), 1988: Ord. 11216 (part), 1987)

234

235 **15.20.090 Abrogation and greater restrictions.**

236 This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants,
237 or deed restrictions. However, where this chapter and another ordinance, easement, covenant,
238 or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall
239 prevail. (Ord. 16311 (part), 1996: Ord. 11888 (part), 1988: Ord. 11216 (part), 1987)

240

241 **15.20.100 Interpretation.**

242 In the interpretation and application of this chapter, all provisions shall be:

- 243 (1) Considered as minimum requirements;
244 (2) Liberally construed in favor of the governing body; and
245 (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord.

246 16311 (part), 1996: Ord. 11888 (part), 1988: Ord. 11216 (part), 1987)

247
248 **15.20.110 Warning and disclaimer of liability.**

249 The degree of flood protection required by this chapter is considered reasonable for
250 regulatory purposes and is based on scientific and engineering considerations. Larger floods
251 can and will occur on rare occasions. Flood heights may be increased by manmade or natural
252 causes. This chapter does not imply that land outside the areas of special flood hazards or uses
253 permitted within such areas will be free from flooding or flood damages. This chapter shall
254 not create liability on the part of Skagit County, any officer or employee thereof, or the
255 Federal Insurance Administration, for any flood damages that result from reliance on this
256 chapter or any administrative decision lawfully made thereunder. (Ord. 16311 (part), 1996:
257 Ord. 11888 (part), 1988: Ord. 11216 (part), 1987)

258
259 **15.20.120 Development permit—Required—Application.**

260 A development permit shall be obtained before construction or development begins within
261 any area of special flood hazard established in Section 15.20.070. The permit shall be for all
262 structures including manufactured homes, as set forth in Section 15.20.050, and for all other
263 development including fill and other activities, also as set forth in Section 15.20.050.
264 Application for a development permit shall be made on forms furnished by the Director of
265 Planning and Community Development or his designee and may include, but not be limited
266 to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations
267 of the area in question; existing or proposed structures, fill, storage of materials, drainage
268 facilities, and the location of the foregoing. Specifically, the following information is
269 required:

- 270 (1) Elevation in relation to mean sea level, of the lowest habitable floor of all structures;
271 (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
272 (3) Verification by a registered professional engineer or architect that the floodproofing
273 methods for any nonresidential structure meet the floodproofing criteria in subsection (2) of
274 Section 15.20.190;
275 (4) Description of the extent to which any watercourse will be altered or relocated as a result
276 of proposed development. (Ord. 16311 (part), 1996: Ord. 11888 (part), 1988: Ord. 11216
277 (part), 1987)

278
279 **15.20.130 Director of Planning and Community Development or designee—**
280 **Administration.**

281 The Director of Planning and Community Development or his designee is hereby appointed to
282 administer and implement this chapter by granting or denying development permit
283 applications in accordance with its provisions.
284 (Ord. 16311 (part), 1996: Ord. 11888 (part), 1988: Ord. 11216 (part), 1987)

285
286 **15.20.140 Director of Planning and Community Development—Duties.**

- 287 (1) Duties of the Director of Planning and Community Development or his designee shall
288 include, but not be limited to:
289 (a) Reviewing all development permits to determine that the permit requirements of this
290 chapter have been satisfied;
291 (b) Reviewing all development permits to determine that all necessary permits have been
292 obtained from those federal, state or local governmental agencies from which prior approval is
293 required;
294 (c) Reviewing all development permits to determine if the proposed development is

295 located in the floodway and if located in the floodway, assuring that the encroachment
296 provisions of subsection (1) of Section 15.20.200 are met.
297 (2) Use of Other Base Flood Data. When base flood elevation data has not been provided in
298 accordance with Section 15.20.070, the Director of Planning and Community Development or
299 his designee shall obtain, review, and reasonably utilize any base flood elevation data
300 available from a federal, state, or other source, in order to administer subsection (1) of Section
301 15.20.190, subsection (2) of Section 15.20.190, subsection (1) of Section 15.20.197, and
302 Section 15.20.200.
303 (3) Information to be Obtained and Maintained. The Director of Planning and Community
304 Development or his designee shall:
305 (a) Where base flood elevation data is provided through the Flood Insurance Study or
306 required as in Section 15.20.140(2), obtain and record the actual elevation (in relation to mean
307 sea level) of the lowest habitable floor (including basement) of all new or substantially
308 improved structures, and whether or not the structure contains a basement;
309 (b) For all new or substantially improved flood proofed structures:
310 (i) verify and record the actual elevation (in relation to mean sea level), and
311 (ii) Maintain the floodproofing certifications required in subsection (3) of Section
312 15.20.120,
313 (c) Maintain for public inspection all records pertaining to the provisions of this chapter;
314 (d) In coastal high hazard areas, certification shall be obtained from a registered
315 professional engineer or architect that the structure is securely anchored to adequately
316 anchored pilings or columns in order to withstand velocity waters.
317 (4) Alteration of Watercourses. The Director of Planning and Community Development or
318 his designee shall:
319 (a) Notify adjacent communities and the Department of Ecology prior to any alteration
320 or relocation of a watercourse, and submit evidence of such notification to the Federal
321 Insurance Administration;
322 (b) Require that maintenance is provided within the altered or relocated portion of said
323 watercourse so that the flood carrying capacity is not diminished.
324 (5) Interpretation of FIRM Boundaries. The Director of Planning and Community
325 Development or his designee shall make interpretations where needed, as to exact location of
326 the boundaries of the areas of special flood hazards (for example, where there appears to be a
327 conflict between a mapped boundary and actual field conditions). The person contesting the
328 location of the boundary shall be given a reasonable opportunity to appeal the interpretation as
329 provided in Section 15.20.150. (Ord. 16311 (part), 1996; Ord. 11888 (part), 1988; Ord. 11216
330 (part), 1987)

331 **15.20.150 Appeals procedure.**

333 (1) The Skagit County Hearing Examiner shall hear and decide appeals when it is alleged
334 that there is an error in any requirement, decision or determination made by the Director of
335 Planning and Community Development or his designee in the enforcement or administration
336 of the ordinance.
337 (2) Appeals shall be filed in writing in duplicate with the Skagit County Hearing Examiner
338 within twenty (20) days of the date of the action being appealed. An appeal must set forth
339 grounds demonstrating to the satisfaction of the Hearing Examiner that the appellant would be
340 adversely affected by the action taken.
341 (3) Upon the filing of an appeal, the Hearing Examiner shall set the time and place at which
342 the matter will be considered. At least a twelve (12) days notice of such time and place
343 together with one copy of the written appeal, shall be given to the official whose decision is

344 being appealed. At least twelve (12) days notice of the time and place shall also be given to
345 the adverse parties of record in the case. The official from whom the appeal is being taken
346 shall forthwith transmit to the Hearing Examiner, all of the records pertaining to the decision
347 being appealed, together with such additional written report as he deems pertinent.

348 ~~(4) The Hearing Examiner may reverse or affirm wholly or in part, or may modify the order,~~
349 ~~requirement, decision or determination as should be made, and to that end, shall have all the~~
350 ~~powers of the administrative official from whom the appeal is taken, in so far as the decision~~
351 ~~on the particular issue is concerned.~~

352 ~~(5) Appeals of a decision made by the Hearing Examiner will be heard by the Board of~~
353 ~~County Commissioners in accordance with Section 14.04.240 of the Skagit County Code.~~
354 ~~Decisions by the Board of County Commissioners can be appealed to the Superior Court in~~
355 ~~accordance with Section 14.04.210(6)(e) of the Skagit County Code. (Ord. 16311 (part), 1996;~~
356 ~~Ord. 11888 (part), 1988; Ord. 11216 (part), 1987)~~

357 ~~15.20.160 Variances.~~

358 ~~Variances may be authorized in specific cases from the terms of this chapter as will not be~~
359 ~~contrary to the public interest where, owing to special conditions, a literal enforcement of the~~
360 ~~provisions of this chapter would result in unnecessary hardship. It shall be the duty of the~~
361 ~~Hearing Examiner to hear and decide on all variance requests.~~

362 ~~(1) A variance from the terms of this chapter shall not be considered unless and until a~~
363 ~~written application for a variance is submitted to the county in an approved form and the~~
364 ~~appropriate fees are paid.~~

365 ~~(2) The Hearing Examiner shall hold a public hearing on all variance requests. Notification~~
366 ~~of such hearings shall follow the same procedure as outlined in Section 14.04.150(3)(d) of the~~
367 ~~Skagit County Code.~~

368 ~~(3) The burden of proof shall be on the applicant to bring forth evidence in support of the~~
369 ~~application and to provide sufficient information on which any decision has to be made on the~~
370 ~~application. The applicant must demonstrate that the requested variance conforms to the~~
371 ~~following standards:~~

372 ~~(a) That special conditions and circumstances exist which are peculiar to the land,~~
373 ~~structure, or building involved and which are not applicable to other lands, structures, or~~
374 ~~buildings in the same special flood hazard area.~~

375 ~~(b) That literal interpretation of the provisions of this chapter would deprive the~~
376 ~~applicant of rights commonly enjoyed by other properties in the same flood hazard area under~~
377 ~~the terms of this chapter.~~

378 ~~(c) That the special conditions and circumstances do not result from the actions of the~~
379 ~~applicant.~~

380 ~~(d) The granting of the variance requested will not confer on the applicant any special~~
381 ~~privilege that is denied by this chapter to other lands, structures, or buildings in the same flood~~
382 ~~hazard area.~~

383 ~~(4) The Hearing Examiner shall make the following findings in the granting of any variance:~~

384 ~~(a) The reasons set forth in the application justify the granting of the variance, and that~~
385 ~~the variance is the minimum variance that will make possible the reasonable use of land,~~
386 ~~building, or structure.~~

387 ~~(b) The granting of the variance will be in harmony with the general purpose and intent~~
388 ~~of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to~~
389 ~~public welfare.~~

390 ~~(c) Under no circumstances shall the Hearing Examiner grant a variance to allow a use~~
391

392 not permissible under the terms of this chapter or any use expressly or by implication
393 prohibited by the terms of this chapter, W.A.C. 173-158, R.C.W. 86-16 or 44 CFR Part 60 of
394 the National Flood Insurance Program.

395 (5) In granting any variance, the Hearing Examiner may prescribe such conditions and
396 safeguards as are necessary to secure adequate protection for the locality in which the use is to
397 be permitted. (Ord. 16311 (part), 1996; Ord. 11888 (part), 1988)

398

399 **15.20.180 General standards.**

400 In all areas of special flood hazards the following standards are required:

401 (1) Anchoring.

402 (a) All new construction and substantial improvements shall be anchored to prevent
403 flotation, collapse or lateral movement of the structure.

404 (b) All manufactured homes must likewise be anchored to prevent flotation, collapse or
405 lateral movement, and shall be installed using methods and practices that minimize flood
406 damage. Anchoring methods may include, but are not limited to, use of over the top or frame
407 ties to ground anchors.

408 (2) Recreational Vehicles.

409 (a) Recreational vehicles shall not be used as permanent dwelling units; and

410 (b) When located in Flood Hazard Areas designated as A, A1-10, A12, A14, A16, A18,
411 A21, V1, V4, AO, and AH the vehicle shall be ready for highway use.

412 (3) Construction Materials and Methods.

413 (a) All new construction and substantial improvements shall be constructed with
414 materials and utility equipment resistant to flood damage.

415 (b) All new construction and substantial improvements shall be constructed using
416 methods and practices that minimize flood damage.

417 (c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other
418 service facilities shall be designed and/or otherwise elevated or located so as to prevent water
419 from entering or accumulating within the components during conditions of flooding.

420 (4) Utilities.

421 (a) All new and replacement water supply systems shall be designed to minimize or
422 eliminate infiltration of floodwaters into the system;

423 (b) New and replacement sanitary sewage systems shall be designed to minimize or
424 eliminate infiltration of floodwaters into the systems and discharge from the systems into
425 floodwaters;

426 (c) On-site disposal systems shall be located to avoid impairment to them or
427 eontamination from them during flooding.

428 (5) Subdivision Proposals.

429 (a) All subdivision proposals shall be consistent with the need to minimize flood
430 damage;

431 (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas,
432 electrical, and water systems located and constructed to minimize flood damage;

433 (c) All subdivision proposals shall have adequate drainage provided to reduce exposure
434 to flood damage; and

435 (d) Where base flood elevation data has not been provided or is not available from
436 another authoritative source, it shall be generated for subdivision proposals and other
437 proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is
438 less).

439 (6) Review of Building Permits. Where flood elevation data is not available, applications for

440 building permits shall be reviewed to assure that proposed construction will be reasonably
441 safe from flooding. The test for reasonableness is a local judgment and includes use of
442 historical data, high water marks, photographs of past flooding, etc., where available. Failure
443 to elevate at least two feet above grade in these zones may result in higher insurance rates.
444 (Ord. 16311 (part), 1996; Ord. 11888 (part), 1988; Ord. 11216 (part), 1987)

445
446 **15.20.190 Specific standards.**

447 In all areas of special flood hazards where base flood elevation data has been provided as set
448 forth in Section 15.20.070, or subsection (2) of Section 15.20.140, the following provisions
449 are required:

450 (1) Residential Construction. New construction and substantial improvement of any
451 residential structure shall have the lowest floor, elevated one foot or more above the base
452 flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding are
453 prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior
454 walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement
455 must either be certified by a registered professional engineer or architect or must meet or
456 exceed the following minimum criteria:

457 (a) A minimum of two openings having a total net area of not less than one square inch
458 for every square foot of enclosed area subject to flooding shall be provided.

459 (b) The bottom of all openings shall be no higher than one foot above grade.

460 (c) Openings may be equipped with screens, louvers/ or other coverings or devices
461 provided that they permit the automatic entry and exit of floodwaters.

462 (2) Nonresidential Construction. New construction and substantial improvements of any
463 commercial, industrial or other nonresidential structure shall either have the lowest floor
464 elevated one foot or more above the base flood elevation or together with attendant utility and
465 sanitary facilities, shall:

466 (a) Be floodproofed so that below one foot above the base flood elevation the structure is
467 watertight with walls substantially impermeable to the passage of water;

468 (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads
469 and effects of buoyancy;

470 (c) Be certified by a registered professional engineer or architect that the design and
471 methods of construction are in accordance with accepted standards of practice for meeting
472 provisions of this subsection based on their development and/or review of the structural
473 design, specifications and plans. Such certifications shall be provided to the official as set
474 forth in Section 15.20.140 (3)(b).

475 (d) Nonresidential structures that are elevated, not floodproofed, must meet the standards
476 for space below the lowest floor as set forth in Section 15.20.190(1).

477 (e) Applicants floodproofing nonresidential buildings shall be notified that flood
478 insurance premiums will be based on rates that are one foot below the floodproofed level (e.g.,
479 a building constructed to the base flood level will be rated as one foot below that level).

480 (3) All manufactured homes to be placed or substantially improved within Zones A1-30, AH,
481 and AE shall be elevated on a permanent foundation such that the lowest floor of the
482 manufactured home is one foot or more above the base flood elevation system in accordance
483 with the provisions of subsection 15.20.180(1)b.

484 (4) Critical facilities should be afforded additional flood protection due to their nature.
485 Communities therefore shall impose minimum standards which are in addition to those used
486 for other types of development. Construction of new critical facilities shall be to the extent
487 possible, located outside the limits of the one hundred year floodplain as identified on the
488 community's FIRM. Construction of new critical facilities shall be permissible within the one

489 hundred year frequency floodplain if no feasible alternative site is available. Critical facilities
490 constructed within the one hundred year frequency floodplain shall have the lowest floor
491 elevated to three or more feet above the level of the one hundred year frequency flood.
492 Floodproofing and sealing measures shall be taken to ensure that toxic substances will not be
493 displaced by or released into floodwaters. Access routes elevated to or above the level of the
494 one hundred year frequency flood shall be provided to all critical facilities to the extent
495 possible. (Ord. 16311 (part), 1996; Ord. 11888 (part), 1988; Ord. 11216 (part), 1987)

496
497 **15.20.195 Specific standards for AO zones or areas of shallow flooding.**

498 Shallow Flooding Zones (AO Zones) appear on the Flood Insurance Rate Maps with depth
499 designations from one to three feet and in some areas with water velocities indicated. In these
500 areas, the following provisions apply:

501 (1) New construction and substantial improvements of residential structures within AO
502 Zones shall have the lowest floor (including basement) elevated above the highest adjacent
503 grade of the building site, one foot or more above the depth number specified on the Flood
504 Insurance Rate Map (FIRM). Where appropriate, such structures shall be elevated above the
505 crown of the nearest road, one foot or more above the depth number specified on the FIRM.
506 Where velocities of five feet per second or greater are listed in an AO Zone, new structures
507 within 200 feet of the toe of any dike shall be constructed to the following standards in
508 addition to those listed above:

509 (a) All buildings or structures shall be elevated so that the lowest supporting member is
510 located no lower than one foot or more above the base flood elevation level, with all space
511 below the lowest supporting member open so as not to impede the flow of water except for
512 breakaway walls provided for in subsection (f) of this section.

513 (b) All buildings or structures shall be securely anchored on pilings or columns.

514 (c) Pilings or columns used as structural support shall be designed and anchored so as to
515 withstand all applied loads of the base flood flow.

516 (d) Compliance with provisions of (a), (b), and (c) of this section shall be certified by a
517 registered professional engineer or architect.

518 (e) There shall be no fill used for structural support.

519 (f) Breakaway walls shall be allowed below the base flood elevation; provided, they are
520 not a part of the structural support of the building and are designed so as to break away under
521 abnormally high water velocities without damage to the structural integrity of the building on
522 which they are to be used.

523 (g) If breakaway walls are utilized, such enclosed space shall not be used for human
524 habitation.

525 (2) New construction and substantial improvements of nonresidential (commercial and
526 industrial) structures within AO Zones shall either:

527 (a) Have the lowest floor (including basement) elevated above the highest adjacent grade
528 of the building site, one foot or more above the depth number specified on the FIRM. Where
529 appropriate, such structures shall be elevated above the crown on the nearest road, one foot or
530 more above the depth number specified on the FIRM; or

531 (b) Together with attendant utility and sanitary facilities be completely floodproofed one
532 foot or more above the base flood elevation so that any space below that level is watertight
533 with walls substantially impermeable to the passage of water and with structural components
534 having the capability of resisting hydrostatic and hydrodynamic loads and effects of
535 buoyancy. If this method is used, compliance shall be certified by a registered professional
536 engineer or architect; or,

537 (c) If located in an AO Zone with water velocities of five feet per second or greater and

538 within 200 feet of the toe of a dike shall be constructed to the standards of subsections 1(a)
539 through 1(g) above.

540 (3) Require adequate drainage paths around structures on slopes to guide floodwaters around
541 and away from proposed structures. (Ord. 16311 (part), 1996; Ord. 11888 (part), 1988; Ord.
542 11216 (part), 1987)

543
544 **15.20.197 Specific standards for construction in special flood risk zones.**

545 The following construction standards are required in special flood risk zones as defined in
546 Section 15.20.050:

547 (1) New construction and substantial improvements of residential and nonresidential
548 structures within special flood risk zones shall have the lowest supporting member elevated
549 one foot or more above the base flood elevation and shall be constructed according to the
550 standards provided in subsections 15.20.195(1)(a) through (g).

551 (2) Regardless of method of construction, critical facilities are prohibited in the special flood
552 risk zones

553 (3) There shall be no fill or new construction within the channel of Gages Slough. (Ord.
554 16311 (part), 1996; Ord. 11888 (part), 1988; Ord. 11216 (part), 1987)

555
556 **15.20.200 Floodways.**

557 Located within areas of special flood hazard established in Section 15.20.070 are areas
558 designated as floodways. Since the floodway is an extremely hazardous area due to the
559 velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the
560 following provisions apply:

561 (1) Prohibit encroachments, including fill, new construction, substantial improvements, and
562 other development unless certification by a registered professional engineer or architect is
563 provided demonstrating that encroachments shall not result in any increase in flood levels
564 during the occurrence of the base flood discharge.

565 (2) Prohibit construction or reconstruction of residential structures except for:

566 (a) Repairs, reconstruction, or improvements to a structure which do not increase the
567 ground floor area; and

568 (b) Repairs, reconstruction, or improvements to a structure the cost of which does not
569 exceed fifty percent of the market value of the structure either (i) before the repair,
570 reconstruction, or improvement is started, or (ii) if the structure has been damaged, and is
571 being restored, before the damage occurred. Work done on structures to comply with existing
572 health, sanitary, or safety codes or to structures identified as historic places shall not be
573 included in the fifty percent determination.

574 (3) If subsections (1) and (2) of this section are satisfied, all new construction and substantial
575 improvements shall comply with all applicable flood hazard reduction provisions of Sections
576 15.20.180 through 15.20.210.

577 (4) Building and development near streams without a designated floodway shall comply with
578 the requirements of 44 CFR 60.3(b)(3) and (4) and (c)(10) of the National Flood Insurance
579 Program regulations. (Ord. 16311 (part), 1996; Ord. 11888 (part), 1988; Ord. 11216 (part),
580 1987)

581
582 **15.20.205 Encroachment standards.**

583 No new construction, substantial improvements, or other development (including fill) shall be
584 permitted within Zones A1-30 on the community's FIRM, unless it is demonstrated that the
585 cumulative effect of the proposed development, when combined with all other existing and
586 anticipated development, will not increase the water surface elevation of the base flood more

587 than one foot at any point within the community. (Ord. 16311 (part), 1996; Ord. 11888 (part),
588 1988; Ord. 11216 (part), 1987)

589
590 **15.20.210 Coastal high hazard area.**

591 Coastal high hazard areas (V zones) are located within the areas of special flood hazard
592 established in Section 15.20.070. These areas have special flood hazards associated with high
593 velocity waters from tidal surges and, therefore, the following provisions shall apply:

594 (1) All new construction and substantial improvements in Zones V1-V30 shall be elevated on
595 pilings and columns so that:

596 (a) The bottom of the lowest horizontal structural member of the lowest floor (excluding
597 the pilings or columns) is elevated one foot or more above the base flood level; and

598 (b) The pile or column foundation and structure attached thereto is anchored to resist
599 flotation, collapse and lateral movement due to the effects of wind and water loads acting
600 simultaneously on all building components. Wind and water loading values shall each have a
601 one percent chance of being equaled or exceeded in any given year (100 year mean recurrence
602 interval);

603 A registered professional engineer or architect shall develop or review the structural design,
604 specifications and plans for the construction and shall certify that the design and methods of
605 construction to be used are in accordance with accepted standards of practice for meeting the
606 provisions of (a) and (b) of this Section.

607 (2) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural
608 member of the lowest floor (excluding pilings and columns) of all new and substantially
609 improved structures in Zones V1-V30 and whether or not such structures contain a basement.
610 The local administrator shall maintain a record of all such information.

611 (3) All new construction shall be located landward of the rear of mean high tide.

612 (4) Provide that all new construction and substantial improvements have the space below the
613 lowest floor either free of obstruction or constructed with nonsupporting breakaway walls,
614 open wood lattice work, or insect screening intended to collapse under wind and water loads
615 without causing collapse, displacement, or other structural damage to the elevated portion of
616 the building or supporting foundation system. For the purpose of this section, a breakaway
617 wall shall have a design safe loading resistance of not less than 10 and no more than 20
618 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance
619 of 20 pounds per square foot (either by design or when so required by local or State codes)
620 may be permitted only if a registered professional engineer or architect certifies that the
621 designs proposed meet the following conditions:

622 (a) Breakaway wall collapse shall result from a water load less than that which would
623 occur during the base flood; and

624 (b) The elevated portion of the building and supporting foundation system shall not be
625 subject to collapse, displacement, or other structural damage due to the effects of wind and
626 water loads acting simultaneously on all building components (structural and nonstructural).
627 Maximum wind and water loading values to be used in this determination shall each have a
628 one percent chance of being equaled or exceeded in any given year (100 year mean recurrence
629 interval).

630 (5) If breakaway walls are utilized, such enclosed space shall be usable solely for parking of
631 vehicles, building access, or storage. Such space shall not be used for human habitation.

632 (6) Prohibit the use of fill for structural support of the building.

633 (7) Prohibit man-made alteration of sand dunes which would increase potential flood
634 damage. (Ord. 16311 (part), 1996; Ord. 11888 (part), 1988; Ord. 11216 (part), 1987)

635

636 **15.20.220 Wetlands management.**
637 Wetlands are areas of great natural productivity and hydrological utility, providing natural
638 flood control, flood desynchronization, and flow stabilization of rivers and streams. The
639 unrestricted use and development of wetlands will destroy many of these beneficial qualities
640 which directly affect human health and safety during flood events. The piecemeal alteration
641 and destruction of wetlands through draining, dredging, filling, and other means has an
642 adverse cumulative impact on their ability to reduce flood damage.
643 The County should to the maximum extent possible, seek to avoid the long and short term
644 adverse impacts associated with the destruction or modification of wetlands, especially those
645 activities which limit or disrupt the ability of the wetland to ameliorate flooding impacts.
646 Proposals for development within special flood hazard areas shall not impact wetlands and
647 these activities in or around wetlands shall not negatively affect public safety, health, and
648 welfare by disrupting the wetlands ability to reduce flood and storm hazards. (Ord. 16311
649 (part), 1996; Ord. 11888 (part), 1988)

650 **15.20.230 Penalties and enforcement.**
651 (1) The Attorney General or the Skagit County Prosecuting Attorney shall bring such
652 injunctive, declaratory, or other actions as are necessary to ensure compliance with this
653 chapter and W.A.C. 173-158.
654 (2) Any person who fails to comply with this chapter and W.A.C. 173-158 shall also be
655 subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation
656 or each day of noncompliance shall constitute a separate violation.
657 (3) The penalty provided for in this section shall be imposed by a notice in writing, either by
658 certified mail with return receipt requested or by personal service, to the person incurring the
659 same from the Department of Ecology or the County, describing the violation with reasonable
660 particularity and ordering the act or acts constituting the violation or violations to cease and
661 desist or, in appropriate cases, requiring necessary corrective action to be taken within a
662 specific and reasonable time.
663 (4) Any penalty imposed pursuant to this section by the Department of Ecology shall be
664 subject to review by the Pollution Control Hearings Board. Any penalty imposed pursuant to
665 this section by the County shall be subject to review by the Skagit County Hearing Examiner
666 in accordance with Section 15.20.150 of the Skagit County Code. Any penalty jointly
667 imposed by the Department of Ecology and the County shall be appealed to the Pollution
668 Control Hearings Board. (Ord. 16311 (part), 1996; Ord. 11888 (part), 1988
669